

[Interim] Policy 1-021: Abusive Conduct. Revision 0.

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 in the workplace.

- B. Scope: This 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, the terms, as defined in Policy 5-001 – Employee Definitions, apply.

- B. “Abusive Conduct” includes physical, verbal or nonverbal conduct, such as derogatory remarks, insults, or epithets made by an employee that a reasonable person would determine:
 - 1. Were intended to cause intimidation, humiliation, or unwarranted distress;

 - 2. Exploit a known physical or psychological disability; or

 - 3. Result in substantial physical or psychological harm caused by intimidation, humiliation or unwarranted distress.

- C. Administrative filer – Employee submitting a report of abusive conduct on behalf of the recipient of the abusive conduct.
- D. Reporting Employee – recipient of the abusive conduct.
- E. Respondent – Individual accused of having perpetuated abusive conduct towards another employee.
- F. University Authority – A supervisor, manager or other leadership within the reporting employee’s chain of command, including authorized designees.

III. Policy

- A. The University is committed to providing an environment for employees that promotes mutual respect and is free from Abusive Conduct.
 - 1. The following actions do not constitute Abusive Conduct unless they are determined to be especially severe and/or egregious:
 - a. A single act;
 - b. Appropriate disciplinary or administrative actions;
 - c. Developmental, critical, performance-related feedback;
 - d. Reasonable work assignments or job reassignments; or
 - 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.
 - 3. Once a report of 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 other University Authority on behalf of the respondent may not retaliate against the reporting employee or any administrative filer based on filing a report of Abusive Conduct.

B. Abusive Conduct Training.

1. The University shall provide annual training to all covered employees regarding Abusive Conduct in the workplace.
 - a. Training shall include information regarding what constitutes Abusive Conduct, how to prevent it, and options available under this Policy.
 - b. Departments and 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.

[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.]

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 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 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]