

**RESPONDING TO
WORKPLACE BULLYING**

The University of Massachusetts Amherst is committed to providing faculty, staff and students with a workplace environment where they may pursue their careers or studies without being bullied. Bullying in the workplace is prohibited under the terms of the following Trustee policy on Principles of Employee Conduct (T96-136):

Institutions of higher education are entrusted with great resources and commensurably great responsibilities. They must meet their mission of research, teaching, and service in ways that truly enrich the society that supports them and truly serve the students, parents, and alumni who in joining the university community become life-long members of the extended university learning family. College and university leaders play a key role in assuring that high standards of ethical practice attend to the delivery of services to their various constituents and to the custody and use by all their faculty, staff and students of the resources entrusted to them. The University of Massachusetts embraces the values expressed in these Principles of Employee Conduct and expects their observance by all its employees.

- University employees are entrusted with public resources and are expected to understand their responsibilities with respect to conflicts of interest and to behave in ways consistent both with law and with University policy.
- University employees are expected to be competent and to strive to advance competence both in themselves and in others. The conduct of University employees is expected to be characterized by integrity and dignity, and they should expect and encourage such conduct by others.
- University employees are expected to be honest and conduct themselves in ways that accord respect to themselves and others.
- University employees are expected to accept full responsibility for their actions and to strive to serve others and accord fair and just treatment to all.
- University employees are expected to conduct themselves in ways that foster forthright expression of opinion and tolerance for the view of others.
- University employees are expected to be aware of and understand those institutional objectives and policies relevant to their job responsibilities, be capable of appropriately interpreting them within and beyond the institution, and contribute constructively to their ongoing evaluation and reformulation.

The University is responsible for communicating to University employees the content of these Principles of Employee Conduct and for ensuring that the standards of conduct contained herein are met. The University expects to provide its employees:

- a work environment that is professional and supportive;
- a clear sense of the duties of their job, the procedures for performance review, and access to relevant University policies and procedures; within the scope of each employee's assigned areas

of authority and responsibility, the duty to exercise appropriate judgment and initiative in performing duties;

- the right to seek appropriate review of matters that violate the ethical principles contained in these Principles.

WORKPLACE BULLYING

In accordance with the Principles of Employee Conduct, the following guidance is provided for employees who believe they have been subjected to bullying in the workplace and for supervisors, who are expected as part of their responsibilities to ensure that any such instances are dealt with promptly. It provides for both informal and formal remedies. The goal is to provide a fair and prompt determination about whether bullying has occurred and, if so, to take appropriate steps to ensure that it is not repeated. In determining whether an alleged incident constitutes bullying, supervisors will look at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incidents occurred. The final decision regarding a suitable response will be made from a finding of fact on a case-by-case basis, from any record of previous bullying by the alleged bully, and taking into account whether the alleged bully is in a supervisory position with respect to the complainant. In all cases in which discipline is imposed, the procedures of the applicable collective bargaining agreement will be observed.

The Chancellor's Office, in concert with the Vice Chancellors, will see that all supervisors on the Amherst campus receive information and training concerning workplace bullying and concerning the responsibilities of supervisors when complaints are received.

PROCEDURES

I. Informal Resolution

In some cases, informal resolution of a situation may provide a more satisfactory result than proceeding directly to a hearing. Resolution through agreement, consultation, or facilitation can assist to create a more sustainable change in behavior or the work environment; in general, people are more likely to abide by a resolution they agree to as opposed to one imposed by an authority. For these reasons, the University supports the use of alternative dispute resolution (ADR) when all parties are in agreement to utilize such a process. If such efforts are not successful, the procedures below will be initiated. Informal attempts at settlement will not unduly delay resolution.

Self-Help

The goal in any complaint process is to stop the bullying behavior. If a complainant believes he or she is experiencing inappropriate conduct and can comfortably confront the individual responsible for the inappropriate conduct, then the following steps may be taken:

- confront the person(s) promptly;
- inform the person(s) that the conduct is offensive, intimidating, or embarrassing;
- describe the effect of this behavior;
- request that the behavior stop immediately.

The complainant should consider having the above conversation with a witness present who can corroborate the exchange. If this is not possible or practical, the complainant might write a letter incorporating the above points and give it to the person in front of a witness. The complainant should retain a copy of this letter.

In all instances, the complainant should document the event(s), including dates, times, places and witnesses.

If this action fails to provide the complainant with the appropriate relief, or as an alternative to using this approach, the measures described below may be considered.

Ombuds Office, 823 Campus Center, 545-0867

The Ombuds Office provides confidential, neutral, independent and informal alternative dispute resolution assistance with any University related concerns. Services include consultation, conflict coaching, mediation, shuttle diplomacy (where the parties do not have to meet face to face), social justice mediation (where certain power dynamics may also be addressed), facilitated conversations, and restorative practices.

II. Administrative Review

A. Any employee of the University of Massachusetts Amherst who believes that he/she has been the target of workplace bullying may file a complaint, orally or in writing, with the supervisor of the person alleged to have engaged in bullying behavior. A supervisor who receives a complaint of bullying shall:

- 1) Maintain a written record of the complaint and all steps taken to resolve it
- 2) Meet with the complainant
- 3) Meet with the alleged bully (hereinafter, the “respondent”)
- 4) Investigate as needed including interviewing witnesses, examining evidence, reviewing documentation, etc.
- 5) Make a determination about whether bullying has occurred and, if so, take appropriate steps to ensure that it is not repeated. Those steps might include oral and/or written instruction to the respondent, discussion among the parties, and/or disciplinary action.
- 6) File a written report, regardless of the disposition of the complaint, with the Chancellor’s Office who will maintain a record of all bullying complaints. Such record will include complainants' and respondents' names and the outcome of proceedings, including sanctions imposed if any. At any point during the process, the supervisor may order the imposition of interim measures deemed by him/her necessary for the protection of either of the parties. Such measures may include but not be limited to change in work assignment or location for

the respondent or, with mutual consent of the complainant and his/her supervisor, a change in work assignment or location for the complainant.

A supervisor who has observed what he/she believes may constitute workplace bullying does not require a complaint from an employee and should, rather, take prompt action to address the situation, following the process above.

B. An employee who files a complaint in accordance with the above process and is not satisfied with the outcome may file an appeal with the next supervisory level in which the individual alleged to have engaged in bullying behavior is employed. If the original complaint was filed with the Dean/Director, the appeal should be filed with the appropriate Vice Chancellor or Associate Chancellor. A Dean/Director or Vice Chancellor/Associate Chancellor who receives such an appeal shall:

- 1) Meet with the complainant
- 2) Review the written record maintained by the supervisor
- 3) Conduct further investigation if needed
- 4) Make a determination about whether bullying has occurred and, if so, take appropriate steps to ensure that it is not repeated. If any disciplinary action is contemplated, the Dean/Director or Vice Chancellor/Associate Chancellor shall first meet with the complainant.
- 5) File a written report, regardless of the disposition of the complaint, with the Chancellor's Office who will maintain a record of all bullying complaints. Such record will include complainants' and respondents' names and the outcome of proceedings, including sanctions imposed if any. At the end of every academic year the Chancellor's Office will prepare an annual report of statistics and relevant commentary. The annual report will be available to faculty, staff and students upon written request to the Chancellor's Office. The annual report will not contain names, but may contain other relevant statistical data including, but not limited to, status of the parties (e.g., exempt or non-exempt staff; or faculty); department or other campus affiliation; nature of the complaint; and outcome, to the extent that it is possible to provide this information without compromising the confidentiality of the parties.

At any point during the process, the Dean/Director or Vice Chancellor/Associate Chancellor may order the imposition of interim measures deemed by him/her necessary for the protection of either of the parties. Such measures may include but not be limited to change in work assignment or location for the respondent or, with mutual consent of the complainant and his/her supervisor, a change in work assignment or location for the complainant.

A Dean/Director or Vice Chancellor/Associate Chancellor may appoint a designee to carry out any or all of the functions described here.

This procedure is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. A complainant may file a complaint with an external agency to meet state and federal agency deadlines without jeopardizing his or her right to a University resolution.

IV. Formal Hearing

As an alternative to the informal and administrative procedures described above, or if those procedures have not resolved the situation, any employee of the University of Massachusetts Amherst who believes that he/she has been the target of workplace bullying may file a request for a hearing with the Chancellor's Office. In most cases, the University believes that informal approaches to resolution are in the best interest of all parties. Therefore, when a request for a hearing is received, the Chancellor's Office will make every attempt to assist the parties in effecting informal resolution before proceeding to a formal hearing. If such efforts are not successful, the procedures below will be initiated. Informal attempts at settlement will not unduly delay resolution and will not ordinarily extend beyond thirty days without the agreement of the complainant and the respondent.

As in any grievance procedure, justice requires that the legal rights, as well as the right to academic freedom, of the Complainant and the Respondent be fully assured. The University will make every effort to protect these rights and will knowingly undertake no action that threatens or compromises them. Notwithstanding, nothing in these procedures is intended to prevent the University administration from taking appropriate interim measures to protect one or more of the parties until such time final adjudication regarding the complaint has been reached.

This procedure is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. A Complainant may file a complaint with an external agency to meet state and federal agency deadlines without jeopardizing his or her right to a University hearing. (See Section XI.) Upon official notification that an individual has filed with an external agency, the University will inquire if the Complainant wishes to continue with the internal grievance process.

If the Respondent is a member of the Chancellor's staff, the Chancellor will appoint a designee to serve the role described for the Respondent's Vice Chancellor in this procedure. [Note: In all instances throughout this document where the term Vice Chancellor is used, it will be understood that the term also refers to the Chancellor or designee, whichever is appropriate.]

When the Respondent in a hearing is an undergraduate or graduate student, the Complainant should contact the Dean of Students Office, 227 Whitmore Building (545-2684); all such complaints will be handled by that office. In instances in which a Respondent is both a student and an employee, the Chancellor's Office shall review the circumstances of the case and determine which grievance procedure is appropriate.

IV.A. Hearing Request Procedure

The request for hearing must be submitted in writing to the Chancellor's Office on an official hearing request form [link here] (also obtainable from the Chancellor's Office). The request must clearly and concisely state a description of the matter being complained about; it may also indicate any remedy sought. The form must be signed and dated by the Complainant. The Chancellor's Office will provide the Respondent and the Respondent's Vice Chancellor with a copy of the request within ten days of receipt.

IV.B. Initial Review – Initial Review Panel

Within twenty days of receipt of a written request for hearing, the Chancellor's Office shall convene a three-person panel, randomly selected from the membership of the Workplace Bullying Board, to determine whether there is sufficient basis for the matter to proceed, that is, whether, if all facts as alleged were confirmed, they would constitute a violation of the policy. Within ten days of convening, this panel shall rule on the sole question of whether the matter may proceed to a full hearing and shall make its decision based on the written submission of the Complainant.

If the panel determines that there is sufficient basis for the matter to proceed, the Respondent will have twenty days after receiving notice from the Initial Review Panel to submit a written response to the Chancellor's Office. This statement, which must be submitted on the official form [link here] (also available from the Chancellor's Office), will contain full and specific responses to each claim in the hearing request, admitting, denying or providing a full explanation of the allegations. The response must be signed and dated by the Respondent. The Chancellor's Office will forward a copy of the response to the Complainant and the Respondent's Vice Chancellor.

When a hearing is to be held, it will be conducted in accordance with the procedures outlined below.

IV.C. The Workplace Bullying Board

The Workplace Bullying Board consists of thirty members of the University community, appointed by the Chancellor, each for a term of three years, which may be renewed. Every effort will be made to ensure a widely representative and diverse group. PSU, USA/MTA, AFSCME, GEO, MSP, and SGA shall each be invited to nominate eight individuals for the Board. The Chancellor shall appoint four individuals from each of these groups of nominees, together with non-unit employees. If any organization invited to submit nominees fails to do so, the Chancellor will appoint Board members from the relevant constituent group.

Following their appointment, Board members will participate in a workshop designed to educate them about workplace bullying as well as the procedures for conducting a workplace bullying hearing. Members of the Board shall receive appropriate release time for their participation in training and service on hearing panels.

IV.D. The Workplace Bullying Hearing Panel

Constituting the Hearing Panel

Within ten days of receipt of the Respondent's written response to a hearing request, the Chancellor's Office will appoint a three-member Hearing Panel. At least one member of each Hearing Panel will be drawn from the Complainant's and Respondent's respective constituencies

(that is, classified employee, faculty member, graduate or undergraduate student, or professional staff). A hearing panel appointee may, for appropriate reason, request that he/she be excused. The Chancellor's Office shall render a decision regarding any such request. Upon approval of such request, the Chancellor's Office shall appoint another member to fill the vacancy. The Chancellor's Office will designate one member to serve as the Presiding Officer. Undergraduate students may only serve on a Hearing Panel in instances in which an undergraduate student is the complainant or respondent.

Prior to their participation in a hearing, the Chancellor's Office will meet with the Hearing Panel to review workplace bullying issues and the hearing procedures. Both the Complainant and the Respondent will be invited to attend this meeting.

Before the hearing is convened, and within two days of appointment of the Hearing Panel, the parties will receive written notification of the Panel's appointment from the Chancellor's Office. Each party to the proceeding will have the right to object to the appointment of any panel member on the grounds that that member's participation would jeopardize the party's right to a fair and reliable hearing. All objections must be submitted in writing to the Chancellor's Office and must be received in the Chancellor's Office not later than five days following notification. The Chancellor's Office shall determine whether objections have merit; will judge whether a panel member will be seated; and will provide the objecting party with a written decision within five days of receipt of the written objection. This decision will be final.

In the event that the duties and responsibility of the Hearing Panel extend into a period of non-responsibility, the hearing may, at the discretion of the Chancellor's Office, be suspended until the period of responsibility resumes.

Duties and Powers of the Presiding Officer and the Hearing Panel

The Presiding Officer will:

1. ensure an orderly presentation of all evidence;
2. ensure that the proceedings are accurately recorded; and
3. see that a fair and impartial decision based on the issues and evidence presented at the hearing is issued by the Hearing Panel.

The Hearing Panel will:

1. define issues of contention;
2. conduct a fair and impartial hearing which ensures the rights of all parties involved;
3. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;
4. ensure that the Complainant and Respondent have full opportunity to present their positions and to present witnesses and evidence which support their positions; further, the Hearing Panel may also name individuals to appear as witnesses;

5. ask relevant questions of the Complainant, Respondent, and witnesses to elicit information which may assist the Hearing Panel in making a decision; members of the University community have a responsibility to fully cooperate with this process;
6. continue the hearing to a subsequent date if necessary to permit either party or the Panel to produce additional evidence, witnesses, or other relevant materials;
7. change the date, time or place of the hearing on its own motion or for good reason shown by either party, and with due notice to all parties;
8. permit both parties to submit written arguments following the conclusion of the hearing;
9. rule by majority vote on all questions of fact, interpretations of rules, regulations and policies, and any requests that are made during the hearing.

The Hearing Panel may consult with or have the assistance of University Legal Counsel throughout this process.

IV.E. The Hearing

Hearing Procedures

The Hearing is intended to provide a forum within which a panel of peers determines whether University policy has been violated. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Hearing Panel will not be bound by the procedures and rules of evidence of a court of law. In most instances, Complainants and Respondents will be expected to speak for themselves. The Hearing Panel will hear and admit evidence that it believes is pertinent to the case.

1. The Chancellor's Office will initially provide the Hearing Panel with copies of the hearing request and the response; the Chancellor's Office will also work with the Hearing Panel and the parties to coordinate the scheduling of the hearing. A closed hearing will be held as soon as possible following the final appointment of the Hearing Panel. The Complainant and the Respondent must submit all documents they intend to introduce at the hearing, as well as the names and affiliations of their witnesses and advocates (see Section VIII.C.5) in reasonable advance of the hearing date. Actual deadlines for submissions of these materials will be established once a hearing date has been set. The Chancellor's Office will ensure that the parties and the Hearing Panel receive copies of all submitted materials. Documents not submitted in advance of the hearing may be introduced into the record on the day of the hearing provided all parties and the Panel are accorded sufficient time to review the documents and respond accordingly. In this case, the party submitting the documents must provide sufficient copies for all relevant parties.
2. The Hearing Panel will convene prior to the hearing date to review the hearing request, the response, and all materials submitted by the parties. The Panel may, upon review of materials and witness lists submitted by the parties, identify

additional witnesses they wish to call on the day of the hearing or request that the parties provide additional materials. The Presiding Officer will provide the parties with the names of additional witnesses and copies of all additional materials requested by the Panel as far in advance of the hearing as possible.

3. The Presiding Officer may meet with the parties prior to the hearing to review hearing procedures and to respond to any procedural matters that have arisen.
4. The Complainant and Respondent will have the opportunity to hear and respond to all testimony, to examine all evidence, and to present evidence and witnesses which advance arguments relevant to the issues in contention.
5. Each party will have the right to be accompanied and advised by two people at any stage of the proceedings. Neither one of the advisors may be an attorney unless the party is facing criminal charges stemming from the subject matter of the hearing. In most instances, Complainants and Respondents will be expected to speak for themselves. Advisors will not address the Hearing Panel directly except with the permission of the Panel or as described in paragraph 8 below.
6. The Chancellor's Office must be advised as soon as possible, but in no event less than five working days in advance of the hearing date if either party will be accompanied by an attorney.
7. Each of the parties is responsible for informing their respective advocates and witnesses of the date, time, and place of the hearing.
8. If either party is a member of a collective bargaining unit, the advisors mentioned above may, upon the request of the party, be representatives of his or her union. A union advisor shall have the right, in accordance with applicable law, to be informed about the subject matter of the hearing, to consult privately with the employee before the hearing, to advise and counsel the employee, to speak and be proactive during the hearing as long as doing so does not interfere with or disrupt the proceedings, to provide additional information to the hearing panel at the conclusion of their questioning of the employee, and to take notes during the proceedings. Neither party will be required to be advised by a union representative. When there is no request for union representation, the Chancellor's Office will notify the appropriate union in writing that a hearing has been scheduled; the union will be allowed to send an observer.
9. The hearing will be recorded on tape by the Hearing Panel and the tapes will become the property of the University. Following the completion of the hearing, either party may have supervised access to the recording by submitting a written request to the Chancellor's Office.

Hearing Presentation

Following opening remarks, the Presiding Officer will summarize the charge(s) and ask the Respondent to either admit or challenge the allegation(s).

The Complainant will present a brief opening statement, followed by the same from the Respondent. Each party will then present their evidence and witnesses, followed by witnesses called by the Hearing Panel. Questions may be posed at any stage of the proceedings consistent with the protocol established by the Presiding Officer at the onset of the hearing process. Each party may make a brief concluding statement to the Hearing Panel.

Submission of Written Arguments

Either party may submit a written argument following the hearing, provided he or she notifies the Presiding Officer no later than two working days after the hearing. The written argument may not introduce new information, but rather must be a summary of the information already introduced and presented. The Parties will have ten working days to submit written arguments to the Presiding Officer. The Presiding Officer will send copies of written arguments to each party.

A Hearing Panel, by a majority vote of its members, may make other rules concerning the procedure of a hearing which it deems appropriate and consistent with the Principles of Employee Conduct.

IV.F. Decision of the Hearing Panel

Following the hearing and submission of written arguments, if any, the Hearing Panel will convene for private deliberations to determine whether the University's Principles of Employee Conduct have been violated. The standard for determining whether the policy has been violated shall be a preponderance of the evidence. A finding that the policy has been violated and a recommendation for appropriate relief and penalty shall require concurrence of at least four of the five members of the Panel. The Panel will prepare a detailed report noting its conclusion; this report will clearly state the facts of the case and the supporting evidence; the conclusion must be fully supported by the evidence elicited at the hearing. The decision of the Hearing Panel will be submitted to the Chancellor's Office within twenty days following the completion of the Panel's deliberations.

Findings

When the Panel finds no violation, the Chancellor's Office will forward the Hearing Panel's report along with appropriate commentary to the Respondent's Vice Chancellor, with a copy to the Chancellor. The Vice Chancellor will review the materials and submit his or her final decision within twenty days to the Complainant, the Respondent, and the Chancellor's Office. The fact that there has been no violation will be registered in all University records pertaining to the case.

When the Panel finds a violation of the Principles of Employee Conduct has occurred, the Hearing Panel will recommend a penalty for the Respondent and relief for the Complainant if

appropriate. The Chancellor's Office will review the Panel's decision and provide appropriate commentary to the Vice Chancellor. This commentary may include an adjustment to the recommended penalty if, upon review of University records, it is determined that there have been past violations of this policy by the Respondent; specific written reasons for the adjusted penalty must be provided. The Chancellor's Office will subsequently forward the Hearing Panel's report, the complete record of the hearing, and appropriate commentary to the Respondent's Vice Chancellor, with a copy to the Chancellor.

The Vice Chancellor will render his or her decision in writing directly to the Complainant, the Respondent, and the Chancellor's Office within twenty days of receipt of all of the materials noted above. When a violation has been found, the Vice Chancellor will be responsible for determining and implementing both the penalty and relief. The Vice Chancellor's determination of penalty and relief (including the dates by which each will be implemented) will be included in the written decision submitted to the Complainant, the Respondent, and the Chancellor's Office. The Chancellor's Office will notify the Hearing Panel of the final decision.

Following receipt of the Vice Chancellor's decision, the parties may request copies of any written record. Requests must be submitted in writing to the Chancellor's Office.

IV.G. Review

Within thirty days after receiving a written copy of the Vice Chancellor's decision, the Respondent, the Complainant, or the Chancellor's Office may request a review by submitting a written petition to the Chancellor (who may appoint a designee to handle the review). The petition for review will set forth in detail the specific grounds upon which review is sought. The Chancellor will ensure that the Respondent's Vice Chancellor, Chancellor's Office, the Hearing Panel, and the parties receive a copy of the petition. The Chancellor will review the record of the case, which includes the taped record of the hearing; documents considered by the Panel; the Panel's findings and recommendations; and any record of previous offenses. Based upon this review, the Chancellor may modify or vacate a Vice Chancellor's decision. The Chancellor may, for example, decide that the Panel's findings are unsupported by a preponderance of evidence, or that some aspect of the process violated an individual's legal rights, academic freedom, or these procedures.

The Chancellor or designee may: a) affirm or revise the decision of the Vice Chancellor; b) request specific findings from the Panel; or c) remand the case to the Chancellor's Office for a new hearing before a new Hearing Panel. In the course of review, the Chancellor may consult with University Legal Counsel who will have access to the complete record of the case.

The Chancellor or designee will render a written decision within twenty days following receipt of the petition for review and all materials relating to the grievance. The Chancellor's decision will be sent to the Respondent's Vice Chancellor, the Complainant, the Respondent, the Hearing Panel, and the Chancellor's Office. The Chancellor's decision will constitute final University disposition of the matter.

IV.H. Confidentiality

All parties involved in any aspect of this process will act at all times to preserve the confidentiality of these proceedings. Information will be shared with those individuals who have a legitimate and operational need to be informed, and to the extent that it is necessary to maintain the effectiveness of this process.

IV.I. Deadlines

A Complainant will have six months following an incident to request a hearing under these procedures unless he or she can show good reason for having that deadline waived. Requests for exceptions to the filing deadline must be made in writing to the Chancellor's Office, which will render a decision in writing following review of the request. Legal counsel may be consulted in making this determination.

In some instances, particularly when a pattern of behavior is the subject of the complaint, supporting evidence may include reports of behavior that occurred outside of the six-month filing deadline. In these instances, a written request for an exception is not required; however, the Chancellor's Office may be asked by the Respondent to rule on the admissibility of such evidence. The decision of the Chancellor's Office in these instances is final.

Failure to meet any of the deadlines stipulated in this procedure will not result in a decision by default or prevent the process from continuing.

IV.J. Requirements for Participation & Withdrawals

If a Respondent fails to answer a charge or to participate in this process, the Chancellor's Office will notify his or her Vice Chancellor of that fact. Failure to respond to a claim or to appear at a hearing will be considered a breach of responsibility and could result in disciplinary action. Furthermore, a Respondent will not prevent this process from proceeding by his or her silence or absence; failure to respond to a complaint or to appear at a hearing may result in the process proceeding solely on the basis of the Complainant's testimony and evidence.

A Complainant may request to withdraw a hearing request after it has been filed by submitting written reasons for the withdrawal to the Chancellor's Office. The Chancellor's Office will be responsible for notifying the Respondent of the request to withdraw. The Chancellor's Office, after consultation with the respondent and appropriate administrators including, where necessary, legal counsel, will issue a written determination to the parties regarding the request for withdrawal. A Complainant may not interrupt the process simply by failing to appear at the hearing or other required meetings. Failure to appear may result in the hearing proceeding solely on the basis of the Respondent's testimony and evidence.

IV.K. Standard of Proof

A violation of the Principles of Employee Conduct under these procedures will be found only where there is a preponderance of evidence that a violation has occurred. The Hearing Panel,

the Vice Chancellors, and the Chancellor will be bound to make their determinations based on this standard of proof.

IV.L. Interim Measures

At any point during the hearing process, the Chancellor's Office may order the imposition of interim measures deemed by him/her necessary for the protection of either of the parties. Such measures may include but not be limited to change in work assignment or location for the Complainant or Respondent.

V. Retaliation

No individual shall be retaliated or discriminated against for participating in these procedures. Complaints of retaliation should be addressed to the Chancellor's Office, who will determine the appropriate action.

VI. Records

Records of all proceedings under Sections II-IV will be kept by the Chancellor's Office and may be accessible to authorized staff as necessary. For example, records may be accessed when determining an appropriate penalty for a subsequent workplace bullying complaint; when a complaint of retaliation is made; when a decision is reviewed; or when a Respondent is a candidate for a supervisory position.

The records will also be available to University Legal Counsel for any proceeding related to these policies or procedures, whether internal to the University or in any judicial or administrative proceeding in which the University, its trustees, officers, employees or agents are a party.

VII. Penalties

The penalties for those found to have violated this policy may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the personnel file, probation, suspension without pay, demotion, removal from administrative duties, and dismissal. Any disciplinary measures imposed will be consistent with applicable union contractual provisions.

VIII. Annual Report

At the end of every academic year the Chancellor's Office will prepare an annual report of statistics and relevant commentary on all matters reviewed under the procedures described in Section II and Section III. The annual report will be available to faculty and staff members upon

written request to the Chancellor's Office. The annual report will not contain names, but may contain other relevant statistical data including, but not limited to, status of the parties (e.g., exempt or non-exempt staff; or faculty); department or other campus affiliation; nature of the complaint; and outcome, to the extent that it is possible to provide this information without compromising the confidentiality of the parties.