

BULLYING COMPLAINT GUIDELINES AND PROCEDURES

Responsibility to Report

1. In the case of physical assault or harm, or imminent danger of harm, the supervisor should immediately contact CSU Police (or the local police in a non-campus location) by dialing 911. The non-emergency number for CSU Police is 970-491-6425. The matter should also be referred to the Office of Support and Safety Assessment (970-491-1350) for review and consultation within five working days (a “working day” is any day that the University is open for business).
2. Any person who is a target of workplace bullying is strongly encouraged to report it to their supervisor (or, if the supervisor is involved, then to the next level supervisor in the reporting line).
3. Any person who witnesses or learns of an incident of workplace bullying at CSU is strongly encouraged to report it to their supervisor (or, if the supervisor is involved, then to the next level supervisor in the reporting line).
4. Any reports may also be made by calling or emailing the Human Resources (HR) Solutions Partner (970-491-6947 or myhr@colostate.edu), who may bring the matter to the attention of other University officials, as appropriate. Individuals wishing to report a concern are encouraged to do so as soon as possible following the incident(s).
5. A supervisor receiving a report of bullying is required to take steps to address the matter. If the report is not a formal complaint made using the Bullying Complaint Form, the supervisor should attempt to resolve the matter informally following the steps outlined for Informal Resolution by the Supervisor below. If the report is a formal complaint, the supervisor should contact the HR Solutions Partner and follow the steps outlined below for the Formal Resolution Process.
6. More than one impacted party, more than one responding party, and/or more than one supervisor may be involved in the bullying complaint process. Singular references herein may be taken as plural as the context requires. As used herein, “impacted party” means the person(s) targeted or affected by the responding party’s behavior, and “responding party” means the person(s) alleged to have engaged in bullying behavior.

Informal Resolution by the Targeted Employee

An employee who believes they have been bullied may wish to take informal action, in which case, some suggestions are as follows:

1. **Keep Records:** Keep notes detailing the nature of the behavior (e.g., dates, times, places, what was said or done and who was present) and copies of paper trails that may indicate bullying. Hold onto copies of documents that provide evidence of events (e.g., time sheets, letters or emails). This documentation will be useful when seeking advice from another party, discussing the matter with the responding party, or if the matter is formally investigated.
2. **Seek Immediate Support and Advice:** Explain the behavior you experienced to someone you trust. Good sources of support and advice are HR Solutions Partners, the Employee Assistance Program (EAP), and the Ombuds. It is vital to discuss the situation with somebody who is empathic and trained in these issues. These individuals can provide information regarding one's rights and responsibilities and suggest options on how best to deal with the situation. Bringing the situation to the attention of another party is often an effective way of dealing with the problem and ensuring that the bullying stops. Oftentimes bullying goes on in private and, by informing someone, it may become apparent that others are feeling the same way. This will help employees get the support and advice they need.
3. **Consider Addressing the Behaviors of the Responding Party Directly:** Employees may want to consider approaching the responding party directly and raising the matter, either face-to-face or in writing, but should only do so if they feel it is a safe option. Avoid being contentious or escalating the situation. Tell the responding party politely and calmly exactly which behaviors are offensive and why, and expressly state that the behavior is unwelcome and unacceptable. The person should be asked to stop immediately and told that if the behavior doesn't stop further action will be taken. Remaining silent allows the responding party to continue their behavior, which may result in the bullying getting worse. Sometimes the responding party will stop immediately once becoming aware that their behavior is offensive and harmful.

Addressing the responding party's behaviors directly can be difficult. The person involved may deny and perhaps misconstrue the accusations. To address these issues, a colleague or an HR Solutions Partner may act as support or as a witness. Keep a record of the discussion and a copy of any correspondence that is sent to the responding party. It is best to seek guidance from support personnel prior to meeting with the responding party.

4. **Mediation:** Consider mediation as an option. If all parties agree to mediation, they will be given the opportunity to state their case and how they would like to see the situation resolved. The mediator will assist the parties in attempting to reach a mutually acceptable solution. However, it is important to remember that bullying may result from an imbalance in power, in which case, the target and the responding party may not be on an equal footing. Seek guidance from the Ombuds Office or HR Solutions Partner to explore the option of mediation.

Informal Resolution by the Responding Party

If you have been accused of bullying, there are steps you should take immediately to resolve the situation and to prevent it from escalating.

1. **Keep Records:** If you are told that your actions have offended someone and that they feel bullied by you as a result, you should document this discussion including what you were told and how you responded. This will be important if you need to discuss the matter with your supervisor or Human Resources or if the matter is formally reviewed.
2. **Seek Advice:** You are advised to seek counsel immediately from your supervisor, Human Resources, or the Ombuds, especially if you do not understand the complaint against you or if you believe that the allegations are unjust or malicious. The Employee Assistance Program is available to all employees as a resource.
3. **Stop the Offending Behavior:** If you have been told that your behavior makes someone feel uncomfortable, then you should stop it immediately. Even though your behavior may seem innocent to you, it is important to consider its effects on others. Remember it is the other person's reaction to your behavior that is important, not the reaction you think they should have.
4. **Reflect on Your Work Behavior:** Review the way you behave at work and consider whether any of your behaviors may be perceived as bullying. For instance, ask yourself the following question: If other people were to witness my behavior would they find it offensive, humiliating, intimidating, or threatening? If you have concerns about the appropriateness of your behavior consider asking your supervisor for training on communication, conflict management, etc. or seek advice from the Employee Assistance Program.

Informal Resolution by the Supervisor

When a report of bullying is received, or when a supervisor observes the bullying behavior directly, the supervisor may attempt to resolve the matter informally by interacting with both the impacted party and the responding party.

Supervisors may begin by initiating informal discussions with the parties involved (and the supervisor of each of the parties, if different from the one receiving the complaint). If this does not resolve the situation, or if the supervisor receives a formal written bullying complaint, they should first notify their HR Solutions Partner, and then follow the formal resolution process. Any supervisor with a conflict of interest should recuse themselves from the process and refer it to the next higher-level supervisor.

Other approaches that a supervisor may take to informally resolve the matter may include:

1. **Offer Support:** The person who believes they are being bullied needs to be able to discuss the situation with somebody who is empathetic and trained in these issues. If bullying is occurring, the employee will gain strength to address the offensive course of action; if bullying is not occurring, those involved can be advised accordingly.
2. **Seek Advice:** Obtain the advice and support of individuals or groups with expertise in handling bullying such as your supervisor, the HR Solutions Partner, the Ombuds, or the Employee Assistance Program when deciding the most appropriate course of action to follow.
3. **Refer the Employee to Available Resources:** Suggest that the impacted party access support and guidance from sources such as Human Resources, the Ombuds, or the Employee Assistance Program as appropriate.
4. **Address the Responding Party:** Accompany and support the impacted party when they approach the responding party to ask the behavior to stop, but without taking sides before you know the facts. If the impacted party is not comfortable approaching the responding party directly, you may approach the person on the employee's behalf. Make the responding party aware of the behavior in question, as well as its harmful effects, its inappropriateness, and that it is contrary to policy. Remind the responding party that bullying is a disciplinary offense and repeated incidents may render them liable to a formal procedure which may result in disciplinary action. It may be necessary to discuss any training needs with the responding party that may help change the unacceptable behavior.

Formal Resolution Process

1. If an informal resolution was not reached and the impacted party wishes to pursue the matter they must submit a written complaint to their immediate supervisor (or, if the supervisor is involved, then to the next level supervisor) using the Bullying Complaint Form. The complaint must be limited to events having occurred within the last five years, with the most recent incident having occurred within the last 180 days. The supervisor should be prompt to acknowledge receipt of the complaint, in writing. Only the targeted, impacted party or the supervisor of either party, may file a formal complaint.
2. Within 10 working days of receiving the complaint, the supervisor must contact the designated HR Solutions Partner (970-491-6947 or myhr@colostate.edu). If the impacted party, and/or the responding party have different supervisors, then the HR Solutions Partner will contact the other supervisor(s) and facilitate communications

between those involved. In the discretion of the Chief Human Resources Officer (CHRO) or delegate, the matter may be elevated to other University officials, as appropriate. The CHRO or delegate also has the authority to extend all timelines as deemed necessary.

3. The formal process requires that the supervisor(s) (or higher-level university official) and the HR Solutions Partner make a jointly coordinated, reasonable inquiry into the facts, document what is discovered, and, if warranted, take appropriate action, which may include counseling those involved, initiating corrective action, or pursuing other employment action. If a supervisor of either party filed the complaint, that person cannot act as an investigator, and the matter will be referred to next higher-level supervisor.
4. At the discretion of the CHRO, related complaints or incidents may be combined for purposes of inquiry, resolution, and/or review through the HR Solutions Partner.
5. Before initiating a reasonable inquiry into a complaint of bullying, the supervisor should contact the HR Solutions Partner for help in creating a plan of action. The supervisor should consider if they have any biases or other conflicts of interest that would preclude them from conducting a full and fair reasonable inquiry. If so, the next higher-level supervisor should take over responsibility. The HR Solutions Partner will assist in this determination.
6. Supervisors and the HR Solutions Partner should jointly begin the inquiry promptly upon learning of the complaint, conduct the inquiry expeditiously, prepare a confidential, written report and provide it to the parties and HR within 30 working days after receiving the written complaint. If a longer time is needed, the HR Solutions Partner can extend the time.
7. The supervisor and/or HR Solutions Partner must meet with the complainant to discuss the complaint of bullying. When meeting with the complainant, the interviewer(s) should listen carefully and not be judgmental. The interviewer(s) should refrain from evaluating the complaint or offering premature feedback to the complainant.
8. Acknowledging the complainant's perceptions and feelings by briefly paraphrasing what the complainant has shared to ensure accurate understanding is important. The interviewer(s) should make notes of the key facts that are stated and instruct the complainant to put their requested relief in writing, utilizing the Bullying Complaint Form.
9. The supervisor should thank the complainant for bringing concerns forward and ensure them there will be timely follow-up regarding their concerns.

10. A supervisor and/or the HR Solutions Partner conducting a reasonable inquiry should meet privately with the responding party to get their side of the story. They should clearly communicate the need for undesirable behavior to change. Clear expectations should be set with the complainant, responding party and any witnesses. The supervisors and the HR Solutions Partner should emphasize with all parties that retaliation is not acceptable and explain that disciplinary action will follow if retaliation occurs.
11. The confidential report will include, at a minimum, the following information:
 - a. Identities of the supervisor, HR Solutions Partner and any others involved in conducting the reasonable inquiry;
 - b. Nature and substance of the allegations;
 - c. Reasonable inquiry process, including the number of witnesses interviewed, but excluding the identity of the witnesses;
 - d. Summary of the facts;
 - e. Final determination of whether the Bullying Policy was violated;
 - f. Decision as to action to be taken.
12. If the determination is that the facts do not sustain a charge of bullying, this should be documented and communicated to the parties, and no further action is required. If requested by the responding party, this determination should also be communicated to all persons interviewed during the inquiry.
13. If the determination is that bullying is substantiated, then it should be documented, and action should be taken promptly to address the situation, including disciplinary action or other employment action, if warranted, subject to applicable university policies and procedures as described below.
14. If the action to be taken involves formal discipline, the applicable CSU policies and procedures for the employees involved will be followed. Actions not involving formal discipline may include:
 - a. Separation of the parties involved within the workplace, without a change in duties;
 - b. Counseling one or both parties;
 - c. Requiring attendance at an appropriate training about workplace behavior;
 - d. A letter of expectations that is shared only with the responding party and does not become part of the employee's personnel file.

15. Repeated violations of the bullying policy by the same individual should result in progressively stricter actions being taken.
16. Substantiated bullying incidents should be taken into consideration in an employee's annual performance review, subject to established evaluation procedures (see, e.g., Academic Faculty and Administrative Professional Manual, section C.2.5 for faculty and D.55 for Administrative Professionals, and Human Resources Manual section 3 for State Classified personnel). In particular, department heads need to be familiar with the restrictions in section C.2.5 of the Manual.
17. In addition, the reasonable inquiry process may identify improper or problematic conduct that does not constitute bullying as defined and prohibited by this policy. In that situation, the supervisor should address the improper conduct, and such conduct may form the basis for action by the supervisor in accordance with university policies and procedures.
18. All disciplinary actions shall be taken in accordance with applicable policies and procedures, including: for tenured faculty, section E.15 of the Academic Faculty and Administrative Professional Manual; for state classified personnel, the Human Resources Manual section 3; and, for administrative professionals, section D.5.5 of the Academic Faculty and Administrative Professional Manual.
19. The file containing all documents related to the report, review, and reasonable inquiry must be kept for 5 years by Human Resources, after which time, it may be destroyed.

Administrative Review

The final decision of the supervisor may be subject to administrative review at the request of either the complainant or the responding party. The request must be made in writing and submitted to the HR Solutions Partner within 10 working days after the written decision is received. The request must specify the reasons why the party finds the resolution unacceptable.

The administrative review will be performed by the next higher-level supervisor of the person who rendered the decision (or the department/unit head if that person is higher in the reporting line). The reviewer will assess the written request for a review, the written report and decision, and the written documentation in the case. The reviewer may also consult with the supervisors involved and the HR Solutions Partner. No new evidence will be taken. The decision will be announced, in writing, within 30 working days after the receipt of the written request for a review by the reviewing administrator. The decision of the administrative review is final and is not grievable.

Resources for Employees

Anyone impacted by bullying behavior may access support services from the Employee Assistance Program, by calling 1-800-497-9133. EAP is a resource available to all employees that can provide support for those impacted by concerns about workplace bullying—including resources for the person who feels they have been a target as well as for the responding party in a bullying complaint.

Supervisors should inform participants in the bullying process about the Employee Assistance Program.

The Ombuds Office is a confidential resource for all employees to explore options and obtain information about the policy and processes related to workplace bullying. As a neutral resource, the office is available both to the person who feels they have been a target of bullying and the responding party to bullying complaints. As an informal resource, the Ombuds office is not an office where complaints are placed “on the record.” Therefore, if someone wants to initiate a formal process, the Ombuds office can discuss the process but does not initiate an inquiry or document the concerns for the institution.