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Metropolitan State University of Denver
Workplace Bullying Complaint Procedures
Workplace Bullying Complaint Procedures

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Workplace Bullying Complaint Procedures

I. Workplace Bullying Definition

A. Description

This policy addresses all employees, including student employees, applicants for employment and others in the workplace environment, including members of the public.

This policy is not intended to, and will not be applied in a way that would violate rights and responsibilities with regard to academic freedom and freedom of expression, nor will it be interpreted in a way that undermines a supervisor’s authority to appropriately manage their work unit.

Bullying is a form of aggression; the actions can be both obvious and subtle, forming a pattern of behavior where more than one incident takes place. Workplace bullying can involve supervisor to subordinate, peer-to-peer, mobbing (group bullying) and situations when a subordinate subjects a supervisory-level employee to bullying.

B. Definition

Unwanted repeated aggressive behavior that manifests as verbal abuse, conduct that is threatening, humiliating, intimidating, or acts of sabotage that interfere with work, consequently creating a hostile, offensive and toxic workplace.

C. Examples

Below are examples of bullying, however, it is important to note that the following is not a checklist, nor a complete and absolute indicator of all forms of bullying.

Examples (repeated aggressive behavior) include:

- Threatening gestures and/or physical abuse
- Unwarranted (or undeserved) punishment
- Criticizing a person persistently or constantly
- Personal attacks (angry outbursts, profanity, name calling)
- Spreading malicious rumors, gossip, or innuendo
- Encouragement of others to turn against the targeted employee
- Undermining or deliberately impeding a person’s work
- Conduct that a reasonable person would find hostile, offensive, unacceptable and unrelated to the employer’s legitimate business interests

D. Not Bullying

A supervisor who accepts responsibility, makes clear and decisive decisions, provides detailed constructive criticism, resolves conflict quickly, is truthful and values others is not a bully. A co-worker who provides honest first-hand information to their supervisor, reports criminal and harmful activity and institutional policy violations is not a bully.
Below are examples of non-bullying actions, however, it is important to note that the following is not a checklist, nor a complete and absolute indicator of all forms of non-bullying.

Examples include:

- A supervisor making clear and decisive decisions that are unpopular
- A supervisor engaging in difficult conversations with employees
- A supervisor addressing poor work performance
- A co-worker giving a poor performance rating while participating in a formal evaluation
- A co-worker or supervisor reporting a perceived violation of a policy or procedure
- A co-worker or supervisor reporting a criminal activity
- A co-worker or supervisor reporting a violation of a university policy
- Employees engaging in respectful, robust debate

II. Reporting

When an employee believes that he or she is the target of behavior that may satisfy the definition of workplace bullying, as defined in the University policy on bullying, the employee should report any and all incidents immediately to their supervisor, or the supervisor of the alleged bully.

Administrators and Classified employees have the right to report alleged bullying activity directly to Human Resources by submitting a written complaint with supporting documentation.

Tenured, Tenure Track, Category II and III faculty have the right to report alleged bullying activity directly to their Dean’s Office by submitting a written complaint with supporting documentation.

A. Mandatory Cooperation

All employees, supervisors, managers, appointing authorities and agents of MSU Denver shall cooperate with any investigative process or resolution, whether informal or formal, by the appropriate investigator. Any MSU Denver employee who fails to cooperate and/or attempts to impede participation in an investigation will be subject to disciplinary action, up to and including dismissal. To enable MSU Denver to achieve the goals of this policy, Human Resources and the Deans’ Offices shall have access to all relevant and necessary information.

B. Non-retaliation

This policy prohibits retaliation against employees who report potential workplace bullying or participate in the investigation of the complaint. Any employee bringing a complaint under this policy, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor dismissed because of the complaint. Anyone who engages in retaliatory action will be subject to disciplinary action, up to and including dismissal. Retaliation is defined as activity that may dissuade a reasonable person from exercising his or her rights under this policy.
Employees who report alleged bullying complaints that they know are false may be subject to disciplinary action within the University, and/or external legal action from those they have falsely accused.

C. Confidentiality

To the extent feasible, information provided in the complaint and investigation process will be treated as confidential. However, MSU Denver will disclose information if deemed reasonably necessary to investigate and take appropriate corrective or disciplinary action, or to defend such corrective or disciplinary action, if required by law.

D. Witnesses

When an employee has witnessed or been made aware of behavior that may satisfy the definition of workplace bullying (as defined in the University policy on bullying), the employee should immediately report any and all incidents to their supervisor, or the supervisor of the alleged bully, Human Resources or the appropriate Dean’s Office if a faculty member is involved.

E. Supervisors

When a supervisory level employee is notified about possible workplace bullying behavior he or she must immediately notify Human Resources or the appropriate Dean’s Office if a faculty member is involved.

III. Procedures

A. Filing

1. Complaints that are related to unlawful discrimination (e.g., retaliation or harassment) take precedence over the workplace bullying policy’s internal process and must be filed in accordance with the appropriate procedures provided in the Office of Equal Opportunity.

2. All bullying complaints shall be filed using the Bullying Complaint Form in Section IX of this document and shall be filed in Human Resources or the appropriate Dean’s Office if a faculty member is involved.

B. The complaint form shall:

1. be signed by the complainant;

2. describe in detail the specific incident(s), occurrence(s), decision(s), and other factual matters believed to constitute bullying;

3. name as the respondent(s) the individual(s) whom the complainant believes to have engaged in prohibited behavior; and

4. include a brief statement describing the resolution, relief or action requested by the complainant.
C. Jurisdiction under these procedures are met when:

1. the allegations of the complaint meet the definition of a complaint as defined in the Workplace Bullying Complaint Procedure; and
2. the complainant has complied with Section B above.

IV. Reporting Definitions and Time Period

A. Working day means

A day on which the University holds regular class sessions or exams, and excludes Saturdays, Sundays and University holidays.

B. Complaint means

1. A dispute which is filed by a complainant on the form set forth in this Workplace Bullying Complaint Procedures document; and
2. alleges that a respondent engaged in bullying prohibited by University policy.

C. Complainant means

1. Any employee of the University and any applicant for employment or admission who alleges bullying by an employee of the University; or
2. any person who has been threatened with or subjected to retaliation by an employee of the University as a result of:
   a) opposing any bullying;
   b) filing a complaint or charge under this procedure;
   c) representing a complainant under this procedure; or
   d) testifying, assisting, or participating in any manner in an investigation, proceeding, hearing, or lawsuit alleging bullying; and who has filed a complaint under these procedures.

D. Party means a complainant or respondent.

E. Respondent means any employee who is alleged to have engaged in bullying.

F. In computing any period of time

The day of the act or event from which the designated period begins shall not be included in the period. The last day of the period shall be included, unless it is a Saturday, Sunday, University holiday, vacation day or other non-working day, in which event the period shall run until the next day which is a working day.
G. When an act must be done by a certain day it shall be done by 5:00 p.m. on that day.

H. Extending time periods

Human Resources or the Office of the Dean, as appropriate, may extend or shorten the time periods prescribed herein except that provided for the initial filing of a complaint.

I. Timeline

Complaints of bullying should be reported as soon as possible after the events which give rise to the complaint, but no later than 90 working days on which the complainant knew or reasonably should have known of such bullying behavior.

V. Investigation Process for Complaints Involving Administrators and Classified Staff

A. Human Resources

Administrators and Classified Staff have the right to report potential bullying activity directly to Human Resources by submitting a written complaint with supporting documentation.

1. Upon receiving a written complaint, in consultation with the Office of General Counsel (OGC), Human Resources (HR) will determine if a proper complaint of bullying was stated per the bullying definition and guidelines. If it is determined that a proper complaint is not stated, the complaint shall be dismissed. If a proper complaint of bullying is stated, the investigation will proceed.

2. HR, or an External Investigator (EI), will conduct a thorough and impartial investigation of the reported workplace bullying behavior and apply the “reasonable person” standard to the investigative record.

3. In consultation with the OGC, HR may also determine whether the behavior may be more appropriately addressed as workplace violence, workplace harassment, or sexual harassment and refer the complaint to the Office of Equal Opportunity.

4. HR, or an EI, will prepare a report, within 60 working days, of its findings and make recommendations to the appropriate MSU Denver administrator to dismiss the complaint or take corrective action (e.g., verbal/written warning, letter of reprimand, etc.) if appropriate.

5. The appropriate MSU Denver administrator shall issue a final decision, within 10 working days, and notify the alleged target(s), perpetrators(s) and department(s) of the outcome of the investigation.

VI. Investigation Process for Complaints Involving Faculty

A. Academic Deans

Faculty have the right to report potential bullying behavior directly to their respective Dean’s Office by submitting a written complaint with supporting documentation.
1. Upon receiving a written complaint, the Office of General Counsel (OGC) will determine if a proper complaint of bullying was stated per the bullying definition and guidelines. If it is determined that a proper complaint is not stated, the complaint shall be dismissed. If a proper complaint of bullying is stated, the investigation will proceed.

2. The Dean’s Office shall conduct a thorough and impartial investigation of the reported workplace bullying activity and apply the “reasonable person” standard to the investigative record.

3. The Dean may choose a trained internal investigator or a committee to conduct the investigation. In exceptional cases, an external investigator may be used.

4. The OGC will determine whether the behavior may be more appropriately addressed as workplace violence, workplace harassment, or sexual harassment and refer the complaint to the Office of Equal Opportunity.

5. The Dean’s Office will prepare a report, within 60 working days, of its investigative findings and make recommendations to the MSU Denver Provost to dismiss the complaint or take corrective action (e.g., verbal/written warning, letter of reprimand, etc.) or disciplinary action (e.g., suspension, etc. or termination) if appropriate. Only tenured faculty members are eligible to appeal disciplinary actions.

6. The Provost shall issue a final decision, within 10 working days, and notify the alleged target(s) and perpetrator(s) and department(s) of the outcome of the investigation and if any corrective or disciplinary action is warranted.

7. If the Provost determines that appealable disciplinary action may be warranted against a tenured faculty member, the matter will be referred to the President for final decision, within 10 working days, along with the investigative report of findings and recommendations.

VII. Corrective Action for Employee(s) found in Violation of the Workplace Bullying Policy

A. Respondent

The appropriate MSU Denver administrator will direct the department to refer the known perpetrator(s) to a professional organization/agency, (e.g. Colorado State Employees Assistance Program (CSEAP) or to the Human Resources training program for coaching in regard to bullying. Other forms of corrective action may include a verbal/written warning, letter of reprimand, disciplinary action (e.g., suspension or termination) if appropriate.

VIII. Education and Assessment

B. Training

The University Offices of Equal Opportunity and General Counsel will be responsible for developing and implementing investigative training for the appropriate University personnel that will conduct investigations for complaints of bullying behavior.
C. Complaint Data Collection

Prior to September 1 each year, the Human Resources and Deans’ Offices shall prepare a report of the dispositions of complaints initiated during the prior academic year. This report shall be prepared without names of the concerned parties and shall be submitted to the President.
Metropolitan State University of Denver
Workplace Bullying Complaint Form

Date: _________________________________
Name: _________________________________
900# (if applicable): ____________________
Mailing Address: _______________________
City/State/Zip Code: ____________________
E-mail: _________________________________
Phone: _________________________________
Alternate Phone: ________________________
Metropolitan State University of Denver
Workplace Bullying Complaint Form

Name: __________________________________________

Date: ___________________________________________

___Faculty   ___Administrator ___Classified ___Other

_______________________________________ (Fill in)

Type of Bullying Alleged

___Bullying by Co-worker

___Bullying by Supervisor

___Other

Summary of Alleged Complaint

1. Date on which alleged conduct first occurred: _________________________________________

2. Date on which alleged conduct most recently occurred: _______________________________

3. Names of witnesses (please specify whether employee, student, or other): ______________

________________________________________________________________________________

4. Name of person(s) who engaged in bullying (respondent): _____________________________

________________________________________________________________________________

5. Describe in detail the specific incidents, occurrences, decisions, and other factual matters believed to constitute bullying (if more space is needed, please attach additional sheets):

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

6. Harm caused: ___________________________________________________________________

________________________________________________________________________________

7. I request that the following action be taken: _________________________________________

________________________________________________________________________________
Metropolitan State University of Denver
Workplace Bullying Complaint Form

Acknowledgements

I understand the following:

1. I have the right to be free of retaliation for filing this complaint. I agree to report any conduct, which I believe, is motivated by retaliation for filing this complaint. I understand, however, that if this statement contains accusations, which I know are false, I may be subject to disciplinary action within the University, and/or external legal action from those I have falsely accused.

2. The Investigator will try to protect my identity from public exposure. The respondent, however, will be given a copy of this grievance in order to have an opportunity to respond to it.

3. I have received a copy of the Bullying Policy of Metropolitan State University of Denver.

4. I understand that the Investigator is an advocate for neither the grievant nor the respondent. The role of the Investigator is to investigate complaints from a neutral position to determine whether violations of the University's Bullying Policy have occurred.

CERTIFICATION

I CERTIFY THAT THE STATEMENTS MADE IN THIS COMPLAINT ARE TRUE AND ACCURATE, AND THAT I HAVE READ AND UNDERSTAND THE STATEMENTS MADE IN THE ACKNOWLEDGMENTS SECTION OF THIS COMPLAINT

_______________________________________________________________________________
Signature       Date
Workplace Bullying Complaint Flowchart
Administrator Employees

Complaint filed within 90 working days

Upon receiving written complaint
Human Resources (HR) in consultation with MSU Denver Legal Council will determine jurisdiction

Human Resources or External Investigator (EI) investigates complaint

Investigation Begins

Copy of complaint is sent to respondent(s)

Respondent(s) file written response to complaint within 10 working days of notice

Complaint is Dismissed

NoJurisdiction

No factual basis for the complaint

Factual basis for complaint

HR or EI submits a report with findings and recommendation(s) for resolution

If HR or EI reports factual findings to the supervisor of the employee named in the complaint

HR or EI (within 60 working days) send findings, conclusion and recommendation(s) to the appropriate supervisor to either dismiss or take corrective action

Within 10 working days the appropriate supervisor issues a complaint dismissal or corrective action
Workplace Bullying Complaint Flowchart
Classified Employees

Complaint filed within 90 working days

Upon receiving written complaint, Human Resources (HR) in consultation with Attorney General's office will determine jurisdiction.

Complaint is Dismissed if no jurisdiction.

Investigation Begins if jurisdiction determined.

Human Resources or External Investigator (EI) investigates complaint.

Copy of complaint is sent to respondent(s).

Respondent(s) file written response to complaint within 10 working days of notice.

Complaint is Dismissed if no factual basis for the complaint.

Factual basis for complaint, HR or EI submits a report with findings and recommendation(s) for resolution.

HR or EI (within 60 working days) send findings, conclusion and recommendation(s) to the appropriate supervisor to either dismiss or take corrective action.

Within 10 working days the appropriate supervisor issues a complaint dismissal or takes appropriate action.

If HR or IE find factual basis for complaint, HR determines if action is warranted for Classified Employees.

For actions for Classified Employees, see state personnel rules.

If Classified employee disagrees with the supervisor’s action then the Classified employee needs to follow the MSU Denver Classified Grievance Procedure found on the HR Department website.
Workplace Bullying Complaint Flowchart
Tenured Faculty

- **Complaint filed within 90 working days**

- **Upon receiving written complaint**
  - Office of the Dean (OD) in consultation with Office of General Counsel (OGC) will determine jurisdiction

  - **No Jurisdiction**
  - **Complaint is Dismissed**
  - **Jurisdiction**

- **Office of the Dean or External Investigator (EI) investigates complaint**

  - **No factual basis for the complaint**
  - **Complaint is Dismissed**
  - **Factual basis for complaint**
  - **OD or EI submits a report with findings and recommendation(s) for resolution**

- **Disciplinary Action**

  - **No**
  - **OD or EI (within 60 working days) send findings, conclusion and recommendation(s) to the Provost to either dismiss or take corrective action**

  - **Yes**
  - **Within 10 working days the Provost issues a complaint dismissal or corrective action**

  - **Within 10 working days Provost refers to President for final decision with recommendation(s) from investigative report**

  - **Within 10 working days President reviews disciplinary recommendation(s)**

  - **No**
  - **President may dismiss or issue appropriate non-disciplinary action for resolution**

  - **Yes**
  - **President issues either appealable or non-appealable sanction**

  - See MSU Denver Faculty Handbook Section XVII
Workplace Bullying Complaint Flowchart
Tenure Track, Category II and III Faculty

Complaint filed within 90 working days

Upon receiving written complaint
Office of the Dean (OD) in consultation with Office of General Counsel (OGC) will determine jurisdiction

Office of the Dean or External Investigator (EI) investigates complaint

Corrective Action

Complaint is Dismissed

Investigation Begins

Copy of complaint is sent to respondent(s)

Respondent(s) file written response to complaint within 10 working days of notice

OD or EI submits a report with findings and recommendation(s) for resolution

OD or EI (within 60 working days) send findings, conclusion and recommendation(s) to the Provost to either dismiss or take corrective action

Within 10 working days the Provost issues a complaint dismissal or corrective action

No Jurisdiction

No factual basis for the complaint

Factual basis for complaint

Complaint is Dismissed