

Article 24: ~~OBJ~~ Respectful Work Environment

24.1 General Conditions

24.1.1 The Parties ~~covered by the Agreement~~ agree that all employees shall work in an environment ~~that fosters mutual respect and professionalism and is free from Workplace BullyingAbusive Conduct~~ that fosters mutual respect and professionalism. All parties are responsible for contributing to such an environment. ~~The Parties mutually acknowledge that Abusive Conduct creates an intimidating environment and may interfere with an employee's work. The parties agree that Workplace BullyingAbusive Conduct,~~ inappropriate behavior, and bullying in the workplace does not promote the University's mission, employee wellbeing, or productivity. These behaviors may occur in, but are not limited to, situations in which one person has authority over another and situations involving peer-to-peer interactions.

24.1.2. ~~Workplace BullyingAbusive conduct~~ as defined in Section 24.2 and described in Section 24.3, by ASEs, faculty, supervisors, and/or managers will not be tolerated. The provisions of BPPM 50.31 Workplace Bullying Prevention and Reporting as written or amended additionally apply to all Employees covered by the Agreement. The University and the Union shall strive to foster an environment in which employees feel comfortable making reports of ~~Workplace BullyingAbusive Conduct~~ in good faith. The Parties also commit to prohibiting retaliation against any person who reports ~~Workplace BullyingAbusive Conduct~~ (as described in Section 24.4 below) or participates in any related investigation or process in good faith. ~~Abusive conduct as defined in section 24.2 and described in section 24.3, by ASEs, Faculty, supervisors and/or managers will not be tolerated.~~

24.2 Definition of ~~Workplace BullyingAbusive Conduct~~

24.2.1. ~~Workplace BullyingAbusive Conduct~~ is harassing or threatening behavior, including bullying or nondiscriminatory harassment, refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee or student (or a group of employees or students), which intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee or student ~~that is sufficiently severe, persistent, or pervasive conduct in the workplace that denies, adversely limits, or interferes with an employee's participation in or benefit from University employment. The Conduct creates an environment, whether intended or not, that is intimidating or offensive.~~

24.2.2. Such conduct shall be evaluated on a case-by-case basis, taking into account the circumstances of the parties, relationship between the parties (including power imbalance); the frequency, nature and severity of the alleged conduct; whether the conduct was physically threatening; and whether the conduct may be protected. A single act may constitute ~~Workplace BullyingAbusive Conduct~~ if severe or egregious.

24.3 Examples of ~~Abusive Conduct~~ Workplace Bullying

24.3.1. Examples of ~~Workplace BullyingAbusive Conduct~~ may include, but are not limited to, the following types of behavior:

- a. Use of abusive, insulting, or offensive language (written, electronic, or verbal),
- b. Spreading false information or malicious rumors,
- c. Behavior, language, or gestures that frighten, humiliate, belittle, or degrade, including criticism or feedback that is delivered with yelling, screaming, threats, implicit threats, or insults,
- d. Encouraging others to act, singly or in a group, to intimidate or harass other individuals,
- e. Making inappropriate comments about a person's appearance, lifestyle, family, **culture, country of origin, visa status, religious/spiritual/philosophical beliefs**, or political views,
- f. Teasing or making someone the brunt of pranks or practical jokes,
- g. Inappropriately interfering with a person's personal property or work equipment,
- h. Circulating photos, videos, or information via e-mail, social media, or other means without consent,
- i. Making unwanted physical contact or inappropriately encroaching on another individual's personal space, in ways that would cause discomfort and unease,
- j. Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes,
- k. Repeated demands that the individual do tasks or take actions that are inconsistent with that individual's job, are not that individual's responsibility, **or for which the employee does not have authority, or repeatedly refusing to take "no" for an answer**, **or for requests outside of required job duties; pressuring an individual to provide information that the individual is not authorized to release (or may not even possess);**
- l. Making ~~co~~ threats to block a person's academic advancement, opportunities, or continued employment at the University,
- m. Sabotaging or undermining a person's work performance.

24.3.2. Workplace Bullying/Abusive Conduct does not include *per se* exercising appropriate supervision of employees conducting appropriate performance management, or providing appropriate feedback, including but not limited to the following:

- a. Expressing differences of opinion.
- b. Offering constructive feedback, guidance, or advice about work-related behavior.
- c. Reasonable action taken by a supervisor relating to the management of an office.
- d. Reasonable action taken to manage an employee's performance, initiating corrective action and/or disciplinary action.
- ~~a. Providing performance appraisals to employees, including negative appraisals;~~
- ~~b. Delivering constructive criticism;~~
- ~~c. Coaching or providing constructive feedback;~~
- ~~d. Grading student performance, including negative assessments;~~
- ~~e. Monitoring or restricting access to sensitive and confidential information for legitimate business reasons;~~
- ~~f. Scheduling regular or ongoing meetings to address performance issues;~~
- ~~g. Setting performance goals to align with departmental goals;~~
- ~~h. Investigating alleged misconduct or violation of University policy;~~
- ~~i. Counseling or disciplining an employee for performance, engaging in misconduct, or violating University policy;~~
- ~~j. Engaging in assertive behavior;~~

- ~~k. Having a disagreement;~~
- ~~l. Making unpopular statements or articulating positions on controversial issues;~~
- e. Participating in a formal complaint resolution or grievance process.;

234.4. Reporting Complaints.

ASEs are strongly encouraged to report any incident of Workplace Bullying ~~Abusive Conduct~~ to an immediate manager or supervisor. If the immediate manager or supervisor is the perpetrator of the bullying, the ASE should report the incident to the next level higher supervisor or Reports of violations of this Article may be made directly to HRS through completing a Workplace Bullying Incident Report may be made to the campus designated office (such as CCR) and/or filed as a grievance in accordance with Article 3 (Grievance and Arbitration Procedures) of this Agreement.

234.5 Interim Measures and Remedies.

243.5.1. Remedies available for Workplace Bullying may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which the ASE is qualified; training and education of the implicated parties; no contact remedies.

24.5.2 When a complaint is filed that establishes a prima facie case of Workplace Bullying, the University will implement remedies ~~interim measures~~ as appropriate on an interim basis. Such measures shall allow the ASE to learn and work in an environment free from ~~Abusive Conduct and/or bullying~~ Workplace Bullying.

243.5.2. Interim measures available to ASEs may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which the ASE is qualified provided that, in the case of a grievant, the change is voluntary and equitable; training and education of the implicated parties; no contact remedies.