Preventing
Harassment & Workplace Bullying

Kamala Green, Executive Director
Office of Equity and Inclusion
Prohibited Harassment

Arizona Board of Regents Policy 1-119

Harassment is “unwelcome behavior, based on a protected classification, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in Board or university sponsored programs or activities.”

Sexual harassment includes “unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual’s education, employment, or participation in Board or university sponsored programs or activities, or the submission to or rejection of such conduct is a factor in decisions affecting that individual’s education, employment, or participation in Board or university sponsored programs or activities.”
Hostile Work Environment

Hostile work environment sexual harassment occurs when sexually harassing conduct unreasonably interferes with his or her work performance. The conduct must be sufficiently severe and pervasive to create an intimidating, hostile, or offensive work environment.

NOTE: Harassment is severe and pervasive when it occurs frequently, entails humiliation or physical threats, or unreasonably interferes with the victim’s work performance. Although this behavior if often found amongst colleagues, it can occur when someone in a position of power creates such an environment.

Examples:

- unwelcome physical contact
- uninvited sexual solicitations
- sexually explicit words or acts
- display of pornographic pictures
ASU Policy

**ACD 401: Nondiscrimination, Anti-Harassment and Nonretaliation**
- Applies to employees, students, contractors and all participants in ASU sponsored activities

**All harassment must be reported**
- Office of Equity and Inclusion -- Faculty and staff
- Student Rights and Responsibilities -- Students
- An administrator with responsibility over individual whose behavior is at issue -- Faculty, staff, student workers, contractors

**Must investigate**

**Must take appropriate action**
- Faculty: Provost Office
- Staff: Department or Unit
- Student: Student Rights and Responsibilities
Retaliation is Prohibited

ABOR and ASU Policy prohibit retaliation against anyone who engages in protected activity under the nondiscrimination and anti-harassment policies. Protected activity includes:

• Filing a complaint of discrimination or harassment;
• Participating in an investigation of discrimination or harassment;
• Opposing conduct reasonably believed to constitute discrimination or harassment.
### Policy Implications: Not Just Discrimination

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Policy Implication</th>
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<tbody>
<tr>
<td>SPP 801</td>
<td><strong>Employee Conduct and Work Rules</strong></td>
<td>• Discourtesy towards others</td>
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<td></td>
<td>• Conduct unbecoming to a university employee</td>
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<tr>
<td>ACD 204-01</td>
<td><strong>Faculty Code of Ethics (many provisions)</strong></td>
<td>• To show professional courtesy and respect for others</td>
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<tr>
<td>ABOR 5-308</td>
<td><strong>Student Code of Conduct</strong></td>
<td>• Engaging in harassment or repeated contact that a reasonable person would understand to be unwanted</td>
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Potentially Risky Behaviors

- Words
- Actions
- Physical Contact

- Humor
- Posters & Pictures
- Off-Campus Events
Workplace Bullying

Refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee (or group of employees), which are intended to intimidate, degrade, humiliate, or undermine an employee (or group of employees)
Workplace Bullying

How would you define “workplace bullying”?

• Unwarranted or invalid criticism
• Blame without factual justification
• Being shouted at or being humiliated
• Exclusion or social isolation
Workplace Bullying…cont’d

- Often involves an abuse or misuse of power
- Bullying behavior creates feelings of defenselessness and injustice toward the target
- Undermines an individual’s right to dignity at work
Scenario #1

As an employee, you develop a consensual relationship with your direct supervisor. You both have agreed to keep this relationship a secret and remain professional in the office. After a year of dating, you (the employee) decide to break up however your supervisor will not stop pursuing.

As an employee, do you have any protections under ASU policy?

As a supervisor, is your conduct appropriate since this was a consensual relationship?

Any potential policy violations?
Scenario #2

As a supervisor, one of your employees informs you “in confidence” that she has a crush on a co-worker (another one of your direct reports). She explains that she’s asked Fred out several times, but he continues to say “no thank you”.

Since you and this female employee have a friendship external to ASU, you listen, but don’t take action.

As a supervisor, are you required to report or document this information?

Has the employee done anything wrong?

Any policy violations?
Scenario #3

Everyday you come to work, Susie (whose cubicle is right next to yours), continuously uses curse words when speaking to you and other staff members. You’ve asked Susie to “please stop” and you even reported the behavior to your shared supervisor. Susie continues to curse and has now escalated her voice.

Is there a problem?

Does this behavior fit the definition of “workplace bullying”?

What is the role of the supervisor, if any?

Any policy violations?
Scenario #4

Your turn…share a scenario (A HYPOTHETICAL ONE!!!) that we can discuss?

Any areas of concern (at the University) you would like to share?
Campus Resources

- OHR Partner (5-2888)
- Office of Equity and Inclusion (5-5057)
- Employee Assistance (5-2271)
- General Counsel (5-4550)
- Dean of Students/Student Advocacy (5-5302)
- Student Rights and Responsibilities (5-6547)
- Student Counseling Services (5-6146)
- ASU Police Department (5-3456)
- BRT/SACC (http://emergency.asu.edu/)
Q & A

Thank You!