CDU Policy I.E. 00405 Bullying and Anti-Harassment

ISSUING OFFICER: Chief Human Resources Officer

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: May 1, 2012

REVISED DATE:

SUPERSEDES:

POLICY I.E. 00405 Bullying and Anti-Harassment

REFERENCES AND RELATED POLICIES

CDU - APM I.E. 00330 (Non-Discrimination in Employment)
CDU – APM I.E. 00360 (Code of Conduct)
CDU – APM I.E. 00400 (Sexual Harassment)
CDU – APM I.E. 00410 (Violence in the Workplace)
CDU – APM I.E. 00640 (Grievance and Complaint Process)
CDU – Faculty Manual Revised 2011 (I. Workplace Violence)
CDU – Faculty Manual Revised 2011 (K. Harassment)
CDU – Faculty Manual Revised 2011 (L. Sexual Harassment)
CDU – Faculty Manual Revised 2011 (VIII. Faculty Grievance and Complaints)
CDU – Faculty Manual Revised 2011 (M. Non-Discrimination Policy)
University Catalog 2011-2012 (Non-Discrimination)
University Catalog 2011-2012 (Student Conduct)
University Catalog 2011-2012 (Sexual Harassment)
University Catalog 2011-2012 (Student Responsibility)
University Catalog 2011-2012 (Complaint Process)

The University has a zero tolerance policy for harassment, bullying, violent acts or threats of violence against staff, students, faculty, or visitors. The University is committed to providing a workplace, learning, study, and social environment free of harassment and bullying and which is healthy, conducive to productivity, comfortable, where the rights and dignity of all members of the campus community are respected. This includes staff, students, faculty, and visitors to the University.

The University expects all members of the university community to treat each other with respect, courtesy and consideration. All members of the university community have the right to expect professional behavior from others, and a corresponding responsibility to behave professionally towards others (refer to CDU – APM I.E. 00360 Code of Conduct, University Catalog 2011-2012 Student Conduct, and University Catalog 2011-2012 Student Responsibility).
A. DEFINITIONS

**Bullying** is defined as mistreatment of a person that is deliberate, violates another person’s dignity, creating an intimidating, hostile, degrading, humiliating, or offensive environment for someone, hurtful and repeated, repeated oppression, usually psychological of a less powerful person by a more powerful person or group of persons and that prevents the person from performing his or her job (refer also to CDU – APM I.E. 00410 Violence in the Workplace and CDU – Faculty Manual Revised 2011 I. Workplace Violence).

**Harassment** is when a person subjects another to or engages in unwanted and unwarranted conduct which has the purpose or effect of violating that other’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person. Harassment may involve repeated forms of unwanted and unwarranted behavior, but a one-off incident can also amount to harassment (refer also to CDU – APM I.E. 00410 Violence in the Workplace and CDU – Faculty Manual Revised 2011 I. Workplace Violence).

Harassment on the grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination [1] (refer to CDU – APM I.E. 00400 Sexual Harassment, CDU – Faculty Manual Revised 2011 L Sexual Harassment, University Catalog 2011-2012 Sexual Harassment, CDU – Faculty Manual Revised 2011 M. Non-Discrimination Policy, CDU I.E. 00330 Non-Discrimination in Employment, and University Catalog 2011-2012 Non-Discrimination). Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under the provisions of the Protection from Harassment Act 1997.

Reasonable and proper management instructions administered reasonably, or reasonable and proper review of a member of staff’s or a student’s work and/or performance will not constitute harassment or bullying.

Behavior will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive. The intention or motives of the person whose behavior is the subject of a complaint is not conclusive in deciding if behavior amounts to harassment or bullying. Bullying can take many forms and can include but are not limited to:

- Slander
- Offensive comments or body language
- Name Calling
- Yelling
- Comments about appearance or lifestyle
- Insulting, abusive, embarrassing, teasing, or patronizing behavior or comments
- Verbal threats or intimidation
- Unfair, humiliating, intimidating, and/or demeaning criticism
- Ignoring
- Open hostility and/or aggression
- Physical threats/assaults
- Hitting, punching, shoving
• Deliberately undermining a competent person by overloading with work
• Unreasonable work assignments
• Menial task assignments
• Gossiping
• Spreading rumors
• Leaving people out on purpose; isolating from normal work or study place, conversations, or social events
• Publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures, language, or other materials
• Unwanted physical contact, ranging from an invasion of space (personal or otherwise) to a serious assault
• Breaking up friendships
• Cyberbully: using the internet, mobile phones or other digital technologies to harm others

Many of these examples of behavior may occur through the use of the Internet, email, social networking sites, or telephone. All of the examples above may amount to bullying, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person. Being under the influence of alcohol, illegal drugs or otherwise intoxicated is not an excuse for harassment, and may be regarded as an aggravating feature.

B. RETALIATION

Charles R. Drew University prohibits retaliation against any employee or person for bringing a complaint of discrimination, bullying, or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination, bullying, or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination, bullying, or harassment.

Retaliation occurs where a person is subjected to detrimental treatment because she or he has, in good faith, made an allegation of bullying or harassment, or has indicated an intention to make such an allegation, or has assisted or supported another person in bringing forward such an allegation, or participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation.

The University seeks to protect any member of the university community from retaliation arising as a result of bringing a complaint or assisting in an investigation where they act in good faith. Retaliation is a form of misconduct which may itself result in a disciplinary process.

C. COMPLAINTS

Information regarding applicable policies and procedures for resolving complaints of discrimination, bullying, and harassment and for pursuing available remedies is available in HR, Students Affairs, or Academic Personnel (refer to CDU – APM I.E. 00640 Grievance and Complaint Process, CDU – Faculty Manual Revised 2011 VIII Faculty Grievance and Complaints, and University Catalog 2011-2012 Complaint Process).
D. MALICIOUS COMPLAINTS

If a complaint is judged to be malicious; or if the complainant knew or could reasonable have been expected to know that the complaint was unfounded, disciplinary action may be taken against the complainant; however, such action will not be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

E. CONFIDENTIALITY

All information concerning allegations of bullying and harassment must and will be treated in the strictest confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation) should maintain the confidentiality of the process (refer to CDU – APM I.E. 00640 Grievance and Complaint Process, CDU – Faculty Manual Revised 2011 VIII Faculty Grievance and Complaints, and University Catalog 2011-2012 Complaint Process).

PROCEDURE I.E. 00405 Bullying and Anti-Harassment

For the purposes of this procedure, “harassment” is taken to include bullying and victimization. Incidents of harassment that occur within the University environment will normally be dealt with under the appropriate University procedure.

The references in this procedure to the “Department Head” should be taken to mean the head of the department, department chairman, head of division, head of a school, or their equivalent or the person to whom any of these has formally delegated his/her responsibility.

A. COMPLAINTS INVOLVING STUDENTS

1. Complaints of bullying or harassment against students which arise within the University environment will normally be dealt with under the appropriate University and student policy and procedures.
2. Other complaints of bullying or harassment against students may be considered by the Provost’s Office under Student Affairs refer to University Catalog 2011-2012).
3. Advice may be sought from the Provost’s Office if the subject of the complaint is a student.

B. COMPLAINTS INVOLVING UNIVERSITY STAFF

1. Any complaints against University staff relating to supervision will be dealt with under University policy and procedures.
2. The procedure below applies in all cases where the person who is the subject of the complaint is a member of University staff on campus (refer to CDU – APM I.E. 00640 Grievance and Complaint Process).

C. COMPLAINTS INVOLVING UNIVERSITY FACULY

1. Any complaints against University faculty relating to college teaching or supervision will be dealt with under University and faculty policy and procedures.
2. The procedure below applies in all cases where the person who is the subject of the complaint is a member of University faculty on campus (refer to CDU – Faculty Manual Revised 2011 VIII. Faculty Grievance and Complaints).

D. COMPLAINTS INVOLVING VISITORS TO CAMPUS

1. Any complaints against University visitors will be dealt with under University policy and procedures.
2. The procedure below applies in all cases where the person who is the subject of the complaint is a University visitor on campus.

E. INITIAL ACTION

An individual who feels that she/he is being harassed in the course of their University activities such as work, studies, or university leisure activities may feel able to approach the person in question to explain what conduct she/he finds upsetting, offensive or unacceptable and ask that person to refrain from that behavior. Such an informal approach may be all that is required to resolve the issue. The University does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

If the complainant is unable or reluctant to approach the person complained against, she/he may approach his/her immediate supervisor, departmental administrator, department head or equivalent to ask for help in achieving a resolution of the problem. Human Resources, Students Affairs, Provost’s Office, Office of the Dean, Academic Affairs, or Public Safety will also be available to advise and assist.

F. COMPLAINTS PROCEDURE

1. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint to his/her department head or,
2. If the complainant feels it is not appropriate to approach that person, the relevant head of division.
3. If any of the parties considers that the department head has a conflict of interest in the complaint, the complaint may be referred to the head of division.
4. In cases where it is not immediately clear to whom a complaint should be addressed, advice and/or complaint filed with:
   a. Human Resources
   b. Student Affairs
   c. Office of the Dean
   d. Provost’s Office
   e. Academic Personnel
   f. Public Safety
5. The complainant should set out as clearly and succinctly as possible:
   a. The nature of the behavior that she or he is concerned about;
   b. The effect of this behavior on him/her; and
   c. The resolution she/he is seeking.
d. Dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence.

e. Explain what attempts, if any, have been made to resolve the difficulties and the outcome she/he is seeking.

6. A copy of all written complaints should be sent to the Chief Human Resources Officer, Public Safety, and the Risk Manager for information.

Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a reasonable period of time. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the University in achieving that result.

There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the department head considers that the implications for the aggrieved person or others actually or potentially affected are serious. In this case, the department head will consult the:

1. Chief Human Resources Officer in the Department of Human Resources (Staff and Faculty),
2. Chief Operating Officer in the Office of the President (Staff, Students, and Visitors),
3. President in the Office of the President (Staff, Faculty, Students, and Visitors), or
4. Provost in the Office of the Provost (Students and Faculty)

who may initiate an investigation and make a decision of further action on the basis of such evidence as is available.

G. ACTION BY THE DEPARTMENT HEAD ON RECEIPT OF A COMPLAINT

On receipt of a complaint, the department head (or his/her nominee) will in consultation with Human Resources or Office of the Provost take such steps as she/he thinks necessary or appropriate to understand the nature of the complaint and the outcome sought including:

1. Informing the person against whom a complaint has been made of the allegations against him/her;
2. Meeting separately with the complainant and the alleged;
3. Speaking to other relevant people on a confidential basis; and/or
4. Obtaining further relevant information.
5. The department head will then decide how to proceed and will inform the parties in writing.
6. She/he may make such enquiries as are necessary to determine the complaint, or may commission an investigation.

H. INVESTIGATION

The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant. As a general rule, the investigator should not have
had previous involvement with the issues in the case. The investigation should be concluded as 
soon as is reasonably practicable.

1. The investigator will prepare a report and make recommendations on possible courses of 
action.
2. The department head will inform the complainant and the person who is the subject of the 
complaint in writing of the conclusions she/he has reached having reviewed the evidence, 
including any investigation report of the action the department head intends to take; and 
of the reasons for any such action.
3. The head of department will also inform any other parties who have been asked to 
participate in an investigation that the investigation has been concluded.

I. POSSIBLE OUTCOMES OF A COMPLAINT

Depending on the nature of the complaint and the evidence found, including the findings of any 
investigation report, the department head, in consultation with Human Resources or the Provost’s 
Office, will either:

1. Take no further action, other than, where appropriate, implementing or suggesting steps 
that would help to restore reasonable working relationships between the parties. This 
approach will usually be appropriate where the claim(s) of bullying or harassment are 
considered to be unfounded and where there is a continuing relationship between the 
parties.
2. Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific 
training or implementing practical arrangements to improve working relationships).
3. If a successful resolution is achieved the case will be closed, but the situation will be 
monitored for an appropriate period. This approach will usually be appropriate where the 
evidence does not support a claim of harassment but it is clear that either party has 
demonstrated behaviors that are likely to lead to further issues between them if 
unresolved or, alternatively that there are structural issues within a department that 
require management attention.
4. Institute disciplinary proceedings where the department head is reasonably satisfied that 
there is sufficient evidence to support allegations of bullying or harassment of a 
sufficiently serious nature as to merit disciplinary action. Such proceedings may include 
paid or unpaid investigatory leave, suspension, termination, and/or expulsion from the 
University.
5. In rare cases disciplinary action may be instituted against the complainant if the 
department head is satisfied that the complaint of bullying or harassment is unfounded 
and not made in good faith.

Applicability: All Staff, Faculty, Students, and Visitors

1. Harassment and bullying may occur not only on grounds of characteristics or perceived 
characteristics of the recipient of the behavior but also on grounds of the characteristics or 
perceived characteristics of a person associated with him or her.