

UNIVERSITY OF NEBRASKA-LINCOLN POLICY WORKPLACE BULLYING¹

Applies to: All members of the Members of the Professional Staff, as described in Regents Bylaws 3.1.1, and all other individuals with supervisory, evaluative, or advisory responsibilities for students, staff, and faculty.

I. Background and Definition

This policy is intended to clearly set forth expectations with regard to workplace bullying, and to provide processes to be followed should these expectations not be met.

The University of Nebraska - Lincoln (UNL) is committed to promoting and maintaining a campus community that recognizes the dignity and worth of every person; fosters inclusion and acceptance, sensitivity, understanding and mutual respect; and encourages each member of the campus community to strive to reach their potential.

Definition: Hostile, harassing, and intimidating behavior, sometimes known by the shorthand term “bullying,” is characterized as negative, unwelcome behavior that is repeated and/or severe enough that a reasonable person would find it marked by intolerance, hostility, harassment, and/or intimidation. All members of the University community must be able to pursue their goals, educational needs, and working lives without intimidation or injury, and bullying behaviors do not further the University’s academic and land grant missions. It is essential that UNL demonstrate its intellectual and ethical leadership by taking a strong position against workplace bullying.

Bullying behavior occurs when there is a real or perceived power differential between individuals and when the aggressor engages in intolerant, harassing, intimidating, and hostile behavior. The person or people targeted by these behaviors often cannot defend themselves, which may lead to physical and mental health problems. These behaviors can take place in any university setting (the office, the lab, in the halls, at meetings, in groups, and/or one-on-one) or in any interaction between members of the university community, including electronic communications and social media.

These behaviors can have a significant effect on the person or people targeted and can take a physical and emotional toll, reducing the effectiveness of a person’s work and hampering the ability of individuals – and entire units – to do their work. Bullying behavior is a significant reason for unhealthy workplace climate and culture. Anytime bullying happens, it is the responsibility of anyone witnessing these behaviors to address them immediately.

It is important to note, however, that intellectual discourse as is typically found in university settings is not considered bullying. In particular, ideas that are germane to a subject under discussion in a classroom cannot be censored because an individual with particular beliefs or values might take offense. While some might assume that students have a right not to have their

¹ This draft policy is heavily based on workplace bullying policies at Purdue University and at the University of Wisconsin-Madison.

beliefs challenged, this assumption contradicts a central purpose of higher education: to challenge students to examine and think hard about their own perspectives, whatever those might be. Regardless of when and how it happens, bullying behavior must be addressed and corrected.

II. Prohibitions

Workplace bullying is prohibited at UNL. This prohibition includes behavior marked by intolerance, hostility, intimidation, and harassment across our campus community, including via electronic communications, for any reason, including but not limited to race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. Additionally, UNL will not tolerate bullying of its faculty, staff, or students by persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University.

III. Procedures

A. What to do if you are a target of bullying behavior. It is best to resolve conflicts and disputes through healthy conflict resolution and civil discourse; see <https://executivevc.unl.edu/faculty/leadership-development/tipsheets> and <https://executivevc.unl.edu/faculty/leadership-development/professional-development-workshops> for a TipSheets and workshops that give guidance on how to do this. However, this might not always be possible and it is difficult for targets of bullying to pursue action before the impact of the bullying behavior becomes damaging. UNL has several resources, including training on workplace bullying, the employee assistance program (<https://hr.unl.edu/eap>), and campus Ombuds [provide the web site or contact information here] who can help with bullying situations. Below are some suggestions for what to do if you experience or observe bullying:

1. Consult with a trusted colleague or friend and describe what happened.
2. Attempt to informally resolve the bullying behaviors by talking directly to the individual exhibiting bullying behavior or by enlisting the help of a colleague, chair/head, supervisor, associate dean, or dean.
3. Consult with your manager, supervisor, HR representative, EAP, academic unit leader, dean, director, or the EVC or IANR VC office to discuss options for resolution.
4. Document everything that happened: who was involved, what happened, and where and when the bullying happened. Retain all written correspondence (i.e., emails) and records of verbal conversations via written notes, saved voice mail messages, and/or digital recordings.

B. What to do if you are accused of bullying others. It is important to look at your own behavior and assess if you have engaged in behavior that may be perceived as intolerant, hostile, harassing, or intimidating toward another person. It is difficult to hear that someone thinks you are bullying them and it is common to feel defensive. If you are accused of bullying others, guard against defensiveness. Acknowledge that the person feels bullied (e.g., “I’m sorry that you feel that I was bullying you”) and ask for clarification (e.g., “What did I do that led you to feel this way?”). Sometimes a simple, heart-felt apology can diffuse the situation.

There might be times where a formal complaint is made against you. If this happens, you will be informed about the complaint and you will have the opportunity to respond. Below are some suggestions to help you respond to the complaint:

1. Seek consultation from an Ombuds, your supervisor, chair/head, dean, or the EVC or IANR VC office. Find out what you can do to respond to the complaint and resolve the situation.
2. Document what happened. Retain all written correspondence (i.e., emails) and records of verbal conversations via written notes, saved voice mail messages, and/or digital recordings.
3. Do not meet with the accuser without facilitation and/or approval from the office reviewing the formal complaint, as this might make the situation worse and constitute retaliation or other policy violations.

C. What to do if you are in a position of authority (i.e., principal investigator, supervisor, department chair, dean, director, etc.). Leaders are responsible for creating a healthy workplace free from bullying. Healthy workplaces are environments where everyone is treated with respect, caring, and kindness². It is much easier to prevent bullying from occurring in the first place rather than responding to it after the behaviors have occurred. If your efforts at promoting a healthy workplace are not followed and workplace bullying occurs, here are some suggestions for responding:

1. Take every complaint seriously and make sure that everyone recognize the seriousness of these behaviors.
2. Respond directly to the bullying by labeling the behavior (i.e., “Your behavior can be seen as bullying and it’s not okay to talk to/treat people that way”).
3. Keep allegations as confidential as possible
4. Immediately contact your immediate supervisor and discuss options for addressing concerning behavior. While you need to take immediate corrective action, do not proceed with an investigation or any form of sanctions without consulting with Institutional Equity and Compliance and/or Human Resources (in the case of staff) or either the Executive Vice Chancellor’s office or the IANR Vice Chancellor’s office (in the case of faculty).
5. Ensure that retaliation against the target does not occur and that the person who has allegedly perpetrated bullying behavior is not disciplined solely on the basis of the allegations alone.
6. Though a formal investigation should only be done through IEC, HR, the EVC office, or the IANR VC office, you should be prepared to report any and all data and information of which you are directly aware.
7. Work with HR, the EVC office, or the IANR VC office to set up protections to prevent the bullying from happening again.
8. Consider requesting the EVC workshop on “Workplace bullying” for your unit/department.
9. Distribute UNL’s policies on workplace bullying.

² Burton, J. (2010). *WHO Healthy Workplace Framework and Model: Background and Supporting Literature and Practices*. WHO: Geneva, Switzerland.

D. What to do if you are a colleague or a peer of the target of bullying behavior. Listen with empathy but also with objectivity. You have a responsibility to make sure that disclosure of workplace bullying does not devolve into unsubstantiated gossip. Encourage your colleague to seek assistance from an Ombuds or from a person in authority and offer to help arrange a meeting with the Ombuds or person in a position of authority if that would help them reach out for help. Be sensitive to the fact that targets of workplace bullying are vulnerable and often feel alone in their experience.

E. Sanctions

Violations of this policy may result in disciplinary actions. Disciplinary actions will be commensurate with the severity and/or repetition of the violation of the policy and may include written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, and a recommendation of termination of employment and, if applicable, revocation of tenure.

F. Communication

All colleges, departments, and programs shall publicize this policy to faculty and staff at the beginning of each academic year. It is the responsibility of faculty and staff to familiarize themselves with the policy and expectations.

Appendix A

Nebraska State Law for K-12 Schools

- (1) The Legislature finds and declares that:
 - (a) Bullying disrupts a school's ability to educate students; and
 - (b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.
- (2) For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events.
- (3) On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.
- (4) The school district shall review the policy annually.

Additionally, Governor Pete Ricketts signed a bill in 2018 that makes harassment or intimidation by electronic message a crime. Previous Nebraska law only applied to threatening phone calls. The misdemeanor offense is punishable by a maximum of three months in jail and a \$500 fine.

Lawmakers say most intimidation now happens through digital technology, like text messages, email or online messages.

Appendix B

University of Wisconsin-Madison Policies:

For Faculty: <https://secfac.wisc.edu/governance/faculty-legislation/ii-332-defining-language-describing-hostile-and-or-intimidating-behavior/>

For University Staff: <https://kb.wisc.edu/ohr/policies/page.php?id=70913>