

Faculty Forum on Anti-Bullying Policies

*Facilitated by the
Faculty Governance Committee
Thursday, February 16, 2023 • 3PM • WebEx*



The Thicket of Anti-Discrimination Law

- Chapter 42 USC
 - Race – Title VII as amended by §1983
 - National Origin – Title VII & Executive Order 11246
 - Gender – Title VII Civil Rights Act of 1964, Title IX Education Amendments Act of 1973, Equal Pay Act, Executive Order 11246
 - Age – Age Discrimination in Employment Act (ADEA)
 - Disability – Americans with Disabilities Act (ADA), Rehabilitation Act of 1973



**THERE ARE NO FEDERAL LAWS TO
PROTECT AGAINST WORKPLACE
BULLYING.**

And few states have laws (not NC);
therefore....



In the United States, when such abuses occur, because of Title VII protected class status, an employee can take action to halt the malevolence. **However, when the same behavior occurs because the powerful colleague operates from a position of envy, antipathy, thoughtless impulsivity, or underdeveloped emotional intelligence, the target of the abuse is left without options because none of these abuses alone can lead to a viable complaint**



Hollis, L. P. (2021). *Human resource perspectives on workplace bullying in higher education: Understanding vulnerable employees' experiences*. Routledge (p. 13).

Evidence of Workplace Bullying at ECU

- From the University Ombuds (Fall 2019-Fall 2022)
 - 147 Evaluative (Superior/ Subordinate + Relationships)
 - 98 (Policy, Benefits, Career Progression, + Process Questions, Standards, Legal/Regulatory Questions/Issues)
 - 37 Peer Relationships

Total: 262 Cases



Evidence of Workplace Bullying at ECU

[At ECU] there doesn't seem to be a really clear way to... silo individual faculty who are problematic. Who, you know, are taking a ton of chair resources or, you know, behind the scenes administrator resources. And I know this is sort of a tenure problem in general, but I feel like at ECU, again like the treading water, like we're all just documenting and we're documenting and we're documenting and then we are like, bring in training through the people who are brutalized by this person. And we're making sure that security knows that we have a problem. But when we can't do anything about that person coming in, teaching students every day. And so it feels like an intersection of, like, the time wasting, annoying stuff that everyone else has to respond to. But yeah, yeah, we have a couple of those in our department, so. – *Untenured Faculty*



Evidence of Workplace Bullying at ECU

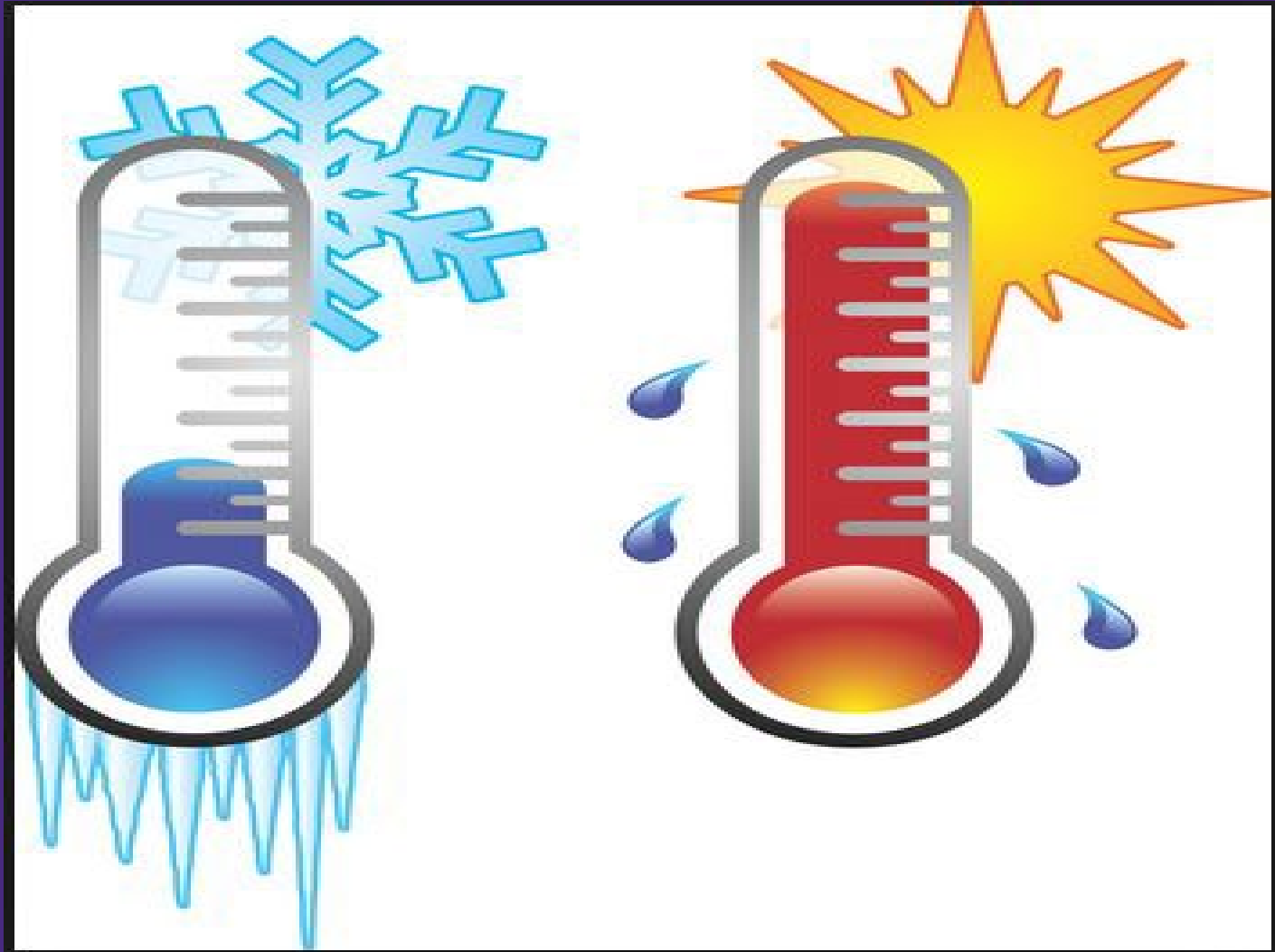
When I first came [to ECU], I had a chair who was a woman and I thought oh, great, you know... But she was yeah, not transparent, kind of manipulative. And I just I didn't feel supported. ... I feel like I succeeded, despite her...I would have maybe wanted to apply for jobs during that period. But I just kind of felt like I wasn't good [enough for] jobs elsewhere. Yeah. And, and I think that was part of it. I mean, she just, you know, was constantly kind of beating down on me. And she had favorites. I mean, she definitely had favorites. And I was not one of them. – *Full Professor*

The problem is with your advisor, creating a lab that allows you to be mistreated by the male postdoc in there. Right. So what do we do? What are the solutions? I can listen, and I can offer advice, but I can't fix it? Well, I mean, maybe that has some sort of effect. But I think it's more of a bandaid than an actual repair.

– *Full Professor recounting a conversation with a graduate student who reported that their advisor created a hostile work environment in which a postdoc was described as abusive. In spite of the report, no changes were made.*



Chilly Climates & Hostile Environments



Stop workplace bullying

It's not normal — it's unreasonable.



Workplace Bullying and Disruptive Behavior:

What Everyone Needs to Know

What is workplace bullying and who is affected?

Workplace bullying refers to *repeated*, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s).

Workplace bullying often involves an abuse or misuse of power. Bullying behavior creates feelings of defenselessness and injustice in the target and undermines an individual's right to dignity at work.

Bullying is different from aggression. Whereas aggression may involve a single act, bullying involves repeated attacks against the target, creating an *on-going pattern* of behavior. "Tough" or "demanding" bosses are not necessarily bullies as long as they are respectful and fair and their primary motivation is to obtain the best performance by setting high yet reasonable expectations for working safely. Workplace bullying can be instigated by coworkers, supervisors, contract workers, or labor representatives.

Some bullying situations involve employees bullying their peers, rather than a supervisor bullying an employee. The term mobbing refers to a group of coworkers targeting another worker. Supervisors should intervene immediately to address and stop mobbing behaviors.

In a prevalence study of U.S. workers, 41.4% of respondents reported experiencing psychological aggression at work in the past year representing 47 million U.S. workers (Schat, Frone & Kelloway, 2006). The research found that 13%, or nearly 15 million workers, reported experiencing psychological aggression on a weekly basis.

Examples of bullying:

- Unwarranted or invalid criticism
- Blame without factual justification
- Being treated differently than the rest of your work group
- Being sworn at
- Exclusion or social isolation
- Being shouted at or being humiliated
- Excessive monitoring or micro-managing
- Being given work unrealistic deadlines

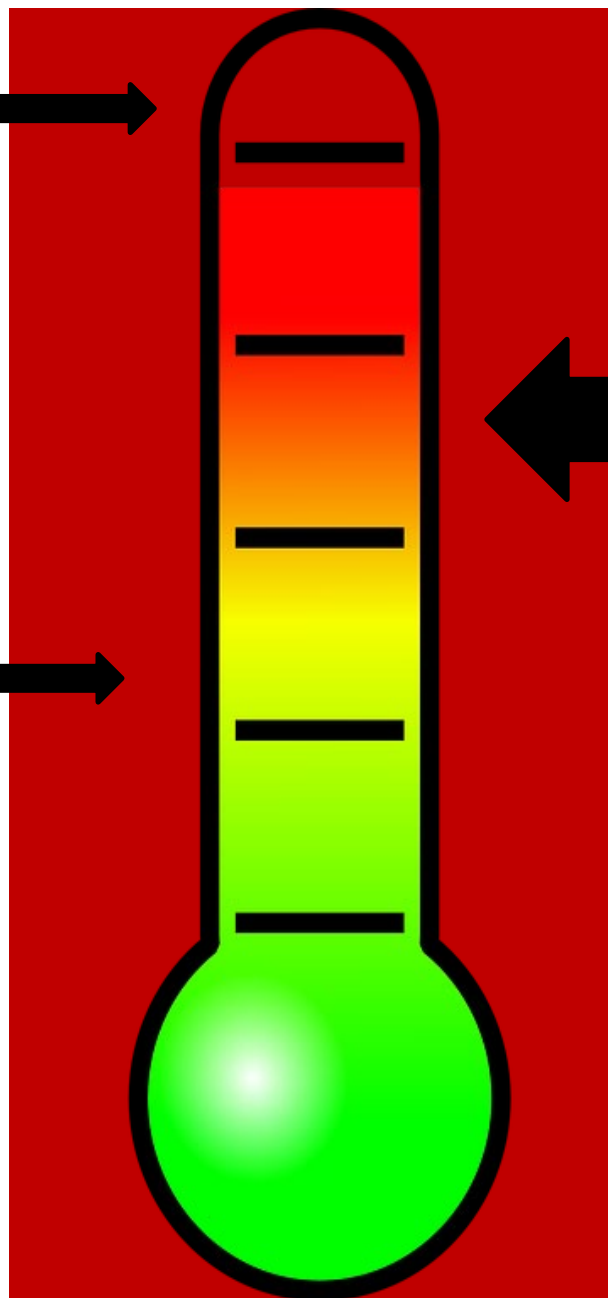
Learn more: www.NoBullying.Lni.wa.gov



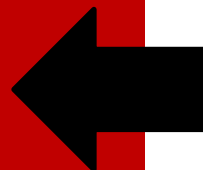
Hostile Environment



Microaggressions

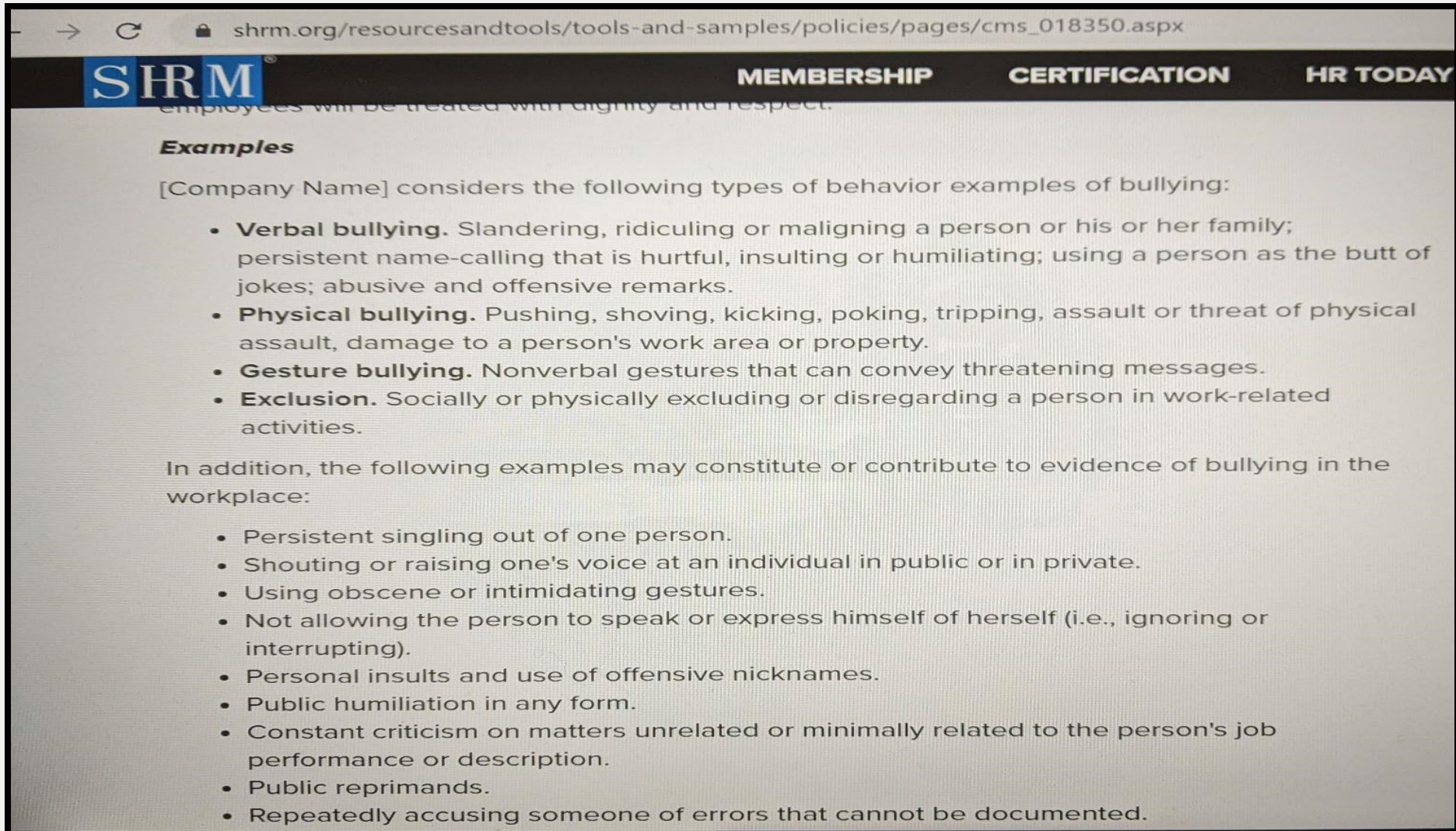


Policy Aim



SHRM Model Workplace Bullying Policy

https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_018350.aspx



The image is a screenshot of a web browser displaying the SHRM Model Workplace Bullying Policy page. The browser's address bar shows the URL: [shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_018350.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_018350.aspx). The page header features the SHRM logo on the left and navigation links for MEMBERSHIP, CERTIFICATION, and HR TODAY on the right. Below the header, a partial sentence reads "Employees will be treated with dignity and respect." The main content area is titled "Examples" and begins with the text "[Company Name] considers the following types of behavior examples of bullying:". This is followed by a bulleted list of four types of bullying: Verbal bullying, Physical bullying, Gesture bullying, and Exclusion. Below this list, the text states "In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:" followed by another bulleted list of ten specific behaviors.

→ [shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_018350.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_018350.aspx)

SHRM MEMBERSHIP CERTIFICATION HR TODAY

Employees will be treated with dignity and respect.

Examples

[Company Name] considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.

Proposed Policy (revised)

Addition to Part V, Section II of the Faculty Manual (Academic Freedom, Professional Ethics, Diversity, Equity and Inclusion).

As colleagues, faculty will refrain from repeated, unreasonable actions directed towards other members of the university community which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of others. Expressing disagreement with others is an essential component of professional academic conduct. Professional expressions of disagreement that occur in scholarly and other professional contexts have the potential to cause those involved to feel intimidated or humiliated. Professional expressions of disagreement that do not involve bullying conduct of the sorts that are listed above are academically appropriate actions. Further description of bullying is provided in [X.]

Further Committee Action Based on Forum Feedback

- Remove “unreasonable”
- Strike first sentence beginning with “Professional expressions of disagreement...”
- Review Part V, Section II to streamline

Please share confidential feedback with us via <https://tinyurl.com/bnsne46v> or



References

- Gafford Muhammad (bka Chambers), C. (2007). An oasis within a *Desert Palace*: Proving sex discrimination in the new millennium. *The National Women's Association Journal*, 19(3), 67-86
- Hollis, L. P. (2021). *Human resource perspectives on workplace bullying in higher education: Understanding vulnerable employees' experiences*. Routledge.
- Keashly, L. (2021). Workplace bullying, mobbing and harassment in academe: Faculty experience (pp. 221-297). In *Special Topics and Particular Occupations, Professions and Sectors*. Springer Nature.



A fuller exploration of the literature on bullying in the academic workplace was supported by THRIVE@ECU