

Draft Respectful Campus Policy

November 19, 2009

I. Respectful Campus Policy

The University of New Mexico promotes a working, learning, and social environment where all members of the UNM community, including but not limited to the Board of Regents, administrators, faculty, staff, students¹, and volunteers, work together in a mutually respectful, psychologically-healthy environment. UNM strives to foster an environment that reflects courtesy, civility and respectful communication because such an environment promotes learning, research, and productivity through relationships.

A respectful campus exhibits and promotes the following values:

- a. Displaying personal integrity and professionalism;
- b. Practicing fairness and understanding;
- c. Exhibiting respect for individual rights and differences;
- d. Demonstrating harmony in the working and educational environment;
- e. Respecting diversity and difference;
- f. Being accountable for one's actions;
- g. Emphasizing communication and collaborative resolution of problems and conflicts
- h. Developing and maintaining confidentiality and trust; and
- i. Achieving accountability at all levels.

The commitment to a respectful campus calls for promotion of an environment where the following are upheld:

- a. All individuals have important contributions to make toward the overall success of the university's mission.
- b. The university's mission is best carried out in an atmosphere where individuals at all levels and in all units value each other and treat each other with respect.
- c. Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility and respectful communication is consistent with the responsibility of leadership.
- d. Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation from individuals above or below them in the university's hierarchy. At the same time, the right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements or unduly personal attacks, or to harass others, to violate confidentiality requirements, or engage in other conduct that violates the law or University policy.

¹ Students who believe that staff or faculty have engaged in bullying behavior towards them may follow the complaint process set forth in this policy. Allegations from any member of the campus community that a student has behaved as a bully must be addressed pursuant to the UNM Student Code of Conduct.

- e. Bullying is unacceptable in all working, learning and service interactions.

Actions that are destructive to a respectful campus and that the University will not tolerate include sexual harassment (see UNM Business Policy 3780, “Sexual Harassment Policy”); retaliation (see UNM Business Policy 2200, “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation Policy”); conduct which can affect adversely the University's educational function, disrupt community living on campus, or interfere with the right of others to the pursuit of their education or to conduct their University duties and responsibilities (see UNM Faculty Handbook, Section C05, “Rights and Responsibilities at the University of New Mexico”); unethical conduct (see UNM Faculty Handbook, Section B, Appendix V, “Harassment and Professional Ethics Policy”); and bullying behavior which is the subject of this policy. Each of these has a specific route to be taken to raise and seek resolution of problems.

Bullying is defined by the University as repeated mistreatment of an individual by verbal abuse; threatening, intimidating, humiliating conduct or sabotage that creates or promotes an adverse and counterproductive environment, so as to interfere with or undermine legitimate university learning, teaching, and/or operations. Bullying is not about occasional differences of opinion, conflicts and problems in workplace relationships – these are part of working life and every conflict certainly does not constitute bullying. Bullying can adversely affect dignity, health and productivity and may be grounds for corrective disciplinary action, up to and including dismissal. This Policy applies to all members of the UNM community, including the Board of Regents, officers, faculty, staff, students, and volunteers.

In interpreting and applying this policy, the University is obligated to respect the constitutional rights of persons to whom the policy applies. The University is first and foremost a place of scholarship and learning. It is committed to the uninhibited exchange of ideas and respects the right enjoyed by all members of the University community to express themselves freely. The exchange of diverse viewpoints, and the way they are expressed, may expose people to ideas some find offensive. Such communication generally does not constitute bullying. The University recognizes that the First Amendment limits its authority to prevent or in most circumstances to sanction viewpoints or opinions that some may regard as offensive. At the same time, University officials and other University personnel are entitled to express their disagreement with, and even their condemnation of, speech they deem to be intolerant, disrespectful, uncivil, or intended to cause offense.

Examples of behaviors that meet the above definition of bullying include, but are not limited to:

- a. Verbal bullying: repeated slandering, ridiculing, or maligning of a person or persons, addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner; or shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile or offensive educational or working environment or unreasonably interfere with the person's work or school performance or participation.

- b. Physical bullying: pushing, shoving, kicking, poking, tripping; assault or threat of physical assault; damage to a person's work area or property; damage to or destruction of a person's work product;
- c. Nonverbal bullying: directing threatening gestures toward a person or persons, or invading personal space after being asked to move or step away;
- d. Anonymous bullying: withholding or disguising identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, leaving degrading written or pictorial material about a person where others can see;
- e. Threatening a person's job or well-being: Making threats, either explicit or implicit to the security of a person's job, position, or personal well-being. It is not bullying behavior for a supervisor to note an employee's poor job performance and potential consequences within the framework of University policies and procedures, or for a professor or academic program director to advise a student of unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected.

Because a respectful campus environment is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of the University's mission and values, the University is committed to providing a respectful campus, free of bullying in all of its forms.

II. Bullying Complaint Process

1. Written Complaint

An initial written complaint pursuant to this policy of bullying shall be brought to the attention of the person (e.g., chairperson, supervisor, director, dean, Provost, Executive Vice President for Health Sciences) who has direct supervisory responsibility over the individual(s) whose actions are in question. The written complaint should include as much of the following as possible:

- clear specific allegations against the named person or people;
- where possible, dates, times, and witnesses to incidents with direct quotes;
- factual description of events;
- indication of how each incident made the complainant feel;
- documentary evidence; and
- description of any action the complainant or others have already taken.

2. Investigation

The responsible supervisor is charged with initiating the investigation within 5 UNM business days of receiving the complaint.² This should normally include

² The timelines listed herein are not to imply that the respectful campus policy takes precedence over other policies that do not have detailed timelines. The timelines are to ensure that the complaint does not get lost in the day-to-day activities of the supervisor and operations of the unit.

interviewing of all parties to the complaint, as well as any others who the complainant believes will be able to provide material information relevant to the complaint, recognizing that an investigation will often exclude redundant or immaterial information or information that is not readily available. The responsible supervisor may designate an ad hoc investigatory committee to conduct or assist in the investigation, if deemed appropriate. The investigation should normally be completed no later than 20 UNM business days after receipt of the initial complaint. If the investigation cannot be completed within 20 UNM business days, a written notification of the delay, and the reasons for delay, should be provided to the complainant. A written report of the findings of the investigation, including a statement as to whether the charge of bullying is upheld or not upheld, will be provided to the complainant and the person against whom the complaint was made.

If the responsible supervisor does not resolve the issue to the satisfaction of the parties to the complaint or within the required time frame, the complaint may be taken to the next higher level individual in the supervisory chain, who will review the record and determine whether the investigation was reasonably conducted and the findings supported by the evidence. The reviewing official may uphold, reverse or modify the findings or may remand the matter for further investigation. . If this is not satisfactory to the parties, a final appeal can be made to the appropriate Executive Vice-President who in his or her discretion may review the record. Absent discretionary review by the Executive Vice-President, the decision of the reviewing official shall be final. If the Executive Vice-President reviews the matter, his or her decision shall be final.

3. Actions Following Investigation

a. Finding of Bullying

If the final determination is that bullying occurred, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal of the person complained of from the University.

b. Protection of the Complainant and Others

Regardless of whether UNM determines that bullying occurred, reasonable efforts will be undertaken to ensure that complainants who make allegations of bullying in good faith and others who cooperate in good faith with inquiries and investigations of such allegations are not retaliated against for initiating or participating in the investigation.

c. Allegations Made in Bad Faith

If relevant, the responsible supervisor will determine whether the complainant's allegation of bullying, or a witness' factual assertion, was made in bad faith. If an

allegation is determined to have been made in bad faith, UNM shall take appropriate action, which may include disciplinary sanctions up to and including to dismissal of the complainant or witness from the University.

4. Alternative Procedures

The procedure set forth in this policy is not exclusive. However, faculty are encouraged to utilize the procedures set forth above. The complainant may also take the complaint to the Staff or Faculty Dispute Resolution office (whichever is appropriate), or to the Academic Freedom and Tenure Committee (AF&T), if the complainant is a faculty member and the complaint involves allegations of violations that are within the jurisdiction of the AF&T Committee. If the office of Dispute Resolution or the AF&T committee is presented with the complaint, and if they decide that it is within their jurisdiction, they will follow the procedures stated in the Faculty Handbook Policies (Policy C345 and Section B, respectively). If AF&T determines that it has jurisdiction and accepts the complaint, its proceedings would supplant the procedures set forth under this Respectful Campus Policy.

All complaints of bullying and any investigative materials shall be considered to be matters of opinion in personnel files the confidentiality of which is protected from disclosure under the New Mexico Inspection of Public Records Act and corresponding University policies.

5. Monitoring

An annual survey will be undertaken by the Faculty Senate Policy Committee in collaboration with the Staff Council to measure the effectiveness of the Respectful Campus Policy. The survey should provide ongoing monitoring of faculty and staff attitudes concerning the campus climate and culture. The survey results will be distributed to the Faculty Senate, Staff Council, President of the University, and the Executive Vice-Presidents.