



OHSU POLICY MANUAL

Policy Number: 03-05-060

Policy Title: PROHIBITION ON BULLYING

Effective Date: August 21, 2023

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In order to thrive and excel, the OHSU community must sustain a culture of respect that honors the rights, safety, dignity and worth of every OHSU Member. OHSU is committed to ensuring an environment that is free from harassment, bullying, and discrimination. Bullying, hostile and abusive behavior, and power-based harassment directly threaten the ability of OHSU Members to engage in the free exchange of ideas and pursue their educational and professional goals. This policy documents OHSU's commitment to provide an environment free from bullying behavior and provides a process for addressing behavior that constitutes bullying.

1. Policy Scope and Application

This policy aims to foster a community built on mutual respect and trust while also not interfering with academic freedom, reasoned dissent, or legitimate educational or employment-related feedback. The policy is intended to educate OHSU Members about bullying and to provide informal and formal mechanisms for addressing and rectifying behaviors that breach the standard of mutual respect and trust.

This policy applies to conduct that:

- A. Occurs on campus or property owned or controlled by OHSU;
- B. Occurs in the context of an OHSU employment or educational program or activity;
- C. Uses OHSU resources, such as telephones, computers, video conferencing technology, e-mail, or other means of electronic communication; or
- D. Creates a hostile environment for or causes substantial disruption to the OHSU community or any of its Members, as defined in Policy 01-01-000.

For complaints involving OHSU Members who are not employed by or enrolled as students at OHSU, such as patients, contractors, visitors, volunteers, alumni, and guests, OHSU will determine the appropriate manner of investigation and resolution, which may include, without limitation, referral to local law enforcement or to the school or employer of the third-party, and/or restriction from access to campus or OHSU programs, services or activities in accordance with Policy 07-30-030, Restriction or Exclusion from Access to OHSU Resources and Property. OHSU's ability to investigate or

take remedial action against a third-party is limited and will be determined by the nature of any substantiated misconduct and OHSU's relationship to the third-party.

This policy does not apply to misconduct or disrespectful treatment which is based on a protected characteristic. Other OHSU policies, including Policy 03-25-048, Discrimination, Harassment, and Retaliation, may apply to these forms of misconduct. Additionally, other policies may apply to misconduct implicated under this policy, including the OHSU Code of Conduct, Policy 07-30-020, Workplace Violence, or Policy 07-30-025, Investigation of Potentially Criminal Conduct. Nothing in this policy prevents OHSU Members from taking reasonable action to prevent the commission of a crime or prevent disruption to OHSU operations. Nothing in this policy shall supersede or alter requirements under existing collective bargaining agreements, bylaws, policies, regulations or laws. If alleged behavior constitutes Violence as defined in Policy 07-30-020, Public Safety will investigate and respond to the allegations pursuant to that policy.

2. **Definition of Bullying**

Bullying, often used to describe hostile and abusive behavior or power-based harassment, is defined in this policy as harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, and/or threaten an individual or individuals. For a violation of the policy to occur, such aggression must be sufficiently pervasive, persistent, and/or severe that a reasonable person would be excluded from participation in or denied the benefits of OHSU's educational or work programs or activities. Unless sufficiently pervasive, persistent and/or severe, a single act typically would not constitute bullying.

The policy is intended to ensure that all OHSU Members, regardless of rank or status, may pursue their work and/or learning. Power-based harassment is of particular concern because of the ways in which it can create a broader culture of abusive behavior. While bullying may in many cases involve an imbalance of power, this policy recognizes that bullying may also occur between OHSU Members in the same role, or of the same rank or status.

A. Bullying may include, but is not limited to, the following behaviors:

- (1) Abusive expression directed at an individual or individuals, such as derogatory remarks, epithets, or attacks that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic community and professional setting that respects free expression. The policy encompasses abusive expression or attacks that are verbal or nonverbal, spoken or written, recorded, visual, or digital, including content posted to online platforms, academic tools, or social media sites. Examples include, but are not limited to:

- a) Performance feedback delivered by yelling, screaming, making threats and/or insults. Informing individuals of possible negative consequences will not on its own be considered a threat that violates this policy, unless a reasonable person would find the manner in which the individual is informed of the possible consequence or the consequence itself to be inappropriate or solely intended to intimidate.
 - b) Deliberate and repeated humiliation. This could include actions such as deliberate and repeated shaming or excessive scolding of an OHSU Member.
 - c) Malicious comments about a person's appearance, lifestyle, family, or culture.
- (2) Unwarranted physical contact or intimidating gestures directed at an individual or individuals. Examples include:
- a) A physical, verbal, and/or written act toward another person, which causes them reasonably to fear for their safety and/or the safety of others.
 - b) Invading personal space after being asked to move or step away.
 - c) In some instances, this conduct may rise to the level of Violence as that term is defined in Policy 07-30-020.
- (3) Conspicuous and unwarranted exclusion or isolation of an individual or individuals, with the effect of harming their reputation in the workplace and/or learning environment and hindering their learning or work;
- (4) Sabotage or threatened sabotage of the studies, work, or career advancement of an individual or individuals. Examples may include:
- a) Interfering or threatening to interfere with a person's visa status.
 - b) Spreading false or misleading information or malicious rumors.
 - c) Sharing confidential information about another person without a legitimate educational or employment-related purpose.
 - d) Interfering with a person's personal property or work equipment.
 - e) Damaging or destroying a person's work.
- (5) Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding or attempting to impede another person from exercising rights under any of OHSU's policies or procedures.

- B. This policy is not intended to discourage or interfere with ordinary managerial, mentoring, or educational relationships, including the solicitation or delivery of constructive or critical feedback. Bullying is distinguished from behavior which may be unpleasant or unsettling but is nevertheless appropriate for carrying out certain educational or employment-related responsibilities. Examples of conduct that would not ordinarily violate this policy include the following:
- (1) Administrative actions such as performance reviews (including negative performance reviews), assigning work to employees, or other managerial decisions.
 - (2) Critical feedback on the academic work of students, including advising a student of unsatisfactory academic work and the potential for course failure or dismissal from the program.
 - (3) Critical feedback on the inappropriate behavior of individuals, including advising of the consequences of inappropriate conduct, poor performance, or failure to follow policy.
 - (4) Differences of opinion, interpersonal conflicts, and occasional disagreements, which are often part of academic and working life and do not necessarily constitute bullying.
 - (5) Classroom discussion of academic research or reasoned opinion on controversial issues.
 - (6) Educational decisions concerning topics to be considered and methods to be used to draw students into discussion (e.g., the cold-calling Socratic Method, which has a clear pedagogical use but which some students may consider unpleasant or unsettling).
- C. This policy should also be construed within the context of OHSU's commitment to academic freedom and free inquiry, and the need for OHSU to be a place that encourages reasoned dissent and the free exchange of ideas, beliefs, and opinions, however unpopular. This policy is not intended to constrain the freedom of OHSU Members to engage in academic disagreements or to speak out about troubling matters, criticize the administration or OHSU policies, or take part in political protest.

3. **Responsible Offices**

The following offices investigate allegations of Bullying and may make corrective action recommendations:

- A. Human Resources with respect to OHSU Members that are employees or volunteers; and
- B. Student Affairs Deans with respect to OHSU Members that are students.

To the extent the alleged behavior constitutes Workplace Violence, as defined in Policy 07-30-020, a report must be made to Public Safety who will investigate and respond to the allegations pursuant to that policy.

4. Investigation Procedures

Responsible Offices will develop and publish standard operating procedures, which will be consistent with OHSU's investigations policy.

5. Appeal

If a complainant or respondent disagrees with a determination of whether this policy was violated, the OHSU Member may appeal this determination in writing to the OHSU Community Conduct Committee within 10 business days after receipt of the decision on the following grounds:

- A. The responsible office failed to follow established procedures with respect to the decision appealed from and the error resulted in prejudice to the OHSU Member;
- B. New material information is available that was unavailable at the time of the investigation;
- C. The decision is in conflict with applicable laws, rules or OHSU policies.

The OHSU Community Conduct Committee shall be comprised of the Chief People Officer, the Provost, and the Chief Integrity Officer (or their designees), and it will review the underlying investigatory conclusion and corrective action (if any). The decision of the OHSU Community Conduct Committee is final.

6. Supportive Measures, Interim Actions and Remedial Measures

Regardless of whether an investigation or other process is initiated by any Responsible Office or a violation of this policy is substantiated, OHSU may:

- A. Provide supportive measures to the complainant and respondent as appropriate and reasonably available. In deciding which supportive measures to implement, OHSU will attempt to mitigate the impact on affected parties, while also balancing their respective rights.

- B. Implement Interim Action(s) during the pendency of the investigation. Interim actions aim to prevent the repetition of prohibited conduct, if occurring, and eliminate opportunities for retaliation against a complainant, the individual who reported, other specified persons, or ongoing disruption to OHSU. The specific interim action(s) implemented will vary depending on the circumstances of each report. In some instances, the university may share information regarding such interim measures with a complainant, or other appropriate individuals, on a need-to-know basis, such as safety planning. Interim actions for employee respondents may include administrative leave or changing reporting lines.

- C. Determine whether additional remedies for the parties or the OHSU community are necessary to restore and preserve equal access to OHSU's education programs and activities or to maintain a respectful workplace. Examples of such remedies may include the initiation or continuation of supportive measures, facilitated dialogue, and/or training for members of the OHSU community, as well as remedial, non-disciplinary actions.

Related Resources: Harvard University Discrimination and Bullying Policy Steering Committee and Working Groups: <https://communitymisconductpolicies.harvard.edu/>

Related Policies: **OHSU Code of Conduct**
 Policy 03-25-048, Discrimination, Harassment and Retaliation
 Policy 07-30-020, Workplace Violence
 Policy 07-30-025, Investigation of Potentially Criminal Conduct
 Policy 07-30-030, Restriction or Exclusion from Access to OHSU

Responsible Office: Human Resources and Student Affairs