

## **ARTICLE 4**

### **RESPECTFUL WORK ENVIRONMENT**

#### **4.1 GENERAL CONDITIONS**

- 4.1.1 The Parties agree that all employees shall work in an environment that fosters mutual respect and professionalism and is free from Abusive Conduct. All parties are responsible for contributing to such an environment. The parties agree that Abusive Conduct, inappropriate behavior, and bullying in the workplace does not promote the University's mission, employee wellbeing, or productivity. These behaviors may occur in, but are not limited to, situations in which one person has authority over another and situations involving peer-to-peer interactions.
- 4.1.2 Workplace Bullying and Abusive Conduct as defined in Section 4.2 and described in Section 4.3, by ASEs, faculty, supervisors, and/or managers will not be tolerated. The provisions of [Business Policies and Procedures Manual \(BPPM\) 50.31](#) Maintaining a Professional Workplace as written or amended additionally apply to all Employees covered by the Agreement. The University and the Union shall strive to foster an environment in which employees feel comfortable making reports of Workplace Bullying or Abusive Conduct in good faith. The Parties also commit to prohibiting retaliation against any person who reports Workplace Bullying or Abusive Conduct (as described in Section 4.2 below) or participates in any related investigation or process in good faith.

#### **4.2 DEFINITIONS**

- 4.2.1 Workplace Bullying, including bullying or nondiscriminatory harassment, refers to repeated, unreasonable actions of individuals (or a group) directed towards an employee or student (or a group of employees or students), which intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee or student. Workplace Bullying behaviors are considered as a subset of behaviors within Abusive Conduct and therefore shall be considered as the same for the purposes of this Article.
- 4.2.2 Abusive Conduct. Unprofessional behavior constitutes "abusive conduct" when it is sufficiently severe, persistent, or pervasive that it: Interferes with, or has the potential to interfere with, an individual's ability to participate in WSU employment, education,

programs, or activities; Adversely alters the conditions of an individual's WSU employment, education, or participation status; or Creates an objectively hostile or abusive employment, program, or educational environment.

4.2.3 Such conduct shall be evaluated on a case-by-case basis, taking into account the circumstances of the parties, relationship between the parties (including power imbalance); the frequency, nature and severity of the alleged conduct; whether the conduct was physically threatening; and whether the conduct may be protected. A single act may constitute Workplace Bullying or Abusive Conduct if severe or egregious.

### **4.3 EXAMPLES OF ABUSIVE CONDUCT**

4.3.1 Examples of Abusive Conduct may include, but are not limited to, the following types of behavior:

- a. Use of abusive, insulting, or offensive language (written, electronic, or verbal),
- b. Spreading false information or malicious rumors,
- c. Behavior, language, or gestures that frighten, humiliate, belittle, or degrade, including criticism or feedback that is delivered with yelling, screaming, threats, implicit threats, or insults,
- d. Encouraging others to act, singly or in a group, to intimidate or harass other individuals,
- e. Making inappropriate comments about a person's appearance, lifestyle, family, or political views,
- f. Teasing or making someone the brunt of pranks or practical jokes,
- g. Inappropriately interfering with a person's personal property or work equipment,
- h. Circulating photos, videos, or information via e-mail, social media, or other means without consent,
- i. Making unwanted physical contact or inappropriately encroaching on another individual's personal space, in ways that would cause discomfort and unease,

- j. Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes,
- k. Repeated demands that the individual do tasks or take actions that are inconsistent with that individual's job, are not that individual's responsibility, or for which the employee does not have authority,
- l. Making threats to block a person's academic advancement, opportunities, or continued employment at the University,
- m. Sabotaging or undermining a person's work performance.

4.3.2 Abusive Conduct does not include exercising appropriate supervision of employees conducting appropriate performance management, or providing appropriate feedback, including but not limited to the following:

- a. Appropriately expressing differences of opinion,
- b. Offering constructive feedback, guidance, or advice about work-related behavior,
- c. Reasonable action taken by a supervisor relating to the management of an office,
- d. Reasonable action taken to manage an employee's performance, initiating corrective action and/or disciplinary action,
- e. Participating in a formal complaint resolution or grievance process.

#### **4.4 REPORTING COMPLAINTS**

ASEs are strongly encouraged to report any incident of Abusive Conduct to an immediate manager or supervisor. If the immediate manager or supervisor is the perpetrator of the bullying, the ASE should report the incident to the next level higher supervisor or directly to Human Resource Services (HRS) through completing the form as outlined in [BPPM 50.31](#) and/or filed as a grievance in accordance with Article 37 (Grievance and Arbitration Procedures) of this Agreement.

#### **4.5 INTERIM MEASURES AND REMEDIES**

4.5.1 Remedies available for Abusive Conduct may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which

the ASE is qualified; training and education of the implicated parties; and no contact remedies.

- 4.5.2 When a complaint of Abusive Conduct is filed, the University will implement remedies on an interim basis where appropriate. Such measures are implemented to allow the ASE to learn and work in an environment free from Abusive Conduct.