

ANTI-BULLYING POLICY

The Academic Senate Committee on Environmental Quality of Life and Disability Issues recommends a civility or an anti-bullying policy to the Academic Senate that is consistent with both CUNY and QCC policies.

RESOLUTION FOR CONSIDERATION

PROPOSAL FOR COLLEGE POLICY and PROCESS TO ADDRESS BULLYING INCIDENTS

Whereas: in an institutional setting bullying behavior can exist, persist, and even flourish when certain conditions are met. They include:

- No anti-bullying policy
- No process in place for filing reports, complaints, or queries
- No penalties for bullying behaviors
- No protections against retaliation for those reporting on bullying or making complaints

Whereas, these conditions exist at this time at QCC,

Whereas, a process to address bullying within QCC community can help to reduce the incidence of this behavior.

Be it resolved that, the Academic Senate adopts this Policy and requires the creation of the process presented therein to define and address bullying incidents, and

Be it further resolved that this policy and process shall be reviewed by the Academic Senate Committee as to its functioning and effectiveness within three years and a report made to the academic Senate with recommendations for changes, if needed.

COLLEGE POLICY and PROCESS TO ADDRESS BULLYING INCIDENTS

*The background information indicated below was received from sources in Appendix II.

I. DEFINITION

A. Bullying is defined as the aggressive and hostile acts of an individual or group of individuals which are intended to humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals.

B. Such aggressive and hostile acts can occur as a single, severe incident or repeated incidents, and may manifest in the following forms:

1. Physical Bullying includes pushing, shoving, kicking, poking, and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.
2. Verbal/written Bullying includes ridiculing, insulting, instigating, spreading rumors or maligning a person, either verbally or in writing; addressing abusive, threatening, derogatory or offensive remarks to a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
3. Nonverbal Bullying includes directing threatening gestures toward a person or invading personal space after being asked to move or step away.
4. "Cyber bullying" is defined as bullying an individual using any electronic form, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.

II. BULLYING PROHIBITED

- A. Bullying is strictly prohibited on any College property; at any College function, event or activity; or through the use of any electronic or digital technology, whether or not such use occurs on College property.
- B. This policy shall apply to all College administration, faculty, staff, students, contractors, consultants and vendors and persons who enter the campus officially or unofficially.
- C. Any case of bullying suspected to be of a criminal nature shall be referred to local law enforcement authorities.
- D. Discrimination is treating an individual differently or less favorably because of his or her having made or supported a complaint alleging bullying.
- E. Harassment is unwelcome conduct based on a protected characteristic that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or abusive work or academic environment. Such conduct can be verbal, written, visual, or physical.

III. REPRIMAND OR CRITICISM

Bullying shall not include circumstances wherein:

- A. A supervisor or any person with supervisory authority reports and/or documents an employee's unsatisfactory job performance and the potential consequences for such performance.
- B. A faculty member or academic program personnel advises a student of unsatisfactory academic work and the potential for course failure or dismissal from the program.
- C. A faculty member or academic program personnel advises a student of inappropriate behavior that may result in disciplinary proceedings.
- D. Target can use the opportunity to have the bully know there is a problem. Otherwise target can access the complaint process.

IV. PROCEDURES FOR REPORTING BULLYING and RESOLVING COMPLAINTS

A. Informal Complaint

Faculty or Staff or Students experiencing bullying by any member of the college community may go to the College Ombudsman in an effort to halt the bullying immediately. Ombudsman provides advice that is impartial- based on situation

B. Formal Complaint

If the informal complaint does not resolve the situation then a formal complaint is to be filed with the designated office of the College according to the nature of the relationship of the parties involved by either the original complainant or the College Ombudsman.

Complainant	Accused	Designated Office
student	student	Office of the Dean of Students
student	faculty	Provost
student	staff/administration	Dean of Human Resources and Labor Relations
faculty	student	Office of the Dean of Students
faculty	faculty	Provost
faculty	staff/administration	Dean of Human Resources and Labor Relations
staff/administration	student	Office of the Dean of Students
staff/administration	faculty	Provost
staff/administration	staff/administration	Dean of Human Resources and Labor Relations

If upon initial review the designated office finds that there may be a case of bullying under this policy then within 15 calendar days of the filing of the formal complaint with the designated office the case is to be referred to the Civility Committee. If the designated office finds insufficient evidence or reason to support the complaint then the case ends there with the designated office but is subject to appeal by the complainant, to the members of the Civility Committee.

Civility Committee

The Civility Committee shall consist of:

1. Three faculty members at rank of Professor appointed by the Faculty Executive Committee. One of these faculty members is the College Ombudsman
2. Two students appointed by the Student Government President
3. A member of the Staff appointed by the HEO Committee
4. A member of the Administration appointed by the College President

Ex officio, without vote:

5. Shop Steward for DC 37 or designee
6. PSC Chapter Chairperson or designee
7. Compliance officer, Ex officio, without vote.

In any case in which any members of the Civility Committee may have a direct involvement in the case they must recuse themselves and alternates will be appointed by the relevant authority.

Civility Committee has the following responsibilities:

8. Designate a College Ombudsman for a period of three years (renewable) and subject to recall by the Committee.
9. Review the complaint and all the evidence and within 30 business days of receiving the referral of the case makes a determination and full investigation.
10. It shall seek all relevant documents and conduct interviews.
11. Creates and maintains detailed written indications of all documentation including exhibits, analyses etc.
12. Tallies the final vote of each committee member.
13. States conclusion and recommends remedy.
14. If the committee finds there has been a violation of the anti-bullying policy and that it warrants disciplinary action then the Committee must refer the case for action to the appropriate agency for final disposition according to the what the relevant authority is under which the accused must be submitted including: Student Disciplinary Process or relevant provisions of the Collective Bargaining Contract. Final disposition to be determined by the processes set out in the relevant policies and contracts.
15. The committee can also note a violation of policy subject to review of documentation of the complaint as well as through external guidelines cited in policy appendix, regarding bullying.
16. File an annual report with the Academic Senate on the incidence of complaints and dispositions and comparisons to previous years and efforts to decrease the occurrences of complaints.

V. DUE PROCESS

An accused may review but not possess copies of any and all evidence and documents in possession of the Civility Committee and respond to them prior to the Civility Committee reaching a final determination but 10 days prior to the 30 day time limit on the Civility Committee Process.

A complainant may appeal any case deemed insufficient by the Designated Office of the College to the Civility Committee.

A complainant may refer any case in which the Civility Committee has found no violation of this policy to the University Office of Legal Affairs.

An accused will have an appeal of any case in which the Civility Committee has found a violation of this policy under the terms set out in the university policy for student discipline or the relevant collective bargaining agreement.

VI. DISCIPLINARY ACTION

Violations of this policy shall be considered misconduct, and violators will be subject to disciplinary action in accordance with College policy, and the provisions for Student Disciplinary Action or the pertinent Collective Bargaining Agreement.

VII. EDUCATION/PREVENTION

A. This policy shall be disseminated through inclusion in the Faculty Handbook and in other employee materials, the Student Handbook, and on the College's website.

B. The Office of Student Affairs will facilitate civility/anti-bullying workshops and seminars throughout the first academic year and as part of student orientation thereafter to provide continuing

education for students.

C. The appropriate administration will facilitate civility/anti-bullying training for College employees and provide for certification on the completion of training.

VIII. OTHER REMEDIES

Nothing contained herein shall preclude or limit any right, remedy or cause of action provided under any other University or College policy, or any local, state or federal ordinance, law or regulation, including, but not limited to, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1964 or the Americans With Disabilities Act of 1990.

IX. RETALIATION

This Policy also prohibits retaliation for reporting or opposing bullying, or encouraging the cooperation of an investigation of a complaint about bullying. Complaints alleging retaliation are to be filed and processed under this policy in the same manner as are the complaints of bullying.

X. PROHIBITED RETALIATION: CONDUCT DEFINED

Retaliation is the adverse treatment of an individual because he/she made a supported complaint alleging bullying, opposing bullying, or cooperating with an investigation of a complaint alleging bullying.

XI. FALSE ALLEGATIONS

Persons making false allegations of violations of this policy may be treated by the Civility Committee as falling under the terms of this policy or other policies of the University and College related to such behavior as but not limited to: harassment and discrimination. In such cases the Civility Committee will refer the case to the appropriate committee or person (s) under the relevant policy.

XII. RATIONALE

A. Bullying can foster a climate of fear and disrespect which seriously impairs the physical and psychological health of its victims and creates conditions that negatively affect any learning and working environment. Queensborough Community College ("College") is committed to maintaining high standards for behavior where every member of the College community conducts himself/herself in a manner which demonstrates proper regard for the rights and welfare of others. This Anti-Bullying Policy, therefore, seeks to educate the College community about bullying, and to promote civility and respect amongst all its members, including the administration, faculty, staff, students, contractors, consultants and vendors. Beyond education this policy provides a process for the resolution of complaints charging bullying. QCC recognizes the right of all students, faculty and staff to feel safe and secure when they perform their responsibilities at QCC. Everyone in the College community must feel free from any threats of bullying. Everyone concerned should feel confident to report incidents to appropriate members of staff, faculty and students without any fear of retaliation. It is incumbent upon all of us at QCC to carry out the anti-bullying policy proactively, fairly and consistently.

B. An anti-bullying policy is needed because it reinforces the College code of ethics and code of conduct. In addition the enforcement of such a statement reduces employee turnover, improves productivity for students, faculty and employees – increases campus unity, increases student retention, decreases the incidence of bullying on the college campus.

C. College has the responsibility to recognize/respond/report/investigate the appropriate bullying incidents and hold the perpetrators accountable if bullying is indeed identified. Action needs to be taken as well, in the case of false allegation.

D. While some of this may overlap with the University's Campus and Workplace Violence Prevention Policy – bullying is not explicitly mentioned in this policy.

APPENDIX I

SUMMARY OF PROCESS

1. Person is bullied
2. Person who is bullied has three avenues: complaint officer, grievance counselor, or college ombudsman.
3. Person who is bullied chooses to go to college ombudsman (liaison)
4. Person who is bullied files informal complaint while the college ombudsman talks to all parties concerned – college ombudsman will offer advice to halt bullying activity.
5. If situation is not resolved at step 4 person who is bullied files formal complaint with the designated office of the College. (see diagram)
6. Designated office finds this situation is a case of bullying ⇒ within 15 calendar days the formal complaint to Civility Committee.

If not a case of bullying per designated office ⇒ appeal made by complainant to Civility Committee.

7. Civility Committee (30 days)

Reviews complaint and evidence collected

Seeks all relevant documents

Conducts interviews

Creates and maintains all documentation including exhibits, analysis, etc.

Tallies the final vote of each committee member

States conclusion and recommends remedy.

8. Civility Committee finds there is a violation of the anti-bullying policy

⇒ case referred for disciplinary action or collective bargaining contract (given disciplined person is a student, faculty, HEO, CLT, or from DC37) ⇒ subject to Presidential action (e.g., letter in file) or in case of students, the Student Disciplinary Committee.

⇒ Civility committee finds no violation of the anti-bullying policy – person who is bullied has the right to appeal to the University Office of Legal Affairs.

APPENDIX II

EXAMPLES OF ANTI-BULLYING POLICIES IN HIGHER EDUCATION

Worcester University: www.google.com Worcester State Anti-Bullying Policy

Western Kentucky University: <http://www.wku.edu/heretohelp/database/bullying.php>

West Chester University: <http://www.wcupa.edu/hr/defeatbullyingatWCU/about.asp>

Suffolk Community College: <http://www.sunysuffolk.edu/Anti-Bullyingpolicy.pdf>

University of South Carolina:

http://sc.edu/faculty/senate/13/agenda/Call_for_a_Policy_on_Workplace_Bullying_06-12-2013.pdf

University of New Mexico (Administrative Policies and Procedures Manual – Policy 2240:
Respectful Campus)

<http://policy.unm.edu/university-policies/2000/2240.html>

APPENDIX III BIBLIOGRAPHY

Selected References and Resources

Prepared by Loreleigh Keashly, Dept. of Communication, Wayne State University
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University of Colorado, Boulder

Workplace bullying, incivility, and counterproductive behavior

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Dutton, J. E. (2003) *Energize your workplace: How to create and sustain High Quality Connections at work*. Jossey-Bass.

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Felps, W., Mitchell, T.R. and Byington, E. (2006) How, when and why bad apples spoil the barrel: Negative group members and dysfunctional groups. *Research in Organizational Behavior*, 27, 175-222.

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Keashly, L & Neuman, J.H. (2009). Building constructive communication climate: The U.S. Department of Veterans Affairs Workplace Stress and Aggression Project. In P. Lutgen-Sandvik & B.D. Sypher (eds). *Destructive organizational communication: Processes, consequences and constructive ways of organizing*. Routledge/LEA

Keashly, L. (2011). Some things you have always wanted to know but were afraid to ask: A researcher talks to ombudsmen about workplace bullying. *Journal of International Ombudsman Association*, 3(1), 10-23.

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Spector, P. & Fox, S. (eds). *Counterproductive workplace behavior: Investigations of actors and targets*. Washington, DC: American Psychological Association.

Workplace Bullying Institute – Gary Namie and Ruth Namie; <http://www.workplacebullying.org> - Incredibly rich sources of information.

<http://www.do2learn.com/JobTIPS/KeepingAJob/Harassment/Scenarios.html> - collection of short scenarios and video clips that can be used for distinguishing bullying from other types of interaction. Focused on workers with special needs.

https://charityvillage.com/Content.aspx?topic=fifteen_signs_of_workplace_bullying Good article laying out in detail the types of behaviors that are suggestive of bullying.

Workplace Bullying in Academe

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Lester, J. (2013; ed.). *Workplace bullying in higher education*. Routledge Edited volume – excellent source of a variety of perspectives.

Nelson, E.D. & Lambert, R.D. (2001). Sticks, stones, and semantics: The Ivory Tower bully's vocabulary of motives. *Qualitative Sociology*, 24(1), 83-106.

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Chronicle of Higher Education has done a number of pieces over the past several years. Search under “bullying” and “mobbing” in their archives.

Academic Mobbing

<http://arts.uwaterloo.ca/~kwesthue/mobbing.htm> - incredibly rich website by Ken Westhues highlighting specific cases, research, and policy. There is also reference to his prodigious and thoughtful writing on the topic.

<http://www.janice-harper.com/> - another rich website by Jane Harper. In the section on bullying and harassment, she has done a number of blogposts for the New York Times that are insightful, challenging, and thought provoking.

Bystander materials

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Massachusetts Institute of Technology, Ombudsman's office has done a phenomenal job pulling together resources and providing practical suggestions for addressing hostile behavior on campus <http://web.mit.edu/bystanders/assessing/index.html>

Sampling of Campus approaches to addressing hostile behaviors
Recommendations for elements of policies regarding bullying and aggressive behaviors

Rayner, C. , Hoel, H., & Cooper, C.G. (2002). *Workplace bullying: What we know, who is to blame and what can we do?* London: Taylor & Francis

1. providing a statement of the university's view and commitment ;
2. the provision of clear definitions of core terms of workplace violence and general harassment;
3. requiring compliance with relevant policies that exist within the institution and at the state level; e.g. policies regarding harassment based on membership in a protected class, workplace violence policies;
4. describing the scope of policy relative to other policies,
5. articulating to whom the policy applies and their responsibilities under the policy in terms of behavior and encouragement to seek assistance and report incidents;
6. specifying the role and responsibility of "supervisors, managers, directors, deans, and other administrators" to report and respond to all complaints and within specified timeframes and in writing;
7. describing processes and procedures of raising concerns with particular focus on utilizing the supervisory chain of command. Of particular note is the identification of to whom one should bring a concern when the issue is with the person's immediate supervisor.
8. identifying units where a complainant may seek assistance, e.g., HR, OEO etc.
9. providing a description of the range of consequences/sanctions when the complaint is found to be warranted; and,

10. an explicit prohibition against retaliation and clear description of what would be considered to be a retaliatory action.
11. Explicit procedures for monitoring and auditing the implementation of the policies and the procedures therein.

Materials from other universities

1. Sample policies and associated procedures:

- a. **MIT** <http://hrweb.mit.edu/policy/3-10> Broadly written policy that notes that harassment of any kind is considered unacceptable; <http://web.mit.edu/communications/hg/> - Guidelines for raising complaints about harassment – notes both formal and informal mechanisms. Website shows tie to relevant policies; notes various units, which can be involved and contacted. Very informative re what it is and is not bullying. Provides mechanisms for contact.
- b. **Stony Brook University** Brief statement of what constitutes disruptive, threatening or violent behavior and accompanying procedures for responding. <http://www.stonybrook.edu/policy/policies.shtml?ID=521>
- c. **University of New Mexico** <http://policy.unm.edu/university-policies/2000/2240.html> Comprehensive policy that includes statement of values, defines destruction actions and links to policies and procedures designed to address specific forms. Include extensive discussion of bullying.
- d. **University of Manitoba, Canada** - http://www.umanitoba.ca/admin/governance/governing_documents/community/230.htm; ; Articulation of policy for “Respectful Work and Learning Environment” http://www.umanitoba.ca/admin/governance/governing_documents/community/566.htm Procedures associated with policy. Defines different forms of harassment including personal or bullying. Details formal and informal resolution procedures including investigation procedures
- e. **Brock University, St. Catherines, ON, Canada** <http://www.brocku.ca/hr-ehs/policies> - click on Respectful Work and Learning Environment Policy. Very comprehensive policy and procedures, detailing formal and informal resolution procedures including investigation procedures. Appendix defines and describes various forms of harassment and inappropriate behavior and makes distinction between bullying and legitimate, constructive and fair criticism.
- a. **University of Durham, UK** <http://www.dur.ac.uk/diversity.equality/contact/respect/> . Comprehensive respect policy encompassing all manifestations of harassment. Makes distinctions between bullying and fair and firm management, process of raising issues involving informal and formal means. Has flowchart of process. Includes an appendix (4) on professional relationships.

2. Codes/Principles of Conduct

- a. University of Calgary - http://www.ucalgary.ca/hr/about_hr/policies_procedures/statement_on_principles_of_conduct Includes the core values of the institution. Commitment to positive learning and working environment; responsibility of leadership in modeling and enforcing appropriate conduct.
- b. Syracuse University http://supolicies.syr.edu/ethics/code_conduct.htm Has established a very comprehensive “Code of Ethical Conduct” as a statement of principles to guide the activities of all faculty, staff and students.

3. **Material re options for dealing with harassment, discrimination etc.**
 - a. University of Calgary <http://www.ucalgary.ca/discrimination/options/> Very comprehensive articulation of information for complainants, respondents, complaint handlers and colleagues/bystanders

4. **Core Values as Framework**
 - a. University of Michigan <http://www.urespect.umich.edu/> Describes “Expect Respect” campaign tying this to the Campus Commitment <http://www.hr.umich.edu/oie/cc/> ensuring a community in which the dignity of every individual is respected. Websites define respectful environment, connect to cover values, and identify relevant policies, procedures and units for addressing various concerns.
 - b. Syracuse University <http://humanresources.syr.edu/faculty/respectful.html> Have a “Respectful Workplace” initiative that incorporates policies, programs and events for a discrimination and harassment free work environment. Not as extensive and far reaching as U of Michigan. Tied to the “Code of Ethical Conduct” http://supolicies.syr.edu/ethics/code_conduct.htm

5. **Programming and training**
 - a. University of Michigan <http://www.voices.umich.edu/> Have designed and implemented training sessions and a workshop series on High Quality Connections (HQC) at Work based on the work of Professor Jane Dutton, Stephen M. Ross School of Business, U of Michigan. (http://webuser.bus.umich.edu/janedut/High_Quality_Connections.htm). The HQC model focuses on 4 elements of positive working relationships: respectful engagement, task enabling, trust and play. Participant manuals and other materials have been developed. This initiative is connected into the “Expect Respect” campaign and the Campus Commitment discussed earlier. Contact person: Mary Ceccanese (ceccanes@bus.umich.edu)
 - b. IUPUI http://www.iupui.edu/common_theme/2013/about/theme/ Have established a Common Theme Series to initiate conversations about important national and global issues. The Theme for 2013-2015 “Finding your voice, Hearing my voice: Creating civil conversation”.
 - c. Minnesota State University – Mankato. <http://www.mnsu.edu/civility/> Developed and promote a civility campaign that involves resources and community events.
 - d. Rutgers <http://projectcivility.rutgers.edu/about-project-civility> Focused on development and facilitation of campus wide discussions of civility (P.M. Forni’s work) through a variety of events.
 - e. UC Davis <http://civilityproject.ucdavis.edu/home.html> Developed a website “Limits of Civility”, which provides examines the foundations, missions, vision, fractures and challenges in the UC system regarding issues of civil and respectful engagement.

6. **Academic Unions:**

Working with issues of discrimination, harassment and inappropriate behaviors on campus requires discussion of the implications of academic freedom and freedom of speech.

a. American Association of University Professors (AAUP)

<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm> discusses the meaning of academic freedom. Note that “respect for the opinions of others” is considered important part of responsible behaviors

Canadian Association of University Teachers (CAUT). Has articles including all forms of harassment as workplace violence <http://www.caut.ca/docs/default-source/health-safety-fact-sheets/violence.pdf#sthash.cbwG2VX6.dpuf>

<http://www.caut.ca/issues-and-campaigns/academic-freedom> This is their statement on academic freedom

Materials from other organizations

1. **Joint Commission on Accreditation of Healthcare Organizations (JCOAH)**

http://www.jointcommission.org/assets/1/18/SEA_40.PDF Details on the policies, procedures, and activities required of healthcare organizations in addressing disruptive and inappropriate behavior by healthcare workers, including physicians. Very thorough articulation of various processes and activities that need to occur to establish and support respectful and effective working environments.

2. **Veterans Health Administration (VHA) of the US Dept. of Veterans Affairs Civility, Respect and Engagement in the Workplace (CREW) initiative.** Based on data from their All Employee Surveys, the VHA became aware that (in)civility was a prime driver of key outcomes in the organization. Specifically, uncivil and disrespectful behavior was costly both at an individual level in terms of job satisfaction and productivity and at a facility level in terms of patient satisfaction and quality of care. In their third phase of an innovative pilot program, the VHA has developed a program directed at changing the culture of units to focus on respect and engagement. Working closely with employees in units, respect is defined and operationalized by the employees themselves and then support and training are provided to achieve the employee generated vision. The program has generated a lot of attention from other institutions across the US and Canada. For further information, contact Linda Belton, Director, Organizational Health, VHA at Linda.Belton@va.gov. See also Belton, L and Dyrenforth, S. (2007, Sept/Oct) Civility in the workplace: Measuring the positive outcomes of a respectful work environment. *Healthcare Executive*, 40-43.