

**UNIVERSITY COMMITTEE RECOMMENDATION TO ADD SECTION II-332 TO
FACULTY LEGISLATION DEFINING LANGUAGE DESCRIBING HOSTILE AND/ OR
INTIMIDATING BEHAVIOR**

PART I: Language Describing Hostile and/ or Intimidating Behavior

Unwelcome behavior that a reasonable person would find hostile and/or intimidating, and that makes the conditions for work less hospitable and does not further the University's academic or operational interests is unacceptable as it impairs another's ability to perform his/her responsibilities to the university. A person or a group can perpetrate this behavior. The person need not be more senior than or a supervisor to the target. Unacceptable behavior may include, but is not limited to:

- Abusive expression (including spoken, written, recorded, visual, digital, or nonverbal, etc.) directed at another person in the workplace, such as derogatory remarks or epithets that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic culture and professional setting that respects free expression;
- Unwarranted physical contact or intimidating gestures;
- Exclusion or isolation having the effect of harming another person's reputation in the workplace or hindering another person's work;
- Sabotage of another person's work or impeding another person's capacity for academic expression, be it oral, written, or other;
- Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc.
- Repeated acts or a pattern of hostile and/ or intimidating behaviors are of particular concern. A single act typically will not be sufficient to warrant discipline or dismissal, but an especially severe or egregious act may warrant either.
- This definition of hostile and/ or intimidating behavior is not intended to impede academic freedom or violate rights to free expression. It is intended, rather to foster a workplace that ensures all persons the exercise of these rights. The definition will not in any way constrain commonly accepted workplace management practices.

PART II: Procedures for Implementation of Part I

A person who has been the target of hostile and/ or intimidating behavior may use the informal process for redress or proceed directly to the formal process.

1. The Informal Process

A person who believes he/she has been subjected to unacceptable hostile and/ or intimidating behavior may wish to discuss the matter with the faculty involved either directly or through the intervention of an intermediary at the department, school/college, division, or campus level such as Vice Provost for Faculty and Staff, Ombuds, or Employee Assistance Office.

- A. When an individual believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the pattern or acts of conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.

Oral and written communications occurring during the informal process may not be used as evidence in any subsequent formal proceeding.

(continued)

If a complaint about unwelcome behavior is being handled informally, and there is a dispute about whether the alleged behavior constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Office of Human Resources (OHR) and inform those concerned of the advice received.

2. The Formal Process

A. Filing a Written Complaint

An individual may file a written complaint with the department or head of the equivalent unit in the case of non-departmental matters. If there is a conflict with the department chair/unit head, the individual may file with the dean. If upon investigation of the complaint, evidentiary support for discipline or dismissal is established, the department chair/unit head (or Dean) may initiate the disciplinary or dismissal process by filing a written complaint with the Provost. If the department chair/unit head (or Dean) does not initiate the disciplinary or dismissal process within 30 days, the complainant may file a complaint directly with the Provost.

Discipline can be imposed on faculty members for violation of FPP 9.02 or 9.03 in compliance with the requirements of the formal processes delineated in Chapter 9 of FPP (Faculty Policies and Procedures).

B. Filing a Grievance.

If filing a written complaint does not lead to a resolution, an employee can file a workplace grievance pursuant to applicable policies and procedures for the complainant's employee category. Faculty members can file a grievance with the University Committee pursuant to FPP 8.15.