

University Policies

Policy Name: Workplace Environment	Effective Date: July 1, 2011
Custodian of Policy: Director of Human Resources	Last Review: August, 2005
	Next Review: September 2018

Policy

While in an employment related capacity, either on University property or while conducting University business at other locations, each employee or student-employee is obligated to act civilly, respectfully and professionally towards others and is prohibited from subjecting any other employee or student-employee to any form of workplace violence/aggression, harassment and/or bullying.

Employees who engage in violent, threatening, harassing or bullying behavior may be:

- Subject to removal from the premises;
- Subject to disciplinary action, up to and including dismissal or expulsion; and/or
- Subject to arrest and criminal prosecution.

Any sanctions within this policy would be in compliance with established collective bargaining agreements.

Nothing in this policy is intended to infringe against an employee's right to freedom of speech or expression and/or academic freedom. In situations where verbal statements or other forms of expression are involved, due consideration will be given to an employee's constitutionally protected right to free speech and academic freedom. However, these freedoms come with a responsibility that all members of our university community are allowed to work in an environment free from intimidation, exploitation, coercion, violence, aggression, harassment, and/or bullying.

Complaints or allegations of discrimination, harassment, and/or retaliation based on membership in a protected group as defined by MnSCU Policy 1B.1 must be submitted to the Office of Affirmative Action. Any such complaints based on a protected status are dealt with according to the policies and procedures of MnSCU Policy 1B.1 and Procedure 1B.1.1. MnSCU Policy 1B.1 may be found at <http://www.mnscu.edu/board/policy/1b01.html>. Procedure 1B.1.1 is available at <http://www.mnscu.edu/board/procedure/1b01p1.html>.

Procedures

Applicability

This policy applies to all levels and areas of University operations and programs relating to employment related responsibilities, events or activities. This includes classrooms as well as University events or functions which student-employees, faculty, administrators and staff attend or in which they participate.

Definitions

Workplace violence or aggression:

Any incident of direct or indirect physical or verbal assault, threat, or intimidating behavior occurring in the workplace. Workplace violence may involve, but is not limited to, any violent, threatening, or intimidating act by any individuals covered by this policy.

Examples of workplace violence or aggression include, but are not limited to:

- Verbal or non-verbal threats to inflict harm, including vague threats;
- Throwing or pushing objects, punching walls, and slamming doors; and,
- Physical assault, hitting, slapping, pulling hair or other unwanted physical contact.

Harassment:

Any direct or indirect behavior that is intended to interfere with the work performance of another or to create a hostile work environment.

Examples include, but are not limited to:

- Abusive or offensive behavior;
- Emails [electronic media: Facebook, YouTube, texts, tweets, etc.] of a harassing nature;
- Constant unwarranted criticism, intimidation based on the power structure, inconsistent enforcement of rules, unreasonable job demands including the assignment of meaningless tasks, etc.;
- False or malicious statements; and,
- Withholding resources and information such that another is unable to perform the functions of their position.

Workplace bullying:

Repeated actions and practices that are directed at one or more employees, which are considered unwanted / unwelcome behavior. These actions or practices may be initiated deliberately or unconsciously in order to cause humiliation, offense and distress. They may result in interference with job performance and/or cause an unpleasant working environment.

Responsibilities

All individuals covered by this policy:

- Must respect the principles of freedom of speech/expression and academic freedom;
- Must refrain from workplace violence/aggression, harassment and bullying;
- Are encouraged to seek assistance to resolve individual personal issues that may lead to workplace violence and/or harassment;
- Are encouraged to resolve issues informally and directly with the individuals(s) involved whenever possible;
- Are encouraged to report unresolved incidents of workplace violence/aggression, harassment and/or bullying.

Supervisors, managers, directors, deans and other administrators:

- Must report and respond to complaints under this policy;
- Must report potential criminal activity in accordance with the Campus Crime Reporting Policy. Failure to comply with the requirements of the Crime Reporting Policy could result in disciplinary action. (<http://www.mnsu.edu/acadaf/pdfs/CrimeReportingPolicy.pdf>);
- Must report any potential discrimination, harassment, and/or retaliation based on membership in a protected group as defined by MnSCU Policy 1B.1. MnSCU Policy 1B.1 may be found at <http://www.mnscu.edu/board/policy/1b01.html> and the [1B.1.1](http://www.mnscu.edu/board/policy/1b01.html) Procedure is available at <http://www.mnscu.edu/board/procedure/1b01p1.html>; and,
- Must provide opportunities for all employees to attend basic bullying and aggression training.

Training

Training on workplace violence/aggression, harassment or bullying will occur at all employee levels. Training will be customized for certain groups according to their role in addressing these issues.

All employees:	All employees will receive basic training. New employees will receive this training as part of their new employee orientation.
All supervisors:	All supervisors will receive basic supervisory training plus additional training on responding to allegations of violence/aggression, harassment or bullying within one year of their employment.
President's Cabinet:	The President's Cabinet and Expanded Cabinet will receive basic training, supervisor training, plus additional training on the importance of a zero tolerance culture, including risks for individuals and the university.
Bargaining Units:	Bargaining unit leaders will receive basic training plus additional training on this policy.

Employee Support

Employees who believe they have been subjected to acts or behavior prohibited under this policy often experience job performance issues. Employees are encouraged to contact the State of Minnesota's Employee Assistance Program at: 651.259.3840 or 1.800.657.3719, which provides confidential, accessible services, including counseling and referral services, to individual employees. More information can be found at: <http://www.mmb.state.mn.us/eap>.

Employees who are covered under a collective bargaining agreement may also consider seeking assistance from their union representatives in filing and processing complaints under this policy. Bargaining unit representatives, at the request of the bargaining unit member, may be involved in providing direction and guidance to complainants and respondents during all phases of this policy.

Filing Complaints

Employees who believe they have been subjected to acts or behaviors identified under this policy and have not been able to resolve it informally or directly with the involved individuals may file a complaint.

- A. Filing a complaint. Complaints must be filed initially with the employee's chain of supervisory/administrative responsibility at the first appropriate level. In situations where the supervisor/administrator is the alleged wrongdoer, the complaint should be filed at the next highest level. Employees filing a complaint are strongly encouraged to submit a Workplace Environment Policy Employee Complaint Form.
- B. Right to representation. Bargaining unit employees filing, responding to, or participating in the resolution of a Workplace Environment complaint shall be informed of their right to bargaining unit representation at all stages of this procedure.
- C. Informal resolution process. Supervisors, managers, directors, deans and administrators (supervisors/administrators) will strive to resolve complaints, which may include appropriate corrective or disciplinary action, within ten (10) working days of the filing date. They will provide written notification to complainant(s) and respondent(s) regarding the resolution of the complaint. The date of delivery of the written notification letter must be properly documented and filed with the complaint form in the supervisor's/administrator's office. Letters of Expectation and/or communications to employees involving corrective or disciplinary action should be filed with Human Resources. Human Resources may be contacted for assistance or for referrals to other appropriate university or non-university resources. In situations where the supervisor/administrator fails to resolve the complaint within ten (10) working days of the filing date, the employee may then file the complaint at the next highest level.
- D. Formal resolution. When the informal resolution process is not a viable option or is not successful, the supervisor/administrator or the Offices of Human Resources and Affirmative

Action will conduct an investigation into the complaint. In situations where the supervisor/administrator determines a non-departmental investigation would be advisable, they should consult with Human Resources. The Offices of Human Resources and Affirmative Action will then determine the appropriate office to conduct the investigation based on the subject matter of the complaint and available resources. They reserve the right to attempt to resolve the complaint via the informal process before conducting a formal investigation.

The investigator will have sixty (60) working days to investigate the complaint unless exigent circumstances require an extension of the timeline. If a timeline extension cannot be avoided, the investigator will provide written notification to the complainant(s) and respondent(s) that the investigation will extend beyond sixty (60) days. If the supervisor/administrator investigates the complaint, the decision-maker will be the supervisor/administrator at next highest level within the same department/division. If this individual has a conflict of interest and cannot serve as the decision-maker, Human Resources will assist in appointing an internal or external decision maker. When the Offices of Human Resources, or Affirmative Action, acts as the investigator, Human Resources will appoint an internal or external decision-maker. The designated decision-maker should strive to provide a written decision to the complainant and respondent within ten (10) working days of receiving the investigation report. At the conclusion of all investigations, a copy of the investigation report must be filed with Human Resources.

- E. Complaint filed against a Vice President. Complaints filed against a Vice President shall be filed with Human Resources. The Offices of Human Resources and Affirmative Action will then determine the appropriate office to facilitate an informal resolution or conduct an investigation based on the subject matter of the complaint and available resources. Under certain circumstances, an external investigator may conduct the investigation.

Upon completion of the investigation, an investigation report will be delivered to Human Resources who will appoint an internal or external decision maker. The designated decision-maker should strive to provide a written decision to the complainant and respondent within ten (10) working days of receiving the investigation report.

- F. Complaint filed against the President. Complaints filed against the President shall be resolved by the Office of the Chancellor which shall have final resolution authority. The Chancellor may designate a representative to review and/or investigate the complaint and prepare a report including their decision for consideration by the Chancellor who shall make the final determination on the merits.

Decision Appeal Process

- A. Formal resolution appeal. Should a complainant or respondent be dissatisfied with the decision-maker's determination, they may appeal, in writing, within five (5) working days of delivery of the decision to their Vice President or President (for those units reporting to the President) for a final determination. The responsible Vice President is the Vice President of the division where the complainant is employed. The Vice President shall have ten (10) working days in which to review the appeal, meet with the complainant, respondent or witnesses as he/she deems appropriate, and issue a final written decision. Corrective or disciplinary action issued by the investigation-level decision-maker remains in effect unless overturned by the appeal-level decision-maker.
- B. Appeal involving a Vice President. Complaints filed against a Vice President shall be appealed to the President, who shall have ten (10) working days in which to review the complaint, meet with the complainant, respondent or witnesses as s/he deems appropriate, and issue a final written decision. Corrective or disciplinary action issued by the investigation-level decision-maker remains in effect unless overturned by the President.

Timelines

Timelines for reaching an informal resolution or conducting a formal investigation may be extended for reasonable periods of time to allow for the presence of parties on campus or as otherwise deemed appropriate. Any extension of time must be communicated to the complainant and respondent in writing.

Sanctions

Employees found in violation of the Workplace Environment Policy may be subject to corrective or disciplinary action, up to and including termination, in accordance with their respective collective bargaining agreement or personnel plan.

Retaliation

Retaliation, reprisal or intimidation in conjunction with a complaint filed under this procedure is prohibited. Any individual who retaliates against any person who: 1. files a Workplace Environment Policy complaint; 2. testifies, assists, or participates in an informal resolution or formal investigation; or 3. opposed conduct the employee reasonably believed was a violation of the Workplace Environment Policy, shall be subject to corrective or disciplinary action, up to and including termination. Any corrective or disciplinary action imposed must be in accordance with the appropriate collective bargaining agreement or personnel plan.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, coercion, discrimination, harassment or retaliation toward an individual who files, testifies, assists, or participates in a Workplace Environment Policy complaint and/or who opposed conduct reasonably believed to be a violation of this policy. Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Rationale

Minnesota State University, Mankato is committed to its Core Values of Integrity, Diversity, Access, Responsibility and Excellence, and to maintaining a workplace environment that is free from all acts or threats of workplace violence/aggression, harassment and/or bullying perpetrated by employees, students, or members of the public against University employees. This policy is in compliance with Minn. Stat. 15.86 that mandates that each agency of state government adopts a goal of zero tolerance of violence in, and around, the workplace and Minn. Stat. 1.5 whereby the State of Minnesota adopted a policy of zero tolerance of violence and established that every person in the state has a right to live free from violence.



Workplace Environment Policy Minnesota State University, Mankato Employee Complaint Form

Date: _____

Name of Complainant:	Work Phone: ()
Address:	
City, State, Zip:	
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	
Department:	Title:

Type of Workplace Complaint:

Violence/Aggression Harassment Bullying

I feel that I was subjected to workplace violence/aggression/harassment/bullying by:

Name of Respondent:	Work Phone: ()
Address:	
City, State, Zip:	
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	
Department:	Title:

(If necessary, attach additional pages.)

Please list potential witnesses you believe possess information about your complaint.

Name of Witness:	Work Phone: ()
Address:	
City, State, Zip:	
Status: <input type="checkbox"/> Student <input type="checkbox"/> Faculty <input type="checkbox"/> Staff <input type="checkbox"/> Administrator <input type="checkbox"/> External/non-campus	
Department:	Title:

(If necessary, attach additional pages.)

Please list and attach any documents you believe may help in investigating your complaint.

Document Title	Date of Document

Please explain your complaint in detail. Include incidents/reason(s) you wish to report, describing any other incidents, which preceded it that bear on the same problem. Attach additional pages if necessary.

(If necessary, attach additional pages.)

Briefly state your desired resolution to the problem:

(If necessary, attach additional pages.)

I certify that the above statements are true and correct.

Complainant (Printed Name)

Complainant (Signature)

Policy: Workplace Environment

Formal Review Process	Date Submitted	Date Reviewed
MSUAASF Meet and Confer	February 17, 2011	April 14, 2011
Faculty Association Meet and Confer	February 17, 2011	April 14, 2011
Classified Meet and Confer	February 17, 2011	April 14, 2011
MSSA Meet and Confer	February 17, 2011	April 14, 2011
✓ Director of Human Resource's Recommendation		Date
✓ President's Approval		Date