1: POLICY SUMMARY

Gallaudet University is committed to promoting and maintaining a healthy working, learning, and social environment, in which the rights and dignity of all members of the University community are respected. The University prohibits behaviors that rise to the level of bullying, also known as workplace incivility, as described below. Workplace bullying or incivility is a form of psychological violence that disrupts the peaceable environment and can result in lower workplace morale, greater employee absenteeism and turnover, as well as higher stress and its related health issues.

Bullying behavior will not be tolerated in the Gallaudet University workplace. The University strongly encourages anyone who is a victim of bullying behavior, or anyone who observes such behavior, to promptly report it to any manager, supervisor, chair, program director, or to Human Resources Services. Retaliation against individuals who report bullying also is prohibited. The University will respond promptly and effectively to reports of bullying and will take appropriate action to prevent, correct, and discipline behavior that violates this policy.

2: POLICY SCOPE

This policy applies to faculty, teachers, staff, paraprofessionals, student workers, and administrators. This policy also applies to vendors, contractors, visitors, volunteers, and other individuals who assert an association with Gallaudet University. The policy refers to all these persons as "members of the University community" or "community members." The consequences for violating one of our policies designed to protect the members of the community can range from disassociation from a university program or function to termination of a contract.

3: POLICY STATEMENT

A. Prohibited Conduct

Bullying is a pattern of repeated behavior that a reasonable person would find hostile, offensive, and unrelated to the University’s legitimate business interests. Bullying behavior may take many forms including physical, verbal, or written acts or behaviors. Workplace bullying often involves an abuse or misuse of power and repeated, harmful mistreatment by words or actions that are intended to shame, embarrass, humiliate, degrade, demean, intimidate, and/or threaten an individual or group. A single physical, verbal, or written act or behavior generally will not constitute bullying unless especially severe and egregious.
The determination of whether bullying has occurred is highly dependent upon the facts and circumstances surrounding any given situation. That being said, some examples of bullying towards an individual or group may include, but are not limited to:

- shouting or yelling at, insulting, berating, ridiculing, or demeaning others;
- spreading false and malicious rumors, gossip, or innuendo;
- name calling and attacks on one’s character;
- mocking, punishing, or putting someone down in front of others;
- undermining or sabotaging the work performance of others; can be by aggressive pressure and intimidation;
- repeatedly stealing or taking credit for work done by others;
- intentionally and/or systematically excluding or isolating a person or group (socially singling out) with the goal of causing psychological distress (also known as mobbing).

A person who is the target of bullying may not be the only one, or even an intended target; behavior that foreseeably places bystanders or unintended targets at risk or in fear, or causes them to feel threatened or humiliated, is within the scope of this definition. A witness of bullying can report the incident, even if the victim does not. Witnessing an incident can be traumatic and cause a hostile environment. Bullying, as used in this policy, includes “cyber-bullying,” meaning bullying that takes place online or is perpetrated using electronic means of communication even when aimed indirectly at an individual or a group.

**B. Bullying vs. Supervision**

It is important to distinguish between bullying behavior and appropriate workplace supervision. Reasonable supervisory actions, when carried out in an appropriate manner, include:

- providing performance appraisals;
- coaching or providing constructive feedback;
- monitoring or restricting access to sensitive information for legitimate business reasons;
- scheduling ongoing meetings to address performance issues;
- setting aggressive performance goals to help meet departmental goals;
- counseling or disciplining an employee for misconduct; and
- investigating alleged misconduct.

Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute workplace bullying. Employees are expected to meet the reasonable performance and behavior standards of their position, and requiring a person to meet those expectations is not bullying under this policy. Supervisors, managers, and chairs are expected to receive training to provide adequate support for staff and faculty.
C. Retaliation

The University will not tolerate, and this policy expressly prohibits, retaliation against employees making good faith reports, even where the concerns are ultimately unsubstantiated. This policy prohibits retaliation (e.g., threats, intimidation, reprisals, harassment, incivility and adverse actions related to employment) against any person who reports bullying, assists someone with a report of bullying, or participates in an investigation or resolution of a bullying complaint.

D. False Reporting

Repeated unfounded complaints of workplace bullying may constitute misconduct or employee abuse. False reports of prohibited behavior that are found to have been made intentionally are also a violation of this policy. Reports of such retaliation will be addressed under the procedures described below. Policy violations may result in University disciplinary action in accordance with established policies and procedures, as appropriate.

E. Dissemination of this Policy

As part of the University’s commitment to providing a working and learning environment free from bullying, this policy will be disseminated widely to the University community in campus publications, websites, new employee orientations, and other appropriate channels of communication.

4: RESPONSIBILITIES IN CASES OF WORKPLACE BULLYING

Employees

Employees, whether victims or witnesses of bullying, are to report any incident of workplace bullying to an immediate manager or supervisor. If employees are in doubt about whether they experienced or witnessed bullying, they should speak with their immediate manager or supervisor. Even if employees are fearful, they still should speak with their immediate manager or supervisor. More than one bystander may be affected by the bullying. If the immediate manager or supervisor is the perpetrator of the bullying, employees should report the incident to the next higher level supervisor or Human Resources Services, who may bring the matter to the attention of other University officials, as appropriate.

Employees are responsible for documenting indicators of workplace bullying. Copies of texts, emails, pictures, videos, and social media postings are considered strong supporting documentation. Whenever possible, maintain a log with a date, time, and description of the incidents.
Supervisors

Supervisors who receive reports of bullying must make reasonable inquiry into the facts, document what is discovered, and, if warranted, take appropriate action, which may include counseling those involved, initiating corrective action, or pursuing other employment action. Supervisors needing assistance should contact the Director of Human Resources Services. Bullying, when substantiated, should be documented and taken into consideration as an important factor in evaluating an employee’s performance, subject to established evaluation procedures.

5: PROCEDURES FOR REPORTING AND RESPONDING TO REPORTS OF BULLYING

A. Reporting Incidents of Bullying

All members of the University community are strongly encouraged to report conduct believed to constitute bullying under this policy to a manager, supervisor, chair, program director or Human Resources Services. Managers, supervisors, chairs, program directors, or administrators who observe bullying behavior or receive a report of bullying are required to address such behavior immediately and notify their direct supervisors or Human Resources Services Director. The University has distinct procedures for the investigation and resolution of complaints against staff, students, and faculty. Human Resources Services will refer reports of alleged bullying by faculty to the Provost’s Office for processing. Whether a complaint made against an undergraduate student-employee is processed under this policy depends on whether the conduct at issue arises out of their employment status or student status.

B. Resolution Options

Individuals making reports of bullying will be informed about options for resolving potential violations of this policy. These options may include facilitated early resolution or formal investigation. The University will respond to reports of bullying brought anonymously or by third parties not directly involved in the complaint. However, the response to such reports may be limited if the report’s allegations cannot be verified by independent facts. Anonymous reports may be made online:


C. Facilitated Early Resolution

The goal of early resolution is to resolve concerns at the earliest stage possible with the cooperation of all of the parties involved. The University encourages early resolution and will assist the parties in reaching a mutually agreeable resolution when the parties wish to resolve the situation collaboratively. Early resolution may include a review of the facts, but typically does not include a formal investigation. Means for early resolution will be flexible and encompass a full range of possible appropriate outcomes. Options for early resolution may include:
● obtaining an agreement between the parties;
● physically separating the parties;
● changing reporting lines;
● referring the parties to counseling and coaching programs;
● negotiating an agreement for personnel action;
● conducting targeted educational and training programs; and/or
● following up with the parties after a period of time to assure that the resolution has been implemented effectively.

While the University encourages early resolution, the University does not require that parties participate in early resolution prior to the University’s decision to initiate a formal investigation. In some cases, Human Resources Services may determine that early resolution is inappropriate and may initiate a formal investigation instead.

D. Formal Investigation

In response to reports of bullying where early resolution is unsuccessful or inappropriate, the complainant may request a formal investigation or Human Resources Services may initiate a formal investigation after a preliminary review of the facts. Formal investigation of reports of bullying will incorporate the following procedures:

1. The respondent will be advised of the relevant allegations in the complaint.

2. The investigation generally will include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents or other evidence as appropriate.

3. Disclosure of facts to parties and witnesses will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Investigation participants will be asked to keep the investigation details confidential.

4. Upon request, the complainant and the respondent may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or as required by the applicable University policy or collective bargaining agreement.

5. At any time during the investigation, the investigator may recommend that the University provide interim protections or remedies for the complainant or witnesses. These protections or remedies may include separating the parties, placing individuals on administrative leave, placing limitations on contact between the parties, or making alternative work arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this policy.

6. Human Resources Services will make every effort to complete the investigation as quickly as possible. Generally, the investigation is completed within 90 calendar days from the date the request for formal investigation was submitted.
7. Following the completion of the investigation, the investigator will prepare a written report that, at a minimum, includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether the conduct at issue violated this policy. Human Resources Services will submit the report to the appropriate University official, and, in consultation with the appropriate manager or supervisor, determine and implement the actions necessary to resolve the complaint.

8. The complainant and the respondent will be informed when the investigation is completed, and whether the complaint was substantiated. Actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the respondent not contact the complainant will be shared with the complainant. In accordance with University policies protecting individuals’ privacy, the complainant may be notified generally that the matter has been referred for disciplinary action, but will not be informed of the details of the recommended disciplinary action without the respondent’s consent.

9. The complainant and the respondent may request a copy of the investigative report pursuant to University policies governing privacy and access to personal information. In accordance with University policy, the report will be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report.

**E. Remedies**

Findings of violations of this policy may be considered in determining remedies for individuals harmed by the bullying and will be referred to the appropriate manager. Violations may include engaging in bullying, retaliating against a complainant reporting bullying, or violating interim protections. Investigative reports made pursuant to this policy may be used as evidence in subsequent complaint or grievance resolution processes or disciplinary proceedings.

**6: COMPLIANCE WITH THIS POLICY**

Compliance with this policy is mandatory. For assistance with interpreting or applying its provisions, contact Human Resources Services, the Ombuds Office, Equal Opportunity Programs, or the Provost’s Office.

Any person covered by this policy who engages in workplace bullying is subject to disciplinary sanctions up to, and including, suspension, termination, or dismissal from the University, in accordance with applicable policies and procedures (including, for tenured and non-tenured faculty, those contained within the Faculty Handbook).

Student employees who are in violation of this policy are also subject to the procedures detailed in the Gallaudet University Student Code of Conduct.

This policy is intended to supplement policies spelled out in the Policy on Discrimination,
Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation, the Policy on Workplace Violence, the Gallaudet University Student Conduct of Code, the *Faculty Handbook*, and existing Administration and Operations policies.

7. OTHER CAMPUS RESOURCES

**Ombuds Office**

The Ombuds Office provides informal, impartial conflict resolution and problem-solving services regarding academic or work-related concerns. The Ombuds Office is a strictly confidential resource. Unless there is an imminent risk of serious harm, the Office will not disclose the identity of individuals who have used its services or information provided without express permission. In addition, this is not an office of record nor a place for filing complaints. Communications with the Ombuds Office do not place the University on notice, and individuals seeking to file complaints will be informed of appropriate University resources. In the interest of maintaining confidentiality, the Ombuds Office requests that anyone seeking assistance contact the office at: 202.559.5079 or by e-mail: ombuds@gallaudet.edu to make an appointment.

**Equal Opportunity Programs**

The Equal Opportunity Programs Office works with University Administration, departments, and committees to ensure that University policies and programs comply with applicable nondiscrimination requirements. Gallaudet University reaffirms its commitment to equal opportunity by the incorporation of Gallaudet's non-discrimination policy:

Gallaudet is committed to ensuring that its employment practices do not discriminate based on race, hearing status, disability, religion, color, national origin, age, sex, covered veteran status, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, source of income, place of business or residence, pregnancy, childbirth, or on any other unlawful basis. This policy applies to all procedures affecting applicants and employees and includes, but is not necessarily limited to: recruitment, hiring, placement, promotion, transfer, reassignment, appointment, tenure, demotion, selection for training, layoff and termination, compensation and all other conditions or privileges of employment. For more information, this office can be contacted by e-mail: eop@gallaudet.edu or at: 202.559.5683.