

Human Resources: HR0580-K Bullying Procedure	
Version: 1	Effective Date: 08/01/2022

Objective

UTK values the well-being of its employees and recognizes that bullying in the workplace can significantly impact a person's dignity and their physical and mental health. Hence, UTK is committed to maintaining a healthy educational and work environment. All employees, as well as those interacting with employees in the course of UTK's operations, have the right to be treated with dignity and respect. As part of an overall effort to have a positive work culture, UTK prohibits employees from engaging in bullying.

This procedure makes clear that bullying is unacceptable on our campus. In instances where this behavior is happening, this procedure provides guidance on available resources.

Scope

This procedure applies to faculty or staff who may be the subject of the complaint filed by a university employee, regardless of the complainant's role at UTK and regardless of work location (on campus, remote, hybrid, etc.).

Roles

The Office of Ombuds services receives visitors who may wish to discuss concerns related to bullying, or to pursue an informal solution. The Office of Equity and Diversity may receive visitors who perceive that their experiences concern matters related to protected class. Human Resources assists individuals who may wish to pursue formal solutions.

Definitions

Bullying: a type of abusive conduct, includes acts that would cause a reasonable person, based on the severity, nature, and/or frequency of the conduct, to believe that they are subject to an abusive work environment.

Bullying may include but is not limited to the following, whether directed towards an individual or a group:

- Verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
- Written, verbal or physical acts, or electronic communication, directed toward a person that a reasonable person would perceive to cause physical harm or substantial emotional distress;

- Verbal, nonverbal, or physical conduct that is intended to shame, embarrass, humiliate, degrade, demean, intimidate, and/or threaten an individual or group;
- The sabotage or undermining of an employee's work performance in the workplace.

For a violation of this Procedure to occur, such acts must be sufficiently pervasive, persistent, and/or severe that a reasonable person would find that it creates an educational, work, or living environment in which a person is unreasonably excluded from participation in or denied the benefits of the University's educational or work programs or activities. Unless sufficiently pervasive, persistent and/or severe, a single act typically would not constitute bullying.

Behaviors that constitute bullying, if directed towards an individual or group, may include:

- Abusive expression that is physical, verbal, or written (print and/or electronic);
- Behaviors that exclude, ignore, dismiss, ostracize, or deliberately humiliate;
- Performance feedback delivered by yelling, screaming, making threats and/or insults;
- Abuse of authority, such as using inappropriate threats or retaliation in the exercise of authority, or impeding another person from exercising rights under the law or University policies.
- Tampering, damaging, or destroying work output, work equipment, or personal effects;
- Using condescending, humiliating, or vulgar language;
- Shouting or using obscene, derogatory, mocking gestures and language;
- Knowingly making false, misleading, or malicious statements, verbally or in writing; or,
- Criticizing or blaming that is unfounded.

Bullying behavior does not include:

- Rude or inconsiderate behavior that does not single out an individual or group;
- Critical feedback on the inappropriate behavior of individuals, poor performance, failure to follow policy, or disciplinary procedures undertaken in accordance with applicable campus policies;
- Differences of opinion, interpersonal conflicts, and occasional disagreements, which are often part of academic and working life and do not necessarily constitute bullying.
- Routine coaching and counseling, including constructive feedback about and correction of work performance;
- Conveying reasonable work assignments, including shift and overtime assignments;
- Exercising individual differences in styles of personal expression;
- Engaging in passionate, loud expression with no intent to harm others;
- Expressing differences of opinion on work-related concerns; or
- The non-abusive exercise of managerial prerogative.

This Procedure should also be construed within the context of the University's commitment to academic freedom and free inquiry, and the understanding that the University is a place that encourages reasoned dissent and the free exchange of ideas, beliefs, and opinions, however unpopular. This Procedure is not intended to constrain the freedom of University community members to engage in academic disagreements or to speak out about troubling matters, criticize

the administration or University policies, or take part in political protest. Bullying does not include constitutionally protected activity or conduct that serves a legitimate purpose.

Procedure

I. Seeking Resources:

UTK offers faculty and staff informal resources to assist them when they have concerns regarding bullying incidents. Faculty and staff are welcome to explore these resources that can help them navigate the workplace situation through either informal conversations or formal processes. These resources include, but are not limited to: the Office of Human Resources, the Office of the Ombuds Services, and the Employee Assistance Program, as well as any other resource offered at the departmental level.

II. Filing a Complaint:

If an informal resolution is not feasible or any party wishes to follow a formal process, an official complaint may be submitted directly to the Office of Human Resources. Formal complaints must be in writing and filed within 300 days of the most recent incident. Please call the Office of Human Resources to speak to the Director of Employee Relations (or the director's designee) to file a complaint. In certain circumstances, at the discretion of HR, complaints filed outside that time limit, or not submitted in writing, may be investigated.

III. Investigative Activities:

The Office of Human Resources will investigate all formal complaints of workplace bullying within 60 calendar days unless extenuating circumstances prohibit a timely investigation. If the last day of the 60-day deadline falls on a non-business day, the deadline would extend to the following business day. Members of the UTK community shall cooperate with the review and/or investigative process. Even if there is no finding of policy/procedure violation, HR will share applicable organizational observations in order to improve working relationships.

Penalties/Disciplinary Action for Non-Compliance

The Office of Human Resources will report all findings in workplace bullying investigations and make recommendations to the appropriate campus administrators not named in the complaint (supervisor, next-level supervisor, Department Head, Dean, Provost, and/or Chancellor). That administrator, in consultation with the university's Office of the General Counsel, will make any and all final decisions related to the finding, taking corrective action when warranted. While the process is underway, the University may impose interim measures for the duration of the review, including but not limited to administrative leave. All parties named in the complaint will receive a decision letter in writing within one year of the original complaint unless extenuating circumstances prohibit a timely resolution.

This procedure expressly prohibits retaliation against employees making good faith reports as provided for in this procedure, even where the concerns are ultimately unsubstantiated. False

reports of prohibited behavior that are found to have been made intentionally are also a violation of this procedure. Policy violations may result in University disciplinary action in accordance with established policies and procedures, as appropriate.

Responsible Official & Additional Contacts

Subject Matter	Office Name	Telephone Number	Email/Web Address
Policy Clarification and Interpretation	UTK Human Resources	865-974-6642	hr@utk.edu
Policy Training	UTK Human Resources	865-974-6642	hr@utk.edu

Related Policies/Guidance Documents

HR0580 - Code of Conduct