

Policy 1-021: Abusive Conduct.

Revision #1. Effective date: March 8, 2022.

- I. Purpose and Scope** 1
- II. Definitions** 2
- III. Policy**..... 3
 - A. Abusive Conduct..... 3
 - B. Abusive Conduct Reporting and Resolution Process..... 3
 - C. Abusive Conduct Training..... 4
- IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources** 4
- V. References** 5
- VI. Contacts** 5
- VII. History** 5

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. 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 applies to all University of Utah employees and all academic and administrative units of the University, including University of Utah Hospitals and Clinics.

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations. The terms as defined in Policy 5-001, Employee Definitions apply.

- A. "Abusive Conduct" means physical, verbal, or nonverbal conduct by an employee toward another employee (such as derogatory remarks, insults, or epithets) that based on the severity, nature, or frequency of the conduct, a reasonable person would determine any of the following:
1. intends to intimidate, humiliate, or cause unwarranted distress;
 2. exploits an employee's known physical or psychological disability; or
 3. is unwarranted and results in substantial physical or psychological harm as a result of intimidation, humiliation, or distress.
- B. "Administrative Filer" means an employee who submits a report of abusive conduct on behalf of the reporting employee.
- C. "Reporting Employee" means an employee who was a recipient of the abusive conduct.
- D. "Respondent" means an employee accused of having perpetuated abusive conduct towards another employee.

- E. “University Authority” means a supervisor, manager or other leader within the reporting employee’s chain of command, including authorized designees.

III. Policy

A. Abusive Conduct

1. The University is committed to providing an environment for employees that promotes mutual respect and is free from 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. The following actions do not constitute abusive conduct:
 - a. Appropriate disciplinary or administrative actions;
 - b. Appropriate developmental, critical, performance-related feedback;
 - c. Reasonable work assignments or job reassignments; or
 - d. Reasonable differences in styles of management, communication, expression, or opinion.
4. Once a report of abusive conduct has been filed, the respondent and reporting employee or administrative filer may not communicate regarding the allegations in the report. Further, the respondent, the respondent’s supervisor, or any other University authority on behalf of the respondent may not retaliate against the reporting employee or any administrative filer 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. Abusive Conduct Training.

1. The University shall provide annual training to all 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.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

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

A. Policies/ 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, Guidelines, and Forms. [reserved]

C. Other Related Resources. [reserved]

V. References

A. Utah Code Section 67-26-203

B. Utah Board of Higher Education Policy R831

C. 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 5-111: Corrective Actions and Termination Policy for Staff

D. Policy 5-205: Code of Conduct for Staff

E. Policy 1-012: University Non-discrimination Policy

F. Policy 6-309: Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

G. Policy 6-316: Code of Faculty Rights and Responsibilities

VI. Contacts

The designated contact officials for this regulation are

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

B. Policy Officer(s): Chief Human Resources Officer

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

VII. History

A. Current version. Revision 1.

1. Approved by Academic Senate February 7, 2022 and Board of Trustees March 8, 2022, with Effective Date of October March 8, 2022.
 2. Legislative History for Current Version
 3. Editorial Revisions
 - a. Editorially revised September 21, 2022 to move to current regulations template
- B. Previous Versions
1. Interim Policy 1-021 Revision 0. Effective January 1, 2021
 - a. Legislative History Revision 0
- C. Renumbering
1. Not applicable.