

**To:** Legislative History

**From:** University of Utah Division of Human Resources

**Policy Owner(s):** Chief Human Resources Officer

**Date:** March 8, 2022

**Re:** Legislative History for Policy 1-021 Abusive Conduct Revision 1, Rule 1-021A Revision 1, Rule 1-021B Revision 1, and Rule 1-021C Revision 1.

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Interim Policy 1-021, and Interim Rules 1-021A, 1-021B, and 1-021C were enacted effective January 1, 2021 to comply with a statutory requirement in Utah Code Section 67-26-203 that institutions of higher education create a policy for reporting and resolving abusive conduct. For more information about these interim regulations, see the legislative history for Policy 1-021 Revision 0. Following consultation with the University community and the Academic Senate, the Division of Human Resources and the Office for Faculty proposed revisions, which were adopted by the University effective March 8, 2022. This legislative history memo includes four documents:

- The slides the Division of Human Resources presented to the Academic Senate regarding this regulation change
- The following regulations marked up to show revisions from the interim policy to the final policy:
  - Policy 1-012
  - Rule 1-012A
  - Rule 1-012B
  - Rule 1-012C

The primary changes to the regulations includes amending the definition of abusive conduct, amending the list of actions that do not constitute abusive conduct, and removing a provision in Rule 1-021C that directs individual who have experience abusive conduct from a faculty member to discuss the alleged abusive conduct with the faculty member.

# Abusive Conduct

# Executive Senate Committee Results

- Updated Changes to Definition:

A. ~~B.~~ “Abusive Conduct” ~~includes~~ means physical, verbal, or nonverbal conduct, by an employee toward another employee (such as derogatory remarks, insults, or epithets ~~made by an employee~~) that based on the severity, nature, or frequency of the conduct, a reasonable person would determine any of the following:

1. ~~Were intended~~ intends to ~~cause intimidation, humiliation~~ intimidate, humiliate, or cause unwarranted distress;
2. ~~Exploit a~~ exploits an employee’s known physical or psychological disability;  
or
3. ~~Result~~ is unwarranted and results in substantial physical or psychological harm ~~caused by as a result of~~ intimidation, humiliation, or ~~unwarranted~~ distress.

# Executive Senate Committee Results

## Continued

- Changed order of content in policy:

2. An employee who engages in abusive conduct may be subject to discipline under this policy even if the abusive conduct occurs outside of scheduled work time or work location.

3. ~~4.~~ The following actions do not constitute ~~Abusive Conduct unless they are determined to be especially severe and/or egregious~~ abusive conduct:

a. ~~A single act;~~

a. ~~b.~~ Appropriate disciplinary or administrative actions;

b. ~~c. Developmental~~ Appropriate developmental, critical, performance-related feedback;

c. ~~d.~~ Reasonable work assignments or job reassignments; or

d. ~~e.~~ Reasonable differences in styles of management, communication, expression, or opinion.

# Rule 1-021-C Reporting and Resolution Process for Faculty

- Complaint Process
  - Initial Concern
    - Specific to Abusive Conduct Process
      - Removed sending directly to faculty member and updated language
  - Formal Complain Process
    - Governed by Code of Faculty Rights and Responsibilities (6-316) and the Functions and Procedures of the Senate Consolidated Hearing Committee (6-011)
- Questions

## Rule 1-021-A Reporting and Resolution Process for University Staff (non UUHC), Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical House Staff

- Report is submitted by employee or Administrative Filer on their behalf
- University HR receives and reviews report
  - Denies if definition of abusive conduct is not met; or
  - Refers to University Authority for resolution
- University Authority resolves within 10 working days
- Questions

## **~~[Interim]~~ Policy 1-021: Abusive Conduct. Revision 01.**

Effective date: ~~January 1, 2021~~

### I. Purpose and Scope

- A. Purpose: The University of Utah (University) is committed to an academic and work environment that promotes, facilitates, and encourages mutual respect and collegial relationships. The University is committed to maintaining and promoting trust amongst all University employees in an ongoing effort by all employees to be collectively responsible, set a positive example, and treat each other with professionalism, courtesy, civility and respect in all interactions. This creates the strong culture that is vital for the success of the individual as well as the whole organization. The University complies with state laws that prohibit **Abusive Conduct** ~~abusive conduct~~ in the workplace. This policy addresses abusive conduct, as that term is defined in this policy. To the extent that abusive conduct also meets the definition of discrimination or harassment under Policy 1-012, that policy and its related regulations shall dictate the process for addressing the discriminatory and/or harassing behavior.
- B. Scope: This ~~Policy~~policy applies to all University of Utah employees and all academic and administrative units of the University, including University of Utah Hospitals and Clinics. ~~*[User note: See the associated Rules, Guidelines, and Procedures for implementation of this Policy for specific categories of personnel.]*~~

### II. Definitions

~~A.~~ For the purposes of this ~~Policy~~policy, the terms, as defined in Policy 5-001 – Employee Definitions, apply.

- ~~A.~~ B. “Abusive Conduct” ~~includes~~means physical, verbal, or nonverbal conduct, ~~by~~ an employee toward another employee (such as derogatory remarks, insults, or

epithets ~~made by an employee~~) that based on the severity, nature, or frequency of the conduct, a reasonable person would determine any of the following:

1. ~~Were intended~~ intends to ~~cause intimidation, humiliation~~ intimidate, humiliate, or cause unwarranted distress;
2. ~~Exploit a~~ exploits an employee's known physical or psychological disability; or
3. ~~Result is unwarranted and results~~ in substantial physical or psychological harm ~~caused by~~ as a result of intimidation, humiliation, or ~~unwarranted~~ distress.

B. ~~C.~~ “Administrative filer—Employee submitting Filer” means an employee who submits a report of abusive conduct on behalf of the ~~recipient of the abusive conduct~~ reporting employee.

C. ~~D.~~ “Reporting Employee—” means an employee who was a recipient of the abusive conduct.

D. ~~E.~~ “Respondent—Individual” means an employee accused of having perpetuated abusive conduct towards another employee.

E. ~~F.~~ “University Authority—A” means a supervisor, manager or other ~~leadership~~ leader within the reporting employee's chain of command, including authorized designees.

### III. Policy

#### A. Abusive Conduct

1. ~~A.~~ The University is committed to providing an environment for employees that promotes mutual respect and is free from ~~Abusive Conduct~~ abusive conduct.
2. An employee who engages in abusive conduct may be subject to discipline under this policy even if the abusive conduct occurs outside of scheduled work time or work location.

3. ~~1.~~ The following actions do not constitute ~~Abusive Conduct unless they are determined to be especially severe and/or egregious~~ abusive conduct:
- ~~a.~~ ~~— A single act;~~
  - a. ~~b.~~ Appropriate disciplinary or administrative actions;
  - b. ~~c. Developmental~~ Appropriate developmental, critical, performance-related feedback;
  - c. ~~d.~~ Reasonable work assignments or job reassignments; or
  - d. ~~e.~~ Reasonable differences in styles of management, communication, expression, or opinion.
- ~~2. An employee may be subject to discipline under this Policy even if the conduct occurs outside of scheduled work time or work location.~~
4. ~~3.~~ Once a report of ~~Abusive Conduct~~ abusive conduct has been filed, the respondent and reporting employee or ~~any~~ administrative filer may not communicate regarding the allegations in the report. Further, the respondent ~~and~~ the respondent's supervisor, or any other University ~~Authority~~ authority on behalf of the respondent may not retaliate against the reporting employee or any administrative filer ~~based on~~ for filing a report of abusive conduct.

B. Abusive Conduct Reporting and Resolution Process

1. The process for reporting and resolving abusive conduct varies depending on the classification of the responding employee, and is described in the following rules:
- a. for a responding employee who is a faculty member, Rule R1-021C;
  - b. for a responding employee who is a University of Utah Hospital and Clinics staff member, Rule R1-021B; and
  - c. for a responding employee other than a faculty member or University of Utah Hospitals and Clinics staff member, Rule R1-021A.

C. ~~B.~~ Abusive Conduct Training.

1. The University shall provide annual training to all ~~covered~~ employees regarding ~~Abusive Conduct~~abusive conduct in the workplace.
  - a. Training shall include information regarding what constitutes ~~Abusive Conduct~~abusive conduct, how to prevent it, and options available under this Policy.
  - b. Departments and ~~Units~~units shall ensure employees complete training within a reasonable time after hire and at least every year thereafter.
  - c. Training records shall be kept by University Human Resources Management (UHRM) and University of Utah Hospitals and Clinics Human Resources (UUHC HR) regarding completion of training and the date training was last completed.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

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#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

##### A. Rules.

1. R1-021-A Abusive Conduct Reporting and Resolution Process for University Staff (non-UUHC), Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff.
2. R1-021-B Abusive Conduct Reporting and Resolution Process for UUHC Staff.
3. R1-021-C Abusive Conduct Reporting and Resolution Process for University Faculty.

##### B. Procedures.

[reserved]

##### C. Guidelines.

[reserved]

D. Forms.

[reserved]

E. Other related resource materials.

[reserved]

**V. References**

~~Abusive Conduct Reporting Amendments (“ACRA”) is [Utah Code Section 67-26-101 et seq.](#), Utah Public Employees Healthy Workplace Act, as amended [Utah Code Section 67-26-203](#)~~

Utah System of Higher Education (formerly Utah Board of Regents) [Rule R831](#)

School of Medicine Professional Conduct Policy for Faculty Professional Conduct of University of Utah Health Medical Providers Ethical Standards and Code of Conduct Handbook

[Policy 5-001](#): Personnel Definitions

[Policy 5-106](#): Equal Opportunity and Nondiscrimination in Employment

[Policy 5-111](#): Corrective Actions and Termination Policy for Staff

[Policy 5-205](#): Code of Conduct for Staff

[Policy 1-012](#): University Non-discrimination Policy

[Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

Policy 6-316: Code of Faculty Rights and Responsibilities

## VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner (primary contact person for questions and advice): Director of Employee Relations for Human Resources
- B. Policy Officer: Chief Human Resources Officer

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies...”*

University Rule 1-001-III-B & E

## VII. History

Renumbering

[not applicable]

Revision History:

- A. Current Version: Revision 1.

1. Approved by -- Academic Senate [date], and Board of Trustees [date], with effective date of [date].

2. Legislative History Revision 1.

B. Earlier versions:

1. Revision 0. ~~This~~ Interim Policy 1-021, Revision 0, and the accompanying Interim Rules 1-021A, 1-021B, and 1-021C, were adopted on December 8, 2020, by University President Ruth Watkins, with designated effective date of January 1, 2021. This set of Interim Regulations was subsequently presented to the Academic Senate Executive Committee December 10, 2020, presented for the Information and Recommendations of the Academic Senate, January 11, 2021, and presented for approval of the Board of Trustees February 9, 2021. These were enacted as Interim Regulations (in accord with Policy 1-001) in order to comply with recently changed state law (Utah House Bill 12). They will remain in effect until a permanent version is adopted, which is anticipated to occur by December 2021, after review by appropriate internal University groups.

Legislative History of Revision 0

~~B. Earlier versions:~~

~~{reserved}~~

## ~~[Interim]~~ Rule 1-021A: Abusive Conduct Reporting and Resolution Process for University Staff (non-UUHC), Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff.

Revision 1. Effective date: ~~January 1~~ March 8, 2021 ~~2022~~

### I. Purpose and Scope

#### A. Purpose:

To provide a reporting and resolution process that gives employees and ~~University Authorities~~ university authorities the tools to resolve abusive conduct reports. ~~This Rule is applicable to all University Staff Members, with the exception of University of Hospitals and Clinics (UUHC) Staff Members (see Rule R1-021-B). This Rule is also applicable to Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff.~~

#### B. Scope:

This ~~Rule~~ rule applies to all University ~~Staff Members~~ staff members, including ~~Staff Members~~ staff members who are “at-will” as defined by Policy 5-001 ~~and~~. This rule also applies to ~~Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff~~ non-faculty academic employees. This rule does not apply to faculty, as that term is defined in Policy 6-3091-021, or University of Utah Hospital and Clinics staff.

### II. Definitions

~~[reserved]~~

The definitions provided in Policy 1-021 apply for this rule.

### III. Rule

#### A. Reporting and Resolution Process

1. University Human Resource Management (UHRM) shall create and maintain a form that administrative filers and reporting employees may use to submit a report of abusive conduct by that a responding employee who is one of the following types of has engaged in abusive conduct:
  - a. A respondent staff member other than a University of Utah Hospitals and Clinics staff member; or
  - b. A respondent non-faculty academic employee.
2. ~~4-~~ Reporting employee or administrative filer completes the Abusive Conduct Reporting Form. University Human Resource Management (UHRM)
  - a. A reporting employee or administrative filer may consult with UHRM regarding actions that constitute abusive conduct and the reporting and resolution process, before completing the Abusive Conduct Reporting Form.
  - b. UHRM will conduct ~~and~~an initial review of the report filed, which may include an initial interview with the reporting employee or administrative filer ~~and~~.
3. After conducting an initial review, UHRM may do one or more of the following:
  - a. ~~Referral~~Refer the report to the appropriate University ~~Authority~~authority for resolution.
    - i. Resolution may be informal such as, mediation, coaching, or other resolution resources, or resolution may be formal such as implementation of corrective and disciplinary actions. Egregious behavior will be resolved in accordance with ~~policy~~ Rule R5-111C- Egregious Behavior.
    - ii. Upon receipt of a referral, the University ~~Authority~~authority should determine a resolution within ten (10) working days. This will be the final decision, and the matter will be considered closed. A notice will be sent to the reporting employee and the respondent if a report cannot be resolved within 10 working days. ~~Resolution~~The University authority shall report the resolution ~~will be reported~~ to UHRM.

- b. ~~Deny a referral~~Decline to refer the report to the University Authority ~~due to failure to~~because the alleged actions do not meet the definition of abusive conduct.
- c. If the report describes a responding employee who is not subject to this rule, refer the report to:
- i. University of Utah Hospitals and Clinics Human Resource Management if the responding employee is a University of Utah Hospitals and Clinics staff member; or
  - ii. the cognizant senior vice president, or the cognizant senior vice - president's designee, if the responding employee is a faculty member.
- ~~d. c.~~ Refer reporting employee and case to the Title IX/OEO-Office in cases of discrimination or harassment. ~~Resolution of the report under this policy will be held until completion of Title IX/OEO determination.~~
- i. If taken for investigation, referral will follow OEO/AA process described in Policy 1-012.
- ~~e. d.~~ Refer the reporting employee and case to ~~Public~~the University Safety Department in cases of violence or the threat of violence. ~~Resolution of the report under this policy will be held until completion of public safety determination.~~

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#### **IV. Policies, Rules, Procedures, Guidelines, Forms and other Related Resources**

##### A. Policy/Rules.

1. Policy 1-021: Abusive Conduct
2. R1-021-B Abusive Conduct Reporting and Resolution Process for UUHC Staff.
3. R1-021-C Abusive Conduct Reporting and Resolution Process for University Faculty.

B. Procedures.

[reserved]

C. Guidelines.

[reserved]

D. Forms.

[reserved]

E. Other related resource materials.

[reserved]

**V. References**

~~Abusive Conduct Reporting Amendments (“ACRA”) is Utah Code Section 67-26-101 et seq., Utah Public Employees Healthy Workplace Act, as amended~~ [Utah Code Section 67-26-203](#)

Utah System of Higher Education (formerly Utah Board of Regents) [Rule R831](#)

School of Medicine Professional Conduct Policy for Faculty Professional Conduct of University of Utah Health Medical Providers Ethical Standards and Code of Conduct Handbook

[Policy 5-001](#): Personnel Definitions

[Policy 5-106](#): Equal Opportunity and Nondiscrimination in Employment

[Policy 5-111](#): Corrective Actions and Termination Policy for Staff

[Policy 5-205](#): Code of Conduct for Staff

[Policy 1-012](#): University Non-discrimination Policy

[Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

[Policy 6-316](#): Code of Faculty Rights and Responsibilities

## VI. Contacts

The designated contact officials for this Regulation are:

- A. Policy Owner (primary contact person for questions and advice): Director of Employee Relations
- B. Policy Officer: Chief Human Resources Officer

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies....”*

University Rule 1-001-III-B & E

## VII. History

Renumbering

[not applicable]

Revision History:

A. Current Version: Revision 1.

1. Legislative History Revision 1.

B. Earlier versions:

Revision 0. This Interim Policy 1-021, Revision 0, and the accompanying Interim Rules 1-021A, 1-021B, and 1-021C, were adopted on December 8, 2020, by University President Ruth Watkins, with designated effective date of January 1, 2021. This set of Interim Regulations was subsequently presented to the Academic Senate Executive Committee December 10, 2020, presented for the Information and Recommendations of the Academic Senate, January 11, 2021, and presented for approval of the Board of Trustees February 9, 2021. These were enacted as Interim Regulations (in accord with Policy 1-001) in order to comply with recently changed state law (Utah House Bill 12). They will remain in effect until a permanent version is adopted, which is anticipated to occur by December 2021, after review by appropriate internal University groups.

Legislative History of Revision 0

# ~~[Interim]~~ Rule 1-021B: Abusive Conduct Reporting and Resolution Process for University of Utah Health Hospitals and Clinics Staff Members. Revision 1.

Effective date: March 8, 2022

## I. Purpose and Scope

- A. Purpose: To provide a reporting and resolution process that gives University of Utah Health Hospitals and Clinics (UUHC) staff and University authorities the tools to report and resolve abusive conduct.
- B. Scope: This ~~Rule~~rule applies to all complaints that University of Utah ~~Health~~ Hospitals and Clinics (UUHC) staff members ~~– engaged in abusive conduct. This rule does not apply to complaints that University faculty member as that term is defined in Policy 6-3091-021, or employees other than UUHC staff members, engaged in abusive conduct.~~

## II. Definitions

~~[reserved]~~

The definitions provided in Policy 1-021 apply for this rule.

## III. Rule

- A. Reporting and Resolution Process
  - 1. Reporting employee or administrative filer completes the Abusive Conduct Reporting Form. UUHC Human Resource Management (HR) will conduct ~~and~~ initial review of the report filed, which may include an initial interview with the reporting employee or administrative filer and one or more of the following:
    - a. Referral to appropriate uUniversity aAuthority for resolution.
      - i. Resolution may be informal such as, mediation, coaching, or other resolution resources. Resolution may be formal and occur through the issuance of corrective action in accordance with Policy 5-111. Any

other applicable University policies and procedures will be adhered to for resolution.

- ii. Upon receipt of a referral, the university authority should determine a resolution within ten (10) working days. The university authority will notify the reporting employee or administrative filer, the respondent and UUHC HR regarding the findings. This will be ~~will be~~ the final decision, and the matter will subsequently be considered closed. Parties will not have the option to grieve findings, unless formal corrective action is issued per policy 5-111.
  1. A notice will be sent to the reporting employee and the respondent if a report cannot be resolved within 10 working days.
- b. UUHC HR may deny a referral and not send to the university authority due to failure to meet the definition of abusive conduct.
- c. UUHC HR ~~may~~shall refer reporting employee and case to the Title IX/OEO Office in cases of discrimination or harassment.
  - i. If taken for investigation, referral will follow OEO/AA process [described in Policy 1-012](#).
  - ii. If not taken for investigation, referral will return to the process outlined in this procedure.
- d. UUHC HR may refer reporting employee and case to Public Safety in cases of violence or the threat of violence.

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#### **IV. Policies, Rules, Procedures, Guidelines, Forms and other Related Resources**

##### **A. Policies/Rules.**

1. 1-021: Abusive Conduct

2. [R1-021-A](#) Abusive Conduct Reporting and Resolution Process for University Staff (non-UUHC), Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff.
3. [R1-021-C](#) Abusive Conduct Reporting and Resolution Process for University Faculty.

B. Procedures.

[reserved]

C. Guidelines.

[reserved]

D. Forms.

[reserved]

E. Other related resource materials.

[reserved]

**V. References**

~~Abusive Conduct Reporting Amendments (“ACRA”) is Utah Code Section 67-26-101 et seq., Utah Public Employees Healthy Workplace Act, as amended~~ [Utah Code Section 67-26-203](#)

Utah System of Higher Education (formerly Utah Board of Regents) [Rule R831](#)

School of Medicine Professional Conduct Policy for Faculty Professional Conduct of University of Utah Health Medical Providers Ethical Standards and Code of Conduct Handbook

[Policy 5-001](#): Personnel Definitions

[Policy 5-106](#): Equal Opportunity and Nondiscrimination in Employment

[Policy 5-111](#): Corrective Actions and Termination Policy for Staff

[Policy 5-205](#): Code of Conduct for Staff

[Policy 1-012](#): University Non-discrimination Policy

[Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

[Policy 6-316](#): Code of Faculty Rights and Responsibilities

## VI. Contacts

The designated contact officials for this Rule are:

- A. Policy Owner (primary contact person for questions and advice): [Director of Employee Relations \(Hospitals & Clinics\)](#)
- B. Policy Officer: [Chief Human Resources Officer \(Hospitals & Clinics\)](#)

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provide in University Rule 1-001:

*“A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases...”*

*“The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to who the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining –requirements of particular Policies....”*

University Rule 1-001-III-B & E

## VII. History

Renumbering

[not applicable]

Revision History:

A. Current Version: Revision 0. This Interim Policy 1-021, Revision 0, and the accompanying Interim Rules 1-021A, 1-021B, and 1-021C, were adopted on December 8, 2020, by University President Ruth Watkins, with designated effective date of January 1, 2021. This set of Interim Regulations was subsequently presented to the Academic Senate Executive Committee December 10, 2020, presented for the Information and Recommendations of the Academic Senate, January 11, 2021, and presented for approval of the Board of Trustees February 9, 2021. These were enacted as Interim Regulations (in accord with Policy 1-001) in order to comply with recently changed state law (Utah House Bill 12). They will remain in effect until a permanent version is adopted, which is anticipated to occur by December 2021, after review by appropriate internal University groups.

Legislative History of Revision 0

B. Earlier versions:

[reserved]

# Rule 1-021C: Abusive Conduct Reporting and Resolution Process for Faculty

Revision 1. Effective date: ~~January 1, 2022~~ March 8, 2022

## I. Purpose and Scope

- A. Purpose: To provide a reporting and resolution process that gives employees and University authorities the tools to resolve ~~abusive conduct~~ reports that a faculty member engaged in abusive conduct.
- B. Scope: This rule is applicable to all reports that a University faculty member engaged in abusive conduct.

## II. Definitions

~~A. Faculty Member: a person employed by the university as the president, vice president, director of libraries, dean, professor, associate professor, assistant professor, instructor, librarian, associate librarian, and assistant librarian, including a person holding a Career line (research, clinical, lecturer), Adjunct and/or Visiting faculty appointment, whether or not that person is employed by the university in a full-time capacity.~~

The definitions provided in Policy 1-021 apply for this rule.

## III. Rule

### A. Process:

The process for filing and resolving a formal complaint is governed by the Code of Faculty Rights and Responsibilities (6-316) and the Functions and Procedures of the Senate Consolidated Hearing Committee (6-011). Please see the full policies for specifics.

### B. Initial Concern:

As an initial step, affected persons may report their concerns to the relevant department chair/director and/or dean (unless either is the complainant or respondent). Please see the University directory to determine the appointment home of the faculty member.

For questions or assistance, please reach out to the appropriate faculty office:

For Academic Affairs: [officeforfaculty@utah.edu](mailto:officeforfaculty@utah.edu)

For Health Sciences: [officeforuofuhealthfaculty@hsc.utah.edu](mailto:officeforuofuhealthfaculty@hsc.utah.edu)

C. Formal Complaint (if not resolved above)

After 30 days if initial concerns of abusive conduct have not been resolved, a formal complaint may be filed in the office of the Senior Vice President for Academic Affairs or the Senior Vice President for Health Sciences, depending on the department of the responding faculty member. If either Vice President is the complainant or the respondent, the other Vice President shall act under these rules. The cognizant Vice President or their designee shall provide the responding faculty member with a copy of the complaint.

Complaint Form: [https://regulations.utah.edu/academics/appendices\\_6/6-316.6.app.php](https://regulations.utah.edu/academics/appendices_6/6-316.6.app.php)

Once received, in consultation with the appropriate dean(s) and chair/director (unless either is the complainant or respondent), the cognizant vice president or designee shall determine whether additional efforts at initial resolution are appropriate and, if so, shall take whatever steps are useful to that end. These steps may include delegation of the process to another person, meetings with the complainant and respondent, or any other processes that the vice president or designee thinks will assist in reaching a resolution.

If additional efforts at initial resolution are inappropriate or are not successful within 30 days of the filing of the formal complaint, the vice president shall forward the complaint, with a description of efforts at attaining a resolution, to the Consolidated Hearing Committee and notify the respondent, the complainant,

and the cognizant department chair/director and dean of the same. From this point forward, the office of the vice president shall be a party to the proceedings.

If a complaint is referred to the Consolidated Hearing Committee, please see [Policy 6-011](#) for the full hearing process.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

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#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

##### A. Rules.

1. [R1-021A](#): Abusive Conduct Reporting and Resolution Process for University Staff (non-UUHC), Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff.
2. [R1-021B](#): Abusive Conduct Reporting and Resolution Process for UUHC Staff.

##### B. Procedures. [reserved]

##### C. Guidelines. [reserved]

##### D. Forms [reserved]

##### E. Other related resource materials. [reserved]

#### **V. References**

Abusive Conduct Reporting Amendments (“ACRA”) is [Utah Code Section 67-26-101](#) et seq., Utah Public Employees Healthy Workplace Act, as amended

Utah System of Higher Education (formerly Utah Board of Regents) [Rule R831](#)

School of Medicine Professional Conduct Policy for Faculty Professional Conduct of University of Utah Health Medical Providers Ethical Standards and Code of Conduct Handbook

[Policy 5-001](#): Personnel Definitions

[Policy 5-106](#): Equal Opportunity and Nondiscrimination in Employment

[Policy 5-111](#): Corrective Actions and Termination Policy for Staff

[Policy 5-205](#): Code of Conduct for Staff

[Policy 1-012](#): University Non-discrimination Policy

[Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

[Policy 6-316](#): Code of Faculty Rights and Responsibilities

## VI. Contacts

The designated contact officials for this Regulation are:

- A. Policy Owners (primary contact person for questions and advice): [Associate Vice President for Faculty-Academic Affairs](#) and the [Associate Vice President for Health Sciences](#).
- B. Policy Officers: [Sr. Vice President for Academic Affairs](#) and [Sr. Vice President for Health Sciences](#)

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## VII. History

Renumbering [not applicable]

Revision History:

- A. Current Version: Revision 0. This Interim Policy 1-021, Revision 0, and the accompanying Interim Rules 1-021A, 1-021B, and 1-021C, were adopted on December 8, 2020, by University President Ruth Watkins, with designated effective date of January 1, 2021. This set of Interim Regulations was subsequently presented to the Academic Senate Executive Committee December 10, 2020, presented for the Information and Recommendations of the Academic Senate, January 11, 2021, and presented for approval of the Board of Trustees February 9, 2021. These were enacted as Interim Regulations (in accord with Policy 1-001) in order to comply with recently changed state law (Utah House Bill 12). They will remain in effect until a permanent version is adopted, which is anticipated to occur by December 2021, after review by appropriate internal University groups.

[Legislative History](#) of Revision 0

- B. Earlier versions. [reserved]