

Appendix X: Upstate Civility Policy

Purpose

The University of South Carolina Upstate seeks to create an environment in which members of the Upstate community are civil and respectful of individuals and individual differences. This policy seeks to promote positive behaviors to influence communication and foster interpersonal relationships. When situations arise where differences are not able to be settled between the parties involved, this policy outlines a process for reporting, investigating, and resolving claims related to workplace incivility.

Definitions

Claimant: Faculty member reporting an allegation of workplace incivility.

Faculty: Any person currently holding a full-time or part-time appointment to the faculty of the University.

Faculty Ombuds: The Faculty Ombuds is available to all full-time and part-time faculty members as an informal, impartial, and neutral resource. The Faculty Ombuds strives for fairness and equality in their treatment of people and consideration of issues. Communications to the Faculty Ombuds are confidential and are not reported to the university; however, the Faculty Ombuds may refer individuals to the appropriate place where formal notice can be made.

Title IX coordinator: The Title IX coordinator is responsible for overseeing and coordinating the university's compliance with Title IX of the Education Amendments of 1972. The coordinator is responsible for ensuring that all reports of sexual harassment, sexual assault, and other forms of sexual misconduct are properly investigated and resolved.

Respondent: Faculty member who is alleged to have committed workplace incivility.

Workplace incivility: Workplace incivility is behavior or a pattern of behaviors that cause a person to experience emotional distress, impede participation, block contributions, and/or interfere with their ability to work.

Workplace incivility can take a variety of forms and may include bullying or other behaviors that are physical, verbal, or nonverbal, and may take place via an array of means including face-to-face, written communications, or electronic media. Workplace incivility is repeated, unwelcome behavior that threatens, intimidates, humiliates, or isolates the targeted individual(s), or undermines their reputation or job performance. This type of behavior may be perpetrated by an individual in an authority position, a peer, or an individual in a subordinate position. Examples of workplace incivility may include, but are not limited to verbal abuse; unwarranted criticism or malicious gossip; dismissal of credentials and/or contributions; abuse of authority and power to damage reputations; biased gendered, racial, ethnic communication styles and perspectives; cultural and intercultural insensitivity and/or harassment; unwarranted monitoring; unwarranted physical contact; exclusion or isolation in the workplace; work interference or sabotage; microaggressions; and bullying/cyberbullying. Behaviors that might constitute harassment, discrimination or sexual assault should be reported to the Title IX Coordinator.

Policy

The faculty and administration of USC Upstate believe maintaining a welcoming work environment free of incivility is essential to the overall success of the institution. This policy aims to restore a positive workplace expeditiously. When possible, faculty members are encouraged to resolve instances of workplace incivility informally. When attempting to resolve an issue informally, faculty should consider these guiding principles for professional communication:

- Make at least two attempts to meet in person (face-to-face or virtual) with the other party;

- Find a neutral space to discuss the issue(s);
- Look for common ground;
- Communicate value for each other's contributions;
- Operate in the moment;
- Choose what is best for the USC Upstate community (faculty, staff, students, local stakeholders); and
- Focus on behaviors, not perceived intrinsic traits.

The claimant should keep a record of instances of incivility to include time, place, and a detailed description of the events. The claimant and respondent should both keep a record of attempts to resolve differences including times, places, and dates of meetings and what transpired.

If there is no informal resolution, this policy can be used for a formal resolution. The procedures outlined in this policy are intended to provide a fair and orderly way of handling allegations of workplace incivility.

Since an accusation of incivility, regardless of whether it is justified or not, may seriously damage an individual's career, any such issues must be handled confidentially to the extent allowed by applicable law. Only necessary participants should be involved at each stage of the process and information should not be disclosed prematurely. Anyone conducting an inquiry or investigation should be privy to information and have no immediate personal interest in the case.

A. Informal Resolution

1. Any faculty member (claimant) who feels they have experienced workplace incivility is encouraged to first speak with the individual(s) involved.
2. If they are not able to resolve their issues, then the claimant should contact the Faculty Ombuds. The Faculty Ombuds is an informal and confidential resource available to help faculty understand relevant University policies, make referrals where appropriate, and help the faculty member develop a plan for seeking a resolution to workplace incivility issues.
3. If the claimant and respondent cannot find common ground, the claimant may proceed to a formal claim as described below.

B. Formal Resolution

1. The claimant should contact the chair of the Faculty Welfare Committee (FWC) and file a written claim. All matters concerning the claim, and any subsequent investigation, are to remain confidential. The written claim should include as much of the following information as possible:
 - Clear, specific allegations against the person or people.
 - Where possible, dates, times, and witnesses to the incidents.
 - Detailed description of the events.
 - Documentary evidence, including direct quotes, if possible.
 - Descriptions of any actions the claimant or others have already taken, including any efforts to resolve the issue informally, including unsuccessful attempts at resolution.
2. The FWC chair initiates an investigation within 10 days of receiving the claim. The FWC chair will form an ad hoc investigatory committee to conduct the investigation. The ad hoc investigatory committee will consist of three members

chosen from rosters of the grievance pool and members of the FWC. The members will be chosen in alphabetical order and can be recused from the investigatory committee if: a) the FWC member feels they cannot be unbiased or b) the claimant or respondent asks that the member not be part of the investigation. Members will continue to be chosen in alphabetical order until a committee of three is formed. Both the claimant and respondent must approve of the final committee before it is allowed to start an investigation.

If there is more than one ad hoc investigatory committee formed in an academic year, then members will be selected starting from the next person on the alphabetical list following the last person chosen for the previous committee. This is to ensure that the same FWC members do not end up serving on multiple investigatory committees. In the event that a three-person investigatory committee cannot be formed from members of the FWC, the FWC chair will notify the Faculty Chair who will assist in forming a committee from a wider pool of faculty.

3. The investigation should normally be concluded no later than 30 days after receipt of the initial claim. If the investigation cannot be completed within 30 days, written notification of the delay and the reasons for the delay are provided to the claimant.
4. The investigating ad hoc committee should seek out all relevant materials and documents, including but not limited to: statements from the claimant(s) and the respondent(s), relevant correspondence, electronic communications, witness testimony, and memoranda of phone calls. Interviews should be conducted of all individuals involved in either making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations.
 - a. The claimant should be interviewed first and the respondent should be interviewed second. Witnesses identified by the claimant and respondent should then be interviewed.
 - b. All attempts to interview any of the parties, including all witnesses, should be carefully documented.
 - c. Complete summaries of the interviews should be prepared and provided to the interviewed party for comment or revision and included as part of the investigatory file.
 - d. Throughout the investigation, the claimant(s) and the respondent(s) should be advised of the progress of the investigation and be afforded the opportunity to respond and provide additional information.
5. Upon conclusion of the investigation, the ad hoc investigatory committee will submit to the Provost a formal written report of the findings. This report must contain the following elements:
 - a. Listing of the claimant's allegations.
 - b. The claimant's requested relief.
 - c. Detailed indication of all documentation reviewed by the ad hoc investigatory committee which must be attached as numbered exhibits to the report.
 - d. Analysis of each allegation containing the statements made by the claimant, the respondent, and the witnesses.
 - e. Conclusion of the matter (the claimant's allegation(s) of workplace incivility are substantiated, are not substantiated, or there is insufficient evidence to make a determination).
 - f. Recommended remedy.

A copy of the report should be made available to the claimant(s) and the respondent(s) for comment. Any comments by the claimant(s) and the respondent(s) should be made part of the file. The Office of the Provost will receive and maintain the file for a minimum of ten years.

6. If the ad hoc investigatory committee finds that workplace incivility has occurred, the committee can consult separately with the claimant(s) and the respondent(s) as well as with the unit head or dean to discuss options for resolution. These options are included but not limited to separation of the parties involved, appropriate counseling for either or both

parties, or disciplinary action. Recommendation for resolution or disciplinary action should be in the context of the severity of the incivility and any prior history of incivility by the respondent.

7. If the ad hoc investigatory committee does not resolve the issue to the satisfaction of the claimant or within the required time frame, the claimant can request that the Faculty Ombuds, Provost, and/or Chancellor recommend formal mediation.

C. Non-Retaliation

1. Protection from Retaliation: Department chairs and supervisors will take reasonable action to make sure the claimant(s), respondent(s), and other involved parties are protected from retaliation.
2. Protection of the claimant and respondent: If a claim of workplace incivility is unsubstantiated, reasonable efforts should be taken to restore the reputation of the alleged offender if damaged by the proceedings, and to protect the reputation of the person who, in good faith, made the allegation of workplace incivility. If it is determined that the claimant's allegation(s) or witnesses' assertions were made in bad faith, appropriate action, which may include disciplinary sanctions, may be taken.

We acknowledge that portions of this document were obtained from the University of New Mexico's "Procedures for Reporting and Investigating Complaints of Faculty Bullying" and the University of South Carolina's "Faculty Workplace Incivility" policy.