



Idaho State University

POLICIES AND PROCEDURES

Professional Workplace Free from Abusive Conduct

ISUPP 3000

POLICY INFORMATION

Policy Section: *Human Resources*

Policy Title: *Professional Workplace Free from Abusive Conduct*

Responsible Executive (RE): *AVP of Human Resources*

Sponsoring Organization (SO): *Office of Human Resources*

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I. INTRODUCTION

Idaho State University is committed to creating and maintaining academic and workplace environments which uphold the University's mission and values. The workplace environment represents a significant portion of an individual's life. Work is often central to one's sense of identity, purpose, achievement, and belonging. All University Employees share the responsibility to build and maintain a workplace that is objectively Respectful, Professional, and free from Abusive Conduct that would unreasonably Bully, Intimidate, Humiliate, or Threaten others.

Additionally, the University values and protects the intellectual and academic freedom, freedom of speech, and freedom of expression of all students, faculty, and staff (see section V.C.1). In order to support and preserve these freedoms, it is the responsibility of each University Employee to foster a workplace environment of Professionalism and Respect, which enables all members of the University community the opportunity to pursue their academic, personal, and professional goals unhindered by Abusive Conduct. The University values dialogue and discovery, and is committed to discussion, dissension, and conflicting ideas expressed with Professionalism and mutual Respect.

Abusive Conduct can originate at all hierarchy levels and across Employee categories. Whether originating from Supervisor to Employee, Employee to Supervisor, or peer to peer, Abusive Conduct within the workplace environment is not acceptable.

This policy outlines the guiding principles for and responsibilities related to creating and maintaining a Professional workplace environment free from Abusive Conduct.

II. DEFINITIONS

- A. **Abusive Conduct:** physical, verbal, non-verbal, or written conduct, that occurs in person or electronically, by one party to another that, based on its severity, nature, or frequency of occurrence, a reasonable person would determine:
1. is intended to or actually does Threaten, Bully, Intimidate, Humiliate, or cause unwarranted distress;
 2. results in substantial physical and/or psychological harm; or
 3. constitutes unwelcome or repeated words or actions that a reasonable person knows or should know to be offensive, embarrassing, Humiliating, or demeaning to a worker or group of workers.
- B. **Bullying:** one form of Abusive Conduct, Bullying is repeated, unwelcome conduct that unreasonably harms, Intimidates, coerces, persecutes, or torments another.
- C. **Employee:** any individual employed by Idaho State University in any capacity as defined in ISUPP 3050 *Categories of Employees*.
- D. **Humiliating/Humiliate:** one form of Abusive Conduct, Humiliating is repeated, unwelcome conduct that a reasonable person knows or should know will dishonor, embarrass, or cause shame to a person.
- E. **Intimidate/Intimidation:** one form of Abusive Conduct, Intimidation is conduct that a reasonable person knows or should know will unreasonably frighten or coerce another person for the purposes of deterring them from acting or forcing them to act against their will.
- F. **Professional/Professionalism:** displaying good judgment and appropriate behavior that a reasonable person would expect in the workplace and is consistent with the stated values and expectations of the University. This includes demonstrating consistent Respect for others, making an effort to understand differences, taking responsibility for one's actions, and creating an environment where all Employees can be productive.
- G. **Respect/Respectful:** behavior or communication that demonstrates consideration for the unique thoughts and characteristics of others; treats individuals with dignity and integrity, and promotes cooperation and trust in a manner that a reasonable person would find appropriate for the workplace.
- H. **Supervisor:** a person employed by Idaho State University who has hiring authority or holds a position that directly supervises another Employee of the University.
- I. **Threaten/Threat:** one form of Abusive Conduct, Threatening includes a verbal or non-verbal action, or a written statement, which could be interpreted by a reasonable person to express

the intention of causing physical or emotional harm or other damage to another person or property.

III. POLICY STATEMENT

Idaho State University Employees are expected to foster a workplace environment of Professionalism and mutual Respect. Abusive Conduct directed toward members of the University community is prohibited. Actions that represent willful and/or repeated violation of this policy may result in disciplinary action, up to and including dismissal.

IV. AUTHORITY AND RESPONSIBILITIES

A. Employees

1. All Employees have an obligation to engage in appropriate behavior in order to promote and preserve a Respectful and Professional workplace free from Abusive Conduct. Employees are responsible for responding to and proactively working to informally resolve conflict in the workplace, in accordance with this and other ISU policies (see section VI.E-G depending on employment classification). If informal resolution is not possible, Employees are encouraged to report actual or perceived Abusive Conduct in accordance with this policy.
2. All Employees are expected to complete Respectful Workplace training at least annually.

B. Supervisors

1. Supervisors have an obligation to model appropriate behavior, set expectations in their unit, and address issues as they arise, in order to promote and preserve a Respectful and Professional workplace free from Abusive Conduct.
2. If a Supervisor becomes aware of a situation within their unit that may violate this policy, the Supervisor is expected to take appropriate steps and attempt to resolve the problem on an informal basis. If informal processes are not adequate to address the situation, then corrective and/or disciplinary action may be utilized. These processes shall be enacted in accordance with the applicable ISU policy (see section VI.E-J).
3. Supervisors are responsible for ensuring Employees in their unit are up-to-date on their annual Respectful Workplace training as required by the State of Idaho.

C. Office of Human Resources

1. The Office of Human Resources is tasked with assisting Employees and Supervisors in the implementation of this policy. As potential violations arise, the Office of Human Resources may utilize a variety of methods to help Employees and Supervisors address concerns. Their role may include conducting investigations, making determinations and recommendations, advising and/or assisting Employees/Supervisors in their respective roles to implement solutions. The Office of Human Resources may provide informal conflict resolution for Employees and Supervisors, or make referrals for external mediation, when applicable, to resolve potential or actual violations of this policy.
2. When violations of this policy are determined to have occurred and are not resolved, the Office of Human Resources will work with unit leadership to implement disciplinary action in accordance with the applicable ISU disciplinary policies (see section VI.H-J).
3. The Office of Human Resources shall facilitate Respectful Workplace training required for Employees.

V. PROCEDURES TO IMPLEMENT

A. Expectations

All Idaho State University Employees are expected to conduct themselves in a manner that demonstrates Professional and Respectful behavior free of Abusive Conduct toward others in the workplace and in carrying out job duties.

1. Respectful behavior may include, but is not limited to:
 - a. engaging others with an open, collaborative approach;
 - b. taking responsibility for one's actions;
 - c. recognizing commonality and finding solutions;
 - d. providing feedback to others in a Professional manner;
 - e. approaching conflict with a true desire for resolution; or
 - f. expressing dissent in a Professional manner.
2. Abusive Conduct as defined by this policy may include, but is not limited to:
 - a. abusive communication, such as yelling; using demeaning language; propagating and/or disseminating damaging gossip or rumors; using offensive/inappropriate remarks, jokes, gestures, or materials (electronic or otherwise);
 - b. aggressive, violent, or Threatening behavior;
 - c. Intimidation and/or coercion;

- d. inappropriately withholding information or undermining University responsibilities;
- e. unreasonably reprimanding in the presence of others;
- f. Bullying or Humiliating;
- g. inappropriate physical contact; or
- h. attacking or vilifying the character and/or reputation of a co-worker.

B. Context

Context is important in understanding the difference between Respectful and/or Professional behavior and Abusive Conduct. Individuals may reasonably experience stress or discomfort in the workplace that is not the product of Abusive Conduct.

1. Right to Manage

Supervisors have the right and responsibility to appropriately manage their units and the Employees they supervise. As such, the following actions do not constitute Abusive Conduct, provided they are conducted in a Professional and Respectful manner:

- a. The normal exercise of administrative, supervisory, or managerial responsibilities, including, but not limited to, performance reviews, work direction, performance management, and disciplinary action;
- b. Reasonable work assignments or job reassignments; or
- c. Reasonable differences in styles of management, communication, expression, or opinion.

2. Conflict Situations

Disagreements, misunderstandings, miscommunications, differences of opinion, or conflict situations where the behavior remains Professional and Respectful does not constitute Abusive Conduct.

3. Right to Express Concerns or Address Employment Related Matters

Nothing in this policy prohibits Employees from engaging in activities protected by law or policy, such as making workplace discrimination complaints, addressing management concerns, or reporting waste, fraud, or misuse of public resources. However, the manner in which an Employee engages in these issues is important, as the University still expects reports or complaints to be made in good faith and to be conducted in a Professional and Respectful manner in accordance with applicable procedures.

4. Academic Dissent

Dissenting opinions related to academic inquiry are a welcome and important component of an academic environment, provided they are conducted in a Professional and Respectful manner, and such dissention does not, in and of itself, constitute Abusive Conduct (see section V.C.1 below for more clarifying information).

C. Exclusions

1. Free Speech, Free Inquiry, and Academic Freedom

Idaho State University supports and upholds the rights and responsibilities outlined in the American Association of University Professor's *1940 Statement of Principles on Academic Freedom and Tenure* and the Idaho State Board of Education's policy on *Academic Freedom and Academic Responsibility* (section III.B.) The faculty, other academic appointees, and students of the University enjoy significant free speech and academic freedom protections. This policy is intended to protect members of the University community from Abusive Conduct, not to regulate protected speech. This policy will be implemented in a manner that recognizes rights to freedom of speech, expression, and academic freedom.

Acts that constitute academic freedom, which may be viewed as lacking Professionalism and Respect, depending on context, may not violate this policy. To violate this policy, conduct must include action beyond the mere expression of views, words, symbols, or thoughts based on the principles of academic freedom that another individual finds offensive. The University shall maintain and encourage full freedom, within the law, of inquiry, teaching, and research.

Academic freedom comes with academic responsibility, as defined by ISU policy, that all members of the educational community benefit from it without harassment, Threats, exploitation, discrimination, or Intimidation.

Workplace communications and conduct between co-workers will generally be subject to this policy.

2. Protected Classes and Title IX Discrimination and Harassment

Communications and behaviors which qualify as discrimination or harassment based on a legally-protected class or as a violation of Title IX are not governed by this policy and shall be fully administered in accordance with the applicable policy, ISUPP 3100 *Policy on Equal Opportunity, Harassment and Non-Discrimination*.

D. Reporting and Resolution

1. Informal Resolution

As workplace conflicts arise, Employees are encouraged to first attempt resolution directly with the other party or parties.

a. Resolution at Unit Level

If a conflict cannot be resolved informally between the two parties, or an Employee is subjected to and/or observes Abusive Conduct of another, the Employee shall attempt to resolve concerns at the lowest level possible within their own unit. This is accomplished by discussing their concerns or observations with their immediate Supervisor or the Supervisor who oversees the individual observed to be participating in the Abusive Conduct of another.

If an Employee does not feel comfortable contacting the immediate Supervisor, the Employee may contact another level of management within the reporting chain or the Office of Human Resources. Support or resources for informal conflict resolution may also be available by contacting a University Ombuds; however, the role of an Ombuds is to provide impartial and confidential assistance for informal conflict resolution. An Ombuds is not authorized to make administrative decisions.

b. Communicating Concerns to Human Resources Informally

i. Guidance for Employees

If an Employee has made an effort to resolve concerns directly with the other party and/or with the direct Supervisor, and has not reached a satisfactory resolution, the Employee has the option to engage with the Office of Human Resources to discuss their concerns, without filing a formal complaint. In these situations, Human Resources staff will focus on hearing Employee concerns, offering support and resources to the reporting Employee, and providing options or suggestions for next steps to resolve the matter. However, informally communicating concerns to Human Resources may limit the ability to take action in addressing the concern. Should the reporting Employee wish for the matter to be investigated as a potential violation of this policy and follow-up action to occur, a formal complaint would need to be made by the reporting Employee.

ii. Guidance for Supervisors

The Office of Human Resources is available to provide informal consultation and support for Supervisors seeking guidance in handling complaints of workplace conflict and/or potential Abusive Conduct. Supervisor consultations with the Office of Human Resources do not automatically escalate a complaint to formal status. Supervisors are encouraged to seek guidance and discuss options for handling complaints informally.

2. Anonymous Complaints, Confidentiality, and Privacy

The Office of Human Resources and other campus units who receive reports will strive to maintain the privacy of the reporting parties to the maximum extent possible.

a. Confidentiality vs. Privacy

In the context of this policy, confidentiality is the expectation that an Employee's name and personal involvement in a report/allegation will not be disclosed to others. Privacy is the expectation that an Employee's name and personal involvement in a report/allegation will only be disclosed to authorized parties, such as appropriate University personnel or law enforcement, as necessary.

b. Anonymous Complaints

Employees who wish to maintain their confidentiality can submit reports made in good faith of alleged Abusive Conduct anonymously. Such anonymous reports will not be required to contain any personally identifiable information. All reports, anonymous or otherwise, will be treated with consideration for privacy and therefore only be disclosed to authorized parties, such as appropriate University personnel or law enforcement, as necessary.

While privacy will be maintained to the maximum extent possible, for follow up review or action to occur, it may not be realistic to maintain complete anonymity or confidentiality of the reporting party.

c. Limitation of Action

If informal or formal complaints are reported anonymously, or requests for complete confidentiality are made, the report will be reviewed and investigated to the maximum extent possible. However, the ability to gather necessary information or determine and implement appropriate resolutions may be severely limited when reports are submitted anonymously or investigators are unable to reveal specific names and/or situations during investigations.

d. Exceptions

Although the University strives to respect the individual privacy of its Employees, occasions may arise in which strict confidentiality cannot be maintained, including but not limited to:

- i. when protecting the rights of one individual requires the actions of another Employee to be reviewed and discussed;
- ii. situations which put the University or its Employees at risk; or
- iii. violations of University policies or laws.

In such situations, appropriate action will be taken, which may include disclosing what was discussed between Human Resources staff and Employees, including the

names of those bringing forth an allegation. In such circumstances, the University will strive to maintain the privacy of the reporting Employee and will handle the situation with care and Respect for the individual.

3. Filing a Formal Complaint

If a situation is not able to be informally resolved within an Employee's unit or working directly with leadership, concerns may be addressed through formally reporting to the University via the Office of Human Resources, online reporting forms, or formal grievance procedures.

Upon the filing of a formal complaint alleging violations to this policy, the Office of Human Resources will initiate a review of the complaint to determine whether or not Abusive Conduct has occurred. Parties and participants in such investigations shall treat information pertaining to the matter with respect to privacy and confidentiality to the maximum extent possible, subject to the rights and obligations of the party or participant.

4. Resolution

At the conclusion of the investigation of a formal complaint, the Office of Human Resources will make recommendations for leadership to implement solutions to address the matter, or in the case of policy violation, to evaluate appropriate disciplinary action in accordance with the applicable ISU policy (see section VI.H-J).

If the investigation reveals evidence of criminal conduct, the Office of Human Resources, in consultation with the Office of General Counsel, may refer the matter to the appropriate law enforcement agency.

E. Retaliation

Retaliation against any individual because they made a good faith report of a potential violation of this policy or because they participated in an investigation of an alleged violation of this policy is strictly prohibited. Acts of alleged retaliation may be reported to the Human Resources Office. Individuals who are alleged to have engaged in retaliation may be subject to disciplinary action.

1. Scope

Retaliation means a materially adverse action taken against an individual when there is a clear causal link between the adverse action and the individual's participation in conduct protected by this policy. Adverse personnel, academic, or other disciplinary action taken by the University against an Employee whose conduct or performance warrants such action for reasons unrelated to the reporting of a potential violation of this policy or participating in an investigation will not be deemed a violation of this policy.

2. Good Faith

A report is not made in good faith if a reasonable person would determine the report is false or misleading, was made with the intention to harass, is frivolous, or is otherwise an abuse of the reporting process.

VI. RELATED LAWS, RULES, AND POLICIES

- A. Idaho State Board of Education – Postsecondary Affairs
 - 1. Section III.B. *Academic Freedom and Academic Responsibility*
- B. American Association of University Professor's *1940 Statement of Principles on Academic Freedom and Tenure*
- C. ISUPP 1110 *Equal Opportunity, Anti-Harassment, and Non-Discrimination*
- D. ISUPP 1120 *Sexual Harassment Under Title IX*
- E. ISUPP 3050 *Categories of Employees*
- F. ISUPP 4040 *Academic Freedom*
- G. ISUPP 3160 *Classified Employees Problem Solving, Due Process, and Appeal Procedure*
- H. ISUPP 3090 *Grievance Procedures for Non-Classified Employees*
- I. ISUPP 4041 *Grievance Procedures for Institutional Faculty*
- J. ISUPP 3190 *Disciplinary Action for Classified Staff*
- K. ISUPP 3130 *Disciplinary Action for Non-Classified Staff*
- L. ISUPP 4039 *Faculty Suspension or Dismissal for Adequate Cause*