



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

Policy # 5.61
Date Approved:
Date Amended:
Reviewed w/ No Changes:
Office of Responsibility: VPFA
Page 1 of 3

SUBJECT: ABUSIVE CONDUCT

I. PURPOSE

Southern Utah University (University) is committed to fostering a collegial working environment free from Abusive Conduct.

II. REFERENCES

Southern Utah University Policy 5.19 *Personnel Records and Privacy Rights*

Southern Utah University Policy 5.27 *Non-Discrimination/Anti-Harassment*

Southern Utah University Policy 5.61 *Sexual Misconduct*

Southern Utah University Policy 5.62 *Code of Ethics*

Southern Utah University Policy 6.22 *Faculty Due Process*

Southern Utah University Policy 6.28 *Faculty Professional Responsibility*

Southern Utah University Policy 8.3.5 *Termination of Non-Academic Staff Employees and Disciplinary Sanctions*

Southern Utah University Policy 8.4 *Employment Grievances*

Utah Code Ann. § 67-26-201, *et seq.*

III. DEFINITIONS

A. Abusive Conduct: Verbal, nonverbal, or physical conduct of an employee to another employee that, based on the severity, nature, or frequency of the conduct, a reasonable person would determine:

1. Was intended to cause intimidation, humiliation, or unwarranted distress;
2. Exploits a known physical or psychological disability; or
3. Results in substantial physical or psychological harm.

The following actions due to their nature or frequency are presumed to not constitute abusive conduct unless they are especially severe and egregious and



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Page 2 of 3

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would, as determined by a reasonable person, meet at least one of the criteria of abusive conduct: a single act; disciplinary or administrative actions; coaching or work-related feedback; work assignments or job reassignments; differences in styles of management, communication, expression, or opinion.

- B. Employee: Any individual employed by Southern Utah University.
- C. Physical Harm: The impairment of an individual's physical health or bodily integrity, as established by competent evidence.
- D. Psychological Harm: The impairment of an individual's mental health, as established by competent evidence.
- E. Supervisor: A person employed by Southern Utah University who has hiring authority and/or holds a position that directly supervises an employee of Southern Utah University.
- F. University Related Interaction: Any interaction that is part of or related to a job duty for an employee of Southern Utah University.

IV. POLICY

Employees shall conduct their University Related Interactions with collegiality and civility. Abusive Conduct by employees is prohibited.

Employees violating this policy are subject to disciplinary action up to and including termination of employment per Policy 6.22 *Faculty Due Process* and Policy 8.3.5 *Termination of non-Academic Staff Employees and Disciplinary Sanctions*.

For issues regarding sexual or other prohibited harassment based on a protected category, refer to Policy 5.60 *Sexual Misconduct*, Policy 5.27 *Non-Discrimination/Anti-Harassment*, and Policy 11.2 *Student Conduct Code*, as applicable.

This policy does not limit University administration or leadership in their right to manage. Performance management, work assignment and evaluation, and disciplinary measures taken by the University for any valid reason do not constitute Abusive Conduct. Such management actions should be done in ways that are consistent with this policy.

This policy is not intended for, and will not be used to, infringe on academic freedom or to censor or punish employees who exercise their legitimate First Amendment rights.



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Page 3 of 3

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V. RESPONSIBILITIES, REPORTING, AND APPLICABLE PROCEDURES FOR RESOLVING POLICY VIOLATIONS.

Employees are responsible for directly addressing and/or reporting perceived Abusive Conduct, as applicable under the circumstances. Supervisors have an obligation to set expectations in their areas to promote a workplace for all employees free from Abusive Conduct and address related issues as they arise.

If an employee is subjected to or observes Abusive Conduct by another employee, the employee should first attempt to resolve concerns within their own area through the procedures identified in Policy 8.4 *Employee Grievances*. Upon gaining knowledge of a potential Abusive Conduct concern by an employee, the supervisor should review the concern and if the conduct potentially violates this policy, then resolve this matter in accordance with Policy 8.4 *Employee Grievances*, Policy 6.22 *Faculty Due Process*, and/or Policy 8.3.5 *Termination of non-Academic Staff Employees and Disciplinary Sanctions*, as applicable.

If an employee's immediate supervisor is the employee whose conduct is at issue or otherwise has a conflict that limits the immediate supervisor's ability to address the concern, the employee may contact their immediate supervisor's supervisor or the Office of Human Resources. Human Resources may serve as a resource as the applicable supervisor undertakes the steps identified in the above paragraph and also undertake such other steps, if any, as the Director of Human Resources deems necessary consistent with University policy.

VI. TRAINING

The Director of Human Resources is responsible for developing and providing the coordination necessary for all employees to receive annual training on this policy.