



Committee on the Concerns of Women

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Topic Meeting: Workplace Bullying and Sexual Harassment

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## I. Workplace Bullying

The issue of workplace bullying (sometimes referred to as mobbing) has been gaining attention nationwide for the last five years, and in Connecticut for the last four. A recent radio program aired on NPR (Connecticut) (<http://www.cpb.org/program/where-we-live/episode/workplace-bullying>) and articles and op-eds have appeared in the *Hartford Courant*, the *Waterbury Republican*, the newsletter of the *Connecticut Business and Industry Association*, and other local papers. The Chronicle of Higher Education also addressed the issue. Human Resources newsletters have also discussed it in various ways. Most significantly, the Connecticut General Assembly has twice had bills on workplace bullying that would allow a private right of action by the target, the first of which made it out of the Labor Committee, the second of which did not. Neither was passed. In 2010, H.B. 5285, AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE, was passed unanimously by the Labor and Public Employees Committee, but it did not get to the floor, as it was not passed by the Committee on Government Administration and Elections.<sup>1</sup>

California Healthy Workplace Advocates has also produced a useful video, *Calling a Bully a Bully*, explaining what bullying is and how it occurs.<sup>2</sup>

### A. Definition:

From SB 60, AN ACT CONCERNING BULLYING IN THE WORKPLACE, a bill raised in the Connecticut Assembly's Labor and Public Employees Committee, 2008:

(1) "Abusive conduct" means conduct or a single act of an employer or employee in the workplace that is performed with malice and is unrelated to an employer's legitimate business that a reasonable person would find hostile or offensive considering the severity, nature and frequency of the conduct or the severity and egregiousness of the single act. Abusive conduct includes, but is not limited to, (A) repeated infliction of verbal abuse such as the use of derogatory remarks, insults and epithets; (B) verbal or physical conduct

<sup>1</sup> HB 5285, [http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill\\_num=5285](http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=5285) (accessed Apr. 30, 2010).

<sup>2</sup> Calling a Bully a Bully, CAHWA, [http://www.bnet.com/2422-13722\\_23-221207.html?tag=content:coll](http://www.bnet.com/2422-13722_23-221207.html?tag=content:coll) (accessed Dec. 10, 2008).

that a reasonable person would find threatening, intimidating or humiliating; or (C) sabotaging or undermining a person's work performance;

(2) "Abusive workplace" means a workplace where an employee is subjected to abusive conduct that is so severe that it causes physical or psychological harm to the employee...<sup>3</sup>

## **B. Statistics on the Prevalence of Workplace Bullying:**

The Workplace Bullying Institute in Bellingham, Washington, has conducted the most extensive research in the U.S. on the frequency of workplace bullying. It has used various methods, including a Zogby poll, to measure its prevalence. It found:

37% of American workers, an estimated 54 million people, have been bullied at work. It affects half (49%) of American workers, 71.5 million workers, when witnesses are included.

Bullying is 4 times more prevalent than illegal forms of "harassment."

Women are targeted by bullies more frequently (in 57% of cases), especially by other women (in 71% of cases).<sup>4</sup>

## **C. Targets of Bullying:**

Anyone can be a target of workplace bullying, and proposed laws do not limit who can be a complainant. Unlike illegal "harassment," the proposed "Healthy Workplace Bill" authored by Suffolk Law School professor David Yamada is "status blind," meaning that one does not need to be a member of a protected class to file suit under a the HWB. (Note: No state has yet passed a HWB, nor has the federal government.) A protected class includes, in Connecticut

(2) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual because of such individual's race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness;

(3) For a labor organization, because of the race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;

<sup>3</sup> Connecticut State Assembly, <http://www.cga.ct.gov/2008/TOB/S/2008SB-00060-R00-SB.htm> (accessed Dec. 10, 2008). Currently, this definition resembles that in bills raised in New Jersey, New York, and 12 other states.

<sup>4</sup> The Workplace Bullying Institute, <http://bullyinginstitute.org/zogby2007/wbi-zogby2007.html> (accessed Dec. 10, 2008).

And it has recently added “civil union status.”<sup>5</sup>

Research by the Workplace Bullying Institute and legal scholars has shown that targets of bullying can indeed include people from all walks of life, in all occupations, of any sex, race, religion, etc., at any level in the organizational hierarchy. The incidence of workplace bullying affects efficiency and productivity, the health of employees, and the quality of work produced.<sup>6</sup> In WBI studies, the data reveal that 63% of targets had a college degree or some college, 17% had graduate degrees and 4% were PhDs, MDs or lawyers. The most reported reason for a bully selecting a target was that the target outperformed the bully at work. The WBI 2000 report noted that “in cases where education leads to greater skill or greater ethicality or greater passion and commitment to work, it can actually make the person more vulnerable to abuse.” The 2000 survey also found that “The majority of Targets reported no history of being bullied before at work (67%). Neither had they been previously traumatized (62% had not), either at work or in another way. However, they were not the only ones targeted at work for harassment by the same bully. 77% of the bullies harassed others at work. This rate rises to 88% for Targets who work in government.”<sup>7</sup>

Workplace bullying can be like domestic violence in the workplace. Thus, solutions to “personality conflicts” or to other forms of disagreement are not well served by usual workplace dispute resolution measures such as mediation. Targets should not be placed in a “negotiating” situation with their abusers.

#### Workplace Bullying in Connecticut:

Those of us on the committee who have worked with targets of workplace bullying have heard of the following kinds of behaviors (even though other behaviors may also occur):

- exclusions from committees,
- dismissing of one’s ideas,
- lack of funds for the person’s department (in retaliation, and not for fiscal reasons),
- embarrassing the individual in front of colleagues,
- negative rumors, character assassination,
- raising of voice, private meetings where threats are made,
- reassigning office space
- and turning colleagues against one another.

Although many articles are being written about the subject matter, in the US it appears Minnesota State University is the only college actual taking steps to address this issue. I found information on the University/College Union located in the UK however the US not much was

<sup>5</sup> Chapter 814c, Human Rights and Opportunities Act, Conn. Public Laws, <http://www.cga.ct.gov/2007/pub/Chap814c.htm#Sec46a-60.htm> (accessed Dec. 10, 2008), and Public Law 07-245 (Civil Unions).

<sup>6</sup> Loreleigh Keashly and Joel H. Neuman, “Bullying in the Workplace: Its Impact and Management,” *Employee Rights and Employment Policy Journal*, vol. 8 (2) (2004).

<sup>7</sup> US Hostile Workplace Survey 2000, WBI, <http://bullyinginstitute.org/research/res/surv2000a2.html> (accessed Dec. 10, 2008).

found. HR's are beginning to provide training/workshops. Most the work entirely in this subject matter is being done in Europe and Canada.

#### **D. Current Legislation in Connecticut**

At present, there is no Healthy Workplace Bill or its equivalent before the Connecticut General Assembly. There is, however, a raised bill, HB 6188, that is going through the committee process and may be before the legislature this term (2009). HB 6188, AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE, originated in the Labor and Public Employees Committee. It authorized reporting of abusive conduct and allows the legislature to study data from reported incidents. It did not mandate any specific policies concerning workplace bullying or abuse or provide any remedies.

On March 3, 2009, a substitute bill still numbered HB 6188 removed workplace bullying from the definitions (although not the title of the act) and it now includes the following:

1) "Abusive conduct" means conduct or a single act of a state employee in the workplace that is performed with malice and is unrelated to the state's legitimate interest that a reasonable person would find hostile or offensive considering the severity, nature and frequency of the conduct or the severity and egregiousness of the single act. Abusive conduct includes, but is not limited to, (A) repeated infliction of verbal abuse such as the use of derogatory remarks, insults and epithets; (B) verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating; or (C) sabotaging or undermining a person's work performance; and

(2) "State employee" means all state agency personnel, but does not include contractors, subcontractors or vendors of this state.

(b) For the fiscal year ending June 30, 1999, and each fiscal year thereafter, the Commissioner of Administrative Services, in consultation with the Commissioner of Mental Health and Addiction Services and the Commissioner of Public Safety, shall, within the limits of available appropriations, provide an appropriate program of workplace stress and violence awareness, prevention and preparedness for state employees.

(c) On or before January 1, 2010, and annually thereafter, the Commissioner of Administrative Services shall report, in accordance with section 11-4a, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to labor summarizing the number of complaints of workplace violence or abusive conduct involving state employees and the outcomes of such complaints for the preceding year. Such report shall include recommendations for administrative or legislative action related to such complaints.

Senator Prague and Rep. Esposito sponsored this bill.<sup>8</sup> In 2010, the bill was reintroduced as HB 5285, but again failed.

## **E. Collective Bargaining Agreements**

Massachusetts public employee unions affiliated with the Service Employees International Union (SEIU) and the National Association of Government Employees (NAGE) have approved a collective bargaining agreement in March, 2009, covering over 21,000 state workers that includes protections against workplace bullying and abusive supervision.

The new agreement is effective July 1, 2009 and runs for three years.

SEIU/NAGE bargaining teams proposed adding bullying and abusive supervision to the contract during negotiations with the Commonwealth of Massachusetts. Dubbed the “mutual respect” provision in the new contract, it is believed to be one of the first major American collective bargaining agreements to include express protections against bullying at work:

### Article 6A

#### *Mutual Respect*

The Commonwealth and the Union agree that mutual respect between and among managers, employees, co-workers and supervisors is integral to the efficient conduct of the Commonwealth’s business. Behaviors that contribute to a hostile, humiliating or intimidating work environment, including abusive language or behavior, are unacceptable and will not be tolerated. Employees who believe they are subject to such behavior should raise their concerns with an appropriate manager or supervisor as soon as possible, but no later than ninety (90) days from the occurrence of the incident(s). In the event the employee(s) concerns are not addressed at the Agency level, whether informally or through the grievance procedure, within a reasonable period of time, the employee or the union may file a grievance at step 3 of the grievance procedure as set forth in Article 23. If an employee, or the Union, requests a hearing at step 3, such hearing shall be granted. Grievances filed under this section shall not be subject to the arbitration provisions set forth in Article 23. No employee shall be subject to discrimination for filing a complaint, giving a statement, or otherwise participating in the administration of this process.

An alleged violation of the provision may be grieved, but it may not proceed to arbitration. According to Greg Sorozan, president of SEIU/NAGE Local 282 and one of the lead negotiators, “the Commonwealth recognized the existence of ‘workplace bullying’” but at this juncture “sought to limit their financial exposure by refusing to bring grievances all the way to arbitration.”

This is a major step forward and an excellent example of committed, visionary, and capable union leadership. The new CBA covers SEIU Locals 509 and 888 and NAGE

<sup>8</sup> Raised HB 6188, Connecticut General Assembly, Joint Favorable Report: <http://www.cga.ct.gov/2009/TS/H/2009HB-06188-R00LAB-CV34-TS.htm> (accessed March 4, 2009).

Units 1, 3, and 6. Special kudos go to SEIU's Kevin Preston, who coordinated the collective bargaining efforts for the unions, and to SEIU/NAGE's Greg Sorozan, who introduced the idea of a provision covering workplace bullying and led negotiations for the NAGE bargaining units. SEIU/NAGE took an early lead in recognizing the need for mutual respect in the workplace.

The Commonwealth of Massachusetts has thus recognized bullying as a workplace hazard.<sup>9</sup>

Other unions, such as the United Employees, have taken stands against workplace bullying and see it as a major issue.<sup>10</sup>

The CSU-AAUP took a strong stand in 2010 with respect to H.B. 5285 AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE, and provided testimony in support of the bill. CSU-AAUP is pledged to support a Healthy Workplace Bill when it is introduced.<sup>11</sup>

#### **F. Resolutions Passed by Various Organizations:**

In New York, three unions have either issued, or pledged to issue, resolutions to address workplace bullying in support of the HWB and NYHWA: The New York State University Teachers, the Professional Staff Congress, and the Civil Service Employees Union (CSEA). CSEA is already educating its union stewards to recognize bullying and is negotiating contracts to include a workplace bullying protections. The Business and Professional Women of New York State also issued a resolution.<sup>12</sup>

CSU-AAUP: Resolution #3-08-10

RESOLVED, That the CSU-AAUP Council support passage of the Healthy Workplace Bill, formally known as SB 60 (An Act Concerning Bullying in the Workplace) and immediately make its position known.

Moved and seconded

Motion passed unanimously.

NAACP: "Resolved: That NAACP units at all levels will seek legislation at all appropriate levels to deem workplace bullying illegal."<sup>13</sup>

<sup>9</sup> David Yamada, J.D., Minding the Workplace: The New Workplace Institute Blog, <http://newworkplace.wordpress.com/2009/03/03/massachusetts-public-employee-unions-successfully-negotiate-workplace-bullying-provision/> (accessed March 4, 2009).

<sup>10</sup> "Workplace Bullies," EU Information for Workers, [http://www.ueunion.org/stwd\\_bullies.html](http://www.ueunion.org/stwd_bullies.html) (accessed March 14, 2010).

<sup>11</sup> "Workplace Bullying," *CSU-AAUP Union News*, 34, no. 3 (March, 2010), 3, <http://web.ccsu.edu/aaup/csu/March10.pdf> (accessed April 30, 2010).

<sup>12</sup> "The Story of Our Workplace Advocacy," California Healthy Workplace Advocates, <http://www.bullyfreeworkplace.org/id29.html>, and New York Healthy Workplace Advocates, <http://www.nyhwa.org/> (accessed Dec. 10, 2008).

<sup>13</sup> 2008 NAACP Annual Convention, <http://www.flanaacp.org/assets/form/resolutions.pdf> (accessed Dec. 10, 2008).

The City of San Francisco adopted a resolution against workplace bullying that states in part: “the Board of Supervisors of the City and County of San Francisco condemns this abusive workplace behavior.”<sup>14</sup>

## **F. Conclusions and Recommendations:**

Research shows that universities can be places particularly susceptible to workplace bullying, and that public universities may be especially vulnerable. Academic and government workplaces generally have high incidences of workplace bullying.

As Jeanine Stewart’s article, *Hierarchical Dysfunction and Mobbing in the Academy*, shows, workplace bullying can have serious consequences.

Denise Denton, the University of California-Santa Cruz chancellor who committed suicide in June, was a victim of mobbing. Students harassed her, in one case surrounding her car and even sitting on it, while she was inside. Her home was targeted and she received death threats, to the point where she was terrified. It was a form of “upward mobbing,” in which people of lower status turn on someone of higher rank than them. Disturbingly, said Stewart, there was no immediate move from California’s Board of Regents to support Denton and convince students to behave in a civil manner.<sup>15</sup>

The traumatic effects of health-harming workplace bullying (see definition below) have sometimes been compared to the effects of rape and domestic violence. It is a serious problem where it occurs, but often it is dismissed as two people having a “personality conflict.” There certainly are workplace issues involving conflict between employees that do not rise to the level of workplace bullying. Defining workplace bullying in a reasonably clear way and implementing policies and practices conducive to a safe work environment are necessary.

We recommend that CCSU’s Committee on the Concerns of Women conduct an anonymous survey about workplace bullying that covers all employees of the university.

We recommend that the university HR office in conjunction with the President’s Office issue a statement of professional conduct that explains that conduct from incivility to bullying is unacceptable. The CCSU Executive Committee approved a motion to consider language to adopt such a code. Proposed language by Anne Alling, as modified by Dr. Carolyn Fallahi, Department of Psychology, is as follows:

CCSU strives to create an atmosphere in which all students, faculty, staff, and visitors to campus are treated with dignity and respect. To that end, all members of the campus community are expected to treat each other with courtesy and civility in all communications, including verbal, written, and electronic contact. Offensive, rude, disrespectful, harassing or discriminatory behaviors are unwelcome and will not be

<sup>14</sup> City of San Francisco City Council, Jan. 24, 2007, <http://www.bullyfreeworkplace.org/id18.html> (accessed Dec. 10, 2008).

<sup>15</sup> As Jeanine Stewart’s article, “Hierarchical Dysfunction and Mobbing in the Academy,” *Women in Higher Education*, <http://www.wihe.com/printBlog.jsp?id=418> (accessed Dec. 10, 2008).

tolerated. This includes intimidating or humiliating others; deliberately sabotaging another's work or school performance; spreading negative rumors; making derogatory remarks about or insulting another person; and demeaning, belittling, or embarrassing others. Behavior that violates CSU policies, state or federal laws, will be addressed through appropriate administrative action.

We recommend that CCSU Human Resources offer training sessions to supervisors about workplace bullying. These training sessions should be conducted by experts in workplace bullying, not simply by people familiar with harassment and hostile work environment issues generally.

We recommend that the Ombudsperson's office reach out to employees by issuing periodic statements concerning workplace bullying and the availability of that office to listen to issues of abusive conduct.

### **Appendix:**

The CCSU Ombudsperson, Antonio García Lozada, Ph.D., sent the following statement to the CCSU-AAUP:

In my role as an Ombudsperson I heard many cases over the last four and a half years related to this type of behavior, and subsequently I proposed to the Administrators the need to create a campus-wide statement that eliminates anti-bullying.

In addition to the bullying behavior, there is another one that I also noticed in our CCSU campus: this is mobbing. Of course, this is not an exclusive behavior from some members of CCSU's community. It happens country wide in the academic environment.

Mobbing can be understood as the stressor to beat all stressors. It is an impassioned, collective campaign by co-workers to exclude, punish, and humiliate a targeted worker. Initiated most often by a person in a position of power or influence, mobbing is a desperate urge to crush and eliminate the target. Mobbing is an emotional assault. It begins when an individual becomes the target of disrespectful and harmful behavior... These actions escalate into abusive and terrorizing behavior. The victim feels increasingly helpless when the organization does not put a stop to the behavior or may even plan or condone it... For the victim, death— through illness or suicide—may be the final chapter in the mobbing story.

A legitimate question will be: what is the difference between mobbing and bullying? Mobbing is always group behavior in which superiors and co-workers repeatedly attack a colleague's competence, dignity, and integrity over a period of time. Where workplace bullying usually involves a dysfunctional relationship between two coworkers, mobbing is the relentless persecution of one employee by a group. Simply said, mobbing ends when someone in authority says "Cut it out. The worst thing that legislators or administrators of CSU can do is to do nothing. Mobbers lost their jobs in only 1.6% of mobbing incidents. [Statistics taken from *Union News*.]

There are many stories of bullying in the workplace. The stories below were posted on a webpage in response to the program "Where We Live" that focused on workplace bullying. It aired on CT Radio (NPR) on March 17, 2008:

Submitted by Anonymous (not verified) on March 28, 2008 - 12:50pm.

I work for the State of Connecticut In a department with 30 or more women. I am bullied repeatedly by the other woman, I have been told I smell bad. When I approached both supervisors about this problem, I asked them point blank "do I smell" they said no. I assured these supervisors that I bath, wash my clothes, brush my teeth, come my hair and do all necessary to insure proper hygiene. They agreed that I am one of the neatest and cleanist employee in my department. Yet the bullying persists from my co-workers. It makes it hard for me to go to work. I feel dirty all the time. And it has taken a toll on me mentally. I don't know what to do at this point. My next step will be Affirmative Action, The state's employee Union, and then an attorney. I am trying not to make this any worse but I need some relief from not being picked on and bullied all the time. The supervisor I have are very passive and do not like to confront problems, let alone a group of employees.

reply This link was forwarded to

Submitted by Anonymous (not verified) on March 19, 2008 - 6:12pm.

This link was forwarded to me by a former co-worker who was a target and was fired by our bully boss. So far I'm only ten minutes into the program and I think you must be writing about my toxic workplace. Most of the employees in my dept that were there when I started have left or been fired; complaints to Human Resources and to upper management have fallen on deaf ears. we all feel as though we have a bullseye on our back and are waiting to see who will be the next one to go, while in the meantime we are suffering from this control freak. The sad part is that I like my job, I like my co-workers, I like the company I work for, and I feel as though I am a good contributor - but I've been looking for another job for a long time now and hope something comes through for me soon.

reply Six Years of Abuse

Submitted by Forced to Quit (not verified) on March 18, 2008 - 3:59pm.

I was sent this page to listen to the segment. My story has a long history to it. I started with a State of CT agency in 2001 and loved my job. I became very ill during my employment and it was discovered that I had aquired Hep B during my employment; I inquired about why I was never vaccinated against this before I started working; but basically I was told that I had fallen through the cracks in the system. I filed a workers comp claim at that point because I didn't know if I was going to get better or not. My body had not decided at that point. It turned out that it was only an accute case and I tried to put my life back to normal and returned to work. When I returned to work I returned to an extreamly hostile work environment. My medical information had been disclosed to my co-workers who didn't want to come near me. I was screamed at daily, they moved my office and assigned me more work. I was told I couldn't use the bathroom and the abuse continued. I contacted my Union, who helped me transfer to another State Agency. During this time I couldn't sleep, eat, and had severe anxiety. My husband didn't understand what I was going through. I transferred and the abuse continued, but I still didn't realize what was happening. I was accused of being places I wasn't, my ideas were given to others to research, I was denied training classes unless it was communication

classes, screamed at, kicked, given undesirable work, limited my access to computer to do my job. I had personal information disclosed about my health, told rumors about me, spoken down to, constant denial of other positions that I was qualified for, belittled me and my abilities, discriminated against me during my pregnancy and then finally retaliated against after returning to work, and then finally mobbed. No one I went to could help or would help. I was just recently forced to quit to save my withering health. I have four children and a husband and I now have no way to help contribute to my household and have fear of losing my home and my family; all who do not understand what I am going through. Late January of this year was the first time I had ever heard of work place bullying. Only then did I begin to put all the pieces together about what was happening to me and why I always felt so awful all of the time. I started to grow angry because of the abuse and felt like I was the problem. So for anyone who I have ever hurt with my words or actions; I am truly sorry, may you find it in your hearts to forgive me. I can only hope that others can be helped from my story and that maybe we can together have the courage to stand up and help get this bill passed.

reply email to [wherewelcome@wnpr.org](mailto:wherewelcome@wnpr.org)

Submitted by ctalarski on March 17, 2008 - 10:03am.

In listening to your show this morning, I was moved to call, unfortunately the program ran out of time. I am a Registered Nurse who recently quit a job working for the State of Connecticut due to sexual harrasment and retaliation. This situation was the worst and scariest I have experienced as a professional. I felt alone and very untrusting, at times it seemed everyone was in on the situation due to their odd behavior. People I worked closely with, withheld information that would help me learn and do my job, and made verbal threats to me . It appeared that many of these people had their own emotional issues that they played out in the work place. I was the whistle blower who spoke out against a supervisor who had been inappropriate for years and it appeared everyone was afraid to speak up due to past retaliation. This situation has changed me, I have not sued but I have considered it however the anxiety I feel reliving the situation makes me wonder if it would be worth it. This situation has caused me to become hypervigilant and nervous. I have not felt right and took time off this winter to regroup. I ended up quitting the job due to the lack of support and incredible odd behaviors I was subjected to on a daily basis.

Sincerely

Emily

reply Happened to me before I knew it

Submitted by rp (not verified) on March 17, 2008 - 9:28am.

I had worked for almost eleven years for a small company. Having been purchased by a larger firm, we were struggling to meet the numbers.

A new HR manager was brought in. She made a number of demands on me, and I told her that since I didn't report to her, I needed to hear from my supervisor before I would comply.

Within 72 hours, I was told that my job had been made redundant, and was given 30 minutes to pack my things and leave.

The next day, I was shocked to find out that a similar fate had met another manager in the company. We've both been looking for work for over four months.

The numbers didn't get any better, and the corporation is closing the company. A company that had employed over 75 people for a dozen years being liquidated.

A recent message from management basically said that "it's just business."

Maybe, but I can't help but wonder which came first, the poor performance or the bullying.<sup>16</sup>

## **II. Sexual Harassment**

The subcommittee has considered three components of CCSU's current policy on sexual harassment: incidents of reporting, dissemination of information on policy, and alignment of policy with system policies.

### **A. Incidents of Sexual Harassment**

In order to assess the current climate and incidents of sexual harassment at CCSU, the subcommittee is proposing that a survey be administered to all CCSU faculty and staff. The questions will also provide feedback on how the resolution of these issues by CCSU administration is perceived by employees. The proposed questions are attached.

This is an important issue for the CCW to address as the majority of complaints are filed by women, and women are also likely to not formally report sexual harassment behavior. Of the 12,025 complaints filed last year with the Equal Employment Opportunity Commission, only 16% were filed by men. Moreover, the survey conducted by Louis Harris and Associates suggests that while 31% of women and 7% of men are harassed in the workplace, 61% of these targets never took any form of formal action.<sup>17</sup>

### **B. Dissemination of Policy**

Connecticut General Statute 46a-54(15) mandates that employers must post information about sexual harassment policies and provide training to employees on prevention and reporting.<sup>18</sup> Moreover, the

<sup>16</sup> Where We Live, <http://www.cpb.org/program/where-we-live/episode/workplace-bullying> (accessed Dec. 10, 2008). The stories are reproduced exactly as they appeared on the website.

<sup>17</sup> <http://www.sexualharassmentsupport.org/SHworkplace.html> (accessed December 10, 2008).

<sup>18</sup> <http://www.stamford.uconn.edu/facultystaff/statues.pdf> (accessed December 10, 2008).

AAUP recommends that universities and colleges provide such education to all faculty and staff. <sup>19</sup> The subcommittee, then, considered how widely available was information about CCSU's sexual harassment policy. It gave particular attention to how clear were CCSU's statements prohibiting such behavior and to how clearly articulated was the process for filing complaints.

This is an especially important issue as a recent study conducted by Louise Fitzgerald and Alayne Ormerod highlighted that what constitutes forms of sexual harassment is often unclear to students and faculty. They concluded: "The results indicated that, with the exception of the more coercive and intrusive behaviors, considerable uncertainty may still exist about what constitutes sexual harassment within the university setting."<sup>20</sup>

Overall, the subcommittee was impressed with the current dissemination of this information. The Women's Center has strategically placed a number of posters around campus alerting employees and students to the policy. It is also appropriately printed in the Student Handbook and the campus phone book, and it is available online on the Office of Diversity and Equity website, as well as the Human Resources website. While the subcommittee feels that various campus organizations have done a good job educating the community on CCSU's policy on sexual harassment, it wishes to recommend that CCW work on two additions.

#### **1) Recommendation: A-Z Index Listing**

As with the Sexual Assault subcommittee's recommendation, this subcommittee suggested in 2009 that there should be a link to the policy on the "A-Z Index" from the CCSU homepage. We suggested that "Sexual Harassment" be added to link visitors to the Office of Diversity and Equity. This was done by the Office of Diversity and Equity.

#### **2) Recommendation: Statement of Assurances**

In the print versions of the policy, the policy statement is followed by "CCSU Statement of Assurances Regarding Complaints of Discrimination and Sexual Harassment." We believe that this is an important addition to the policy, as it clearly states that "retaliation is illegal" and assures targets that their complaints will be addressed. In the online versions of the policy, this secondary statement is missing. The subcommittee, then, recommends that this be added to the Office of Diversity and Equity webpage on sexual harassment.

### **C. Alignment with CSU System**

The final work of the subcommittee was to assess how cohesive CCSU's policy was with both the CSU System Office and the other CSU schools.<sup>21</sup> The CSU System has issued its own policy for sexual harassment, which SCSU and WCSU have endorsed as their own policies. ECSU has issued its own policy, which is closely modeled on the CSU policy. CCSU's policy is also modeled on the CSU System policy, and thus, it also resembles the policies of the other CSU schools.

<sup>19</sup> AAUP, "Sexual Harassment: Suggested Policy and Procedures for Handling Complaints," (accessed December 10, 2008) <http://www.aaup.org/AAUP/pubsres/policydocs/contents/sexharass.html>

<sup>20</sup> Louise F. Fitzgerald and Alayne Ormerod, "Perceptions of Sexual Harassment: The Influence of Gender and Academic Context," *Psychology of Women Quarterly* 15, no.2 (2006): 281.

<sup>21</sup> The CSU System Policy can be found here: <https://www.wcsu.edu/hr/policies/sharass.asp>. For the other CSU schools' policies see: <http://www.southernct.edu/diversityequity/sexualharassmentpreventionpolicy/>; and <http://www.easternct.edu/depts/aa/discsexpolicy.htm>

There were, however, two areas where the CCSU policy was not in alignment with the CSU System policy. The subcommittee recommended that the CCW advocate for greater articulation of our policy with the System policy, because the subcommittee feels that these two areas are an important part of preventing sexual harassment in the workplace. Moreover, the subcommittee felt that it was important for our policy to reflect the policy of the System Office so as to create a common culture that does not tolerate sexual harassment. This has been implemented by the Office of Diversity and Equity.

### **1) Recommendation: Gender Harassment**

The CSU system policy<sup>22</sup> includes four types of harassment: 1) quid pro quo (sexual favors used as basis for evaluation); 2) hostile work environment; 3) gender harassment; 4) other harassment against protected classes covered by state or federal law. The ECSU policy includes: 1) quid pro quo; 2) hostile work environment; 3) gender harassment. The CCSU policy only specifies 1) quid pro quo and 2) hostile environment. The other CSU institutions, then, explicitly identify gender harassment as a form of sexual harassment.

We recommend that the CCSU's policy statement also identify gender harassment. Previous national studies have noted that gender harassment is a serious issue that has negative effects for both employee and employer. Chaya Piotrowski's study into gender harassment demonstrates that:

Over 70% reported exposure to gender harassment at work. As predicted, frequency of harassment was negatively correlated with job satisfaction and positively associated with an index of distress, assessed by self-reported somatic complaints, the Center for Epidemiological Studies Depression Scale (L. S. Radloff, 1997), and the reported use of alcohol for palliative coping. Minority status was unrelated to frequency of reported harassment or to responses to it. The tendency to focus on negative aspects of self and environment (negative affectivity) was statistically controlled. Findings indicate that gender harassment is a commonplace workplace stressor that warrants serious attention.<sup>23</sup>

Additionally, in 2007, Jennifer Berdahl published a study that evaluated the nature of gender harassment. She discovered that it was not only a common form of sexual harassment, but it was also often "motivated primarily by a desire to punish gender-role deviants and, therefore, is directed at women who violate feminine ideals."<sup>24</sup>

The subcommittee suggests that CCSU adopt the language, or similar language, of either the CSU policy or the ECSU policy. The CSU policy defines gender harassment as:

a form of sexual harassment, which consists of discriminatory behavior towards an individual based on gender. It includes the use of sexist language, illustrations, examples and gestures that demonstrate discriminatory behavior. Sexually related conduct forms the basis of sexual harassment claim if a reasonable person of the same gender would consider the actions sufficient to interfere unreasonably with the academic and/or employment performance of the Complainant.

<sup>22</sup> Since WCSU and SCSU have adopted the CSU policy verbatim, this report will only address the CSU policy and the ECSU policy.

<sup>23</sup> Chaya Piotrowski, "Gender Harassment, Job Satisfaction, and Distress Among Employed White and Minority Women," *Journal of Occupational Health Psychology* 3, no. 1 (1998): 33.

<sup>24</sup> Jennifer L. Berdahl, "The Sexual Harassment of Uppity Women," *Journal of Applied Psychology* 92, no. 2 (2007):425.

ECSU defines it as “a form of sexual harassment which consists of discriminatory behavior towards an individual based on gender. It includes the use of sexist language, illustrations, examples, and gestures that demonstrate discriminatory behavior.”

## **2) Recommendation: Alternative Remedies**

The CSU system policy explicitly identifies additional legal remedies that employees have the right to pursue beyond the Director of the Diversity and Equity. ECSU does this as well. As part of CCSU’s goal of educating employees about how to file a complaint, the subcommittee feels that CCSU should add similar language to its policy.

The CSU policy states: “Nothing contained in the Policy is intended to deny any member of the Connecticut State University community the right to pursue other avenues of recourse in the event he/she believes that he/she has experienced sexual harassment. Such recourse may include filing charges with a state or federal enforcement agency, or initiating civil or criminal action under state and federal law. Complaints must be filed within 180 days with the Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford, CT 06106, Telephone 860/477-5737.”

The ECSU policy state: “Any employee with a discrimination or harassment complaint also has the right to file a complaint with the Connecticut Commission on Human Rights and Opportunities, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Labor, or any other agency that enforces laws concerning discrimination in employment.”

### Part III: Professional Conduct Statements

Committee Members: Dr. Kate McGrath Dr. Katherine Hermes, Jacqueline Cobbina-Boivin, Director of the Ruthe Boyea Women's Center

Research Assistant: Molly May

As recommended at the Dec. 11, 2008, meeting of the Committee on the Concerns of Women, we have compiled a preliminary statement on Professional Conduct. We would like to receive CCW feedback on the text. After we have a definitive text, we will ask HR and the President to approve and then issue to the CCSU community. CCSU currently has statements regarding professional ethics and responsibility, but nothing of which we are aware that includes the type of language we are proposing. The draft is as follows:

Central Connecticut State University is an environment in which all people must behave in a manner that engenders mutual respect, treating each other with courtesy and civility regardless of position or status in the academy, thorough all means of contact (personal verbal or written contact, as well as electronic contact). Prohibited conduct includes such things as the use of positions of authority to influence others to perform inappropriate or illegal acts, or violate regulations, university policies or practices; disorderly conduct, to include but not limited to, using discriminatory, abusive, or threatening language, fighting, provoking a fight, or attempting bodily harm or injury to another employee or to any other individual, or threatening physical action or injury on university property or during university activities; or other conduct which threatens or endangers the health (physical or psychological), safety, or well-being of any person; instigating or participating in deliberate low productivity and/or interfering with another employee's work; cyber stalking, cyber bullying, or cyber sexual harassment.

This statement was modified after a discussion with the Committee on the Concerns of Women and Anne Alling of Human Resources. This alternative language has been suggested to the Executive Committee:

Proposed language by Anne Alling, as modified by Dr. Carolyn Fallahi, Department of Psychology, is as follows:

CCSU strives to create an atmosphere in which all students, faculty, staff, and visitors to campus are treated with dignity and respect. To that end, all members of the campus community are expected to treat each other with courtesy and civility in all communications, including verbal, written, and electronic contact. Offensive, rude, disrespectful, harassing or discriminatory behaviors are unwelcome and will not be tolerated. This includes intimidating or humiliating others; deliberately sabotaging another's work or school performance; spreading negative rumors; making derogatory remarks about or insulting another person; and demeaning, belittling, or embarrassing others. Behavior that violates CSU policies, state or federal laws, will be addressed through appropriate administrative action.

### Appendix

Statements from other universities, colleges, and community colleges

I have highlighted in bold parts of the statement that I think are particularly useful:

Ocean County College defines civility primarily as the demonstration of respect for others, basic courtesy, reciprocity (treating others as we wish to be treated), and behaviors that create a positive environment in which to learn and to work.

The Trustees of the College and the College Administration set the tone for civil behavior through their professional conduct and through their leadership of the institution. **All members of the college community create a positive environment characterized by considerate and principled conduct.**

While no civility statement can guarantee considerate and principled conduct, the values set forth herewith represent institutional ideals and should serve as guideposts:

1. Respect for the work of all persons
2. **Courteous discourse (oral, verbal, non-verbal and electronic)**
3. **Honest interactions and utterances**
4. **Fair and just treatment**
5. **Integrity and keeping promises**
6. Commitment to the community college philosophy: Access, transfer, career preparation, workforce development, partnering, and community outreach.  
[http://www.ocean.edu/welcome/mission\\_vision.htm](http://www.ocean.edu/welcome/mission_vision.htm)
7. Open professional communications
8. Diversity, professionalism, and collegiality
9. Free expression of views without meanness or a desire to do harm
10. Tolerance of differing points of view
11. **Avoidance of participation in cyber stalking, cyber bullying, or cyber sexual harassment.** (Link to the attorney general's letter.)<sup>25</sup>

Some universities have very short statements, which has its appeal.

The Johns Hopkins University is an environment in which all people behave in a manner that engenders mutual respect, **treating each other with courtesy and civility regardless of position or status** in the academy. *Rude, disrespectful behavior is unwelcome and will not be tolerated.*<sup>26</sup>

These ideals are consistently modeled by those in leadership positions—in the administration, staff, faculty, and student body—and should provide direction for all members of the college community.

Other universities have codes focused almost solely on misuse of property and beyond civility do not address issues of abuse. But the University of Illinois has an interesting twist by including a “hotline.”

University of Illinois:

This Code of Conduct establishes guidelines for professional conduct by those acting on behalf of the University including executive officers, faculty, staff, and other individuals employed by

<sup>25</sup> Ocean County College, Toms River, NJ, Civility Statement, <http://www.ocean.edu/campus/PAR/civility.htm> (accessed Dec. 16, 2008).

<sup>26</sup> Johns Hopkins Commission on Equity, Civility and Respect for All, <http://www.jhuoie.org/dlc/2008-PRESENTATIONS/Commission-on-Equity-Civility-and-Respect-For-All.ppt> (accessed Dec. 16, 2008).

the University using University resources or facilities, and volunteers and representatives acting as agents of the University.

This is not an attempt to define specifically what one should and should not do, but to communicate the University's expectations of proper conduct and what professional conduct the University values.

#### Conduct

Those acting on behalf of the University have a general duty to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and take no actions incompatible with their obligations to the University.

With regard to professional conduct, those acting on behalf of the University should practice:

Integrity by maintaining an ongoing dedication to honesty and responsibility;

Trustworthiness by acting in a reliable and dependable manner;

**Evenhandedness by treating others with impartiality;**

**Respect by treating others with civility and decency;**

Stewardship by exercising custodial responsibility for University property and resources;

**Those acting on behalf of the University shall seek appropriate guidance when faced with ethical dilemmas. For additional information related to ethical dilemmas, please contact the University Ethics Office on the Toll-free Ethics Help Line at: 866-758-2146 or via e-mail at: [ethicsofficer@uillinois.edu](mailto:ethicsofficer@uillinois.edu).**<sup>27</sup>

[Note: Ethics generally concerns misuse of state property, violation of conduct policies, failure to obtain permission for studies in which there are human subjects, etc. It generally does not apply to issues of workplace bullying, abusive conduct, sexual harassment or violence in the workplace.]

Some universities focus solely on “abuse of power,” so that it includes harassment as an illegal activity, along with violating regulations, etc. This kind of statement repudiates only illegal activity, and workplace bullying is not, per se, illegal in any state.

Cornell University:

#### **Harassment and Abuse of Power**

**Cornell University supports an environment in which harassment of others is not tolerated. Executive officers, faculty, principal investigators, staff, student employees, and others acting on behalf of the university may not use positions of authority to influence others to perform inappropriate or illegal acts, or violate regulations, university policies or practices.**

Some universities have very comprehensive policies. This statement is very long, and only parts of it are excerpted here, but it has more language than many others regarding specific conduct that falls under most proposed statutory language defining workplace bullying, such as work sabotage, or conduct

<sup>27</sup> University of Illinois Ethics Office: Policies and Legislation: Code of Conduct, University of Illinois, <http://www.ethics.uillinois.edu/policies/code.cfm> (accessed 19 December 2008).

threatening the health of an employee. It does not specify psychological health, and appears to focus on physical violence. It also includes a provision, though, that insubordination will not be tolerated, and while that is a valid concern for employers, it can be the weapon used to terminate or discipline an employee who is being bullied. Note that “safety” issues involve mostly security issues. This is CCSU’s approach as well.

University of Tennessee:

Each staff member of the University of Tennessee is an integral participant in the university's mission of excellence in teaching, research, and public service. Each member of the university community is expected to exhibit a high degree of professionalism and personal integrity consistent with the pursuit of excellence in the conduct of his or her responsibilities.

The university as a community holds to certain shared values by which our actions are to be measured and governed. This policy identifies certain of those commonly held values and associated behaviors. Violations of the Code of Conduct may be cause for disciplinary action up to and including termination of employment.

Respect for Persons

The University of Tennessee places a high value on human relations, human diversity and human rights. Consistent with these values, the university strives to maintain a work environment that is characterized by **mutual respect for all individuals**. Such an environment has no place for harassment or discrimination based on race, gender, religion, national origin, age, veteran status, or disability; such behavior will not be tolerated. As befitting the university's commitment to its public service mission, university faculty and staff are expected to treat one another, students, and the general public in a cordial and respectful manner. The following behaviors are specifically prohibited:

**Disorderly conduct, to include but not limited to, using discriminatory, abusive, or threatening language, fighting, provoking a fight, or attempting bodily harm or injury to another employee or to any other individual, or threatening physical action or injury on university property or during university activities; or other conduct which threatens or endangers the health, safety, or well-being of any person.**

Sexual harassment of employees, students, donors, customers, visitors, patients, vendors or any other person on university property or during university activities.

Standards of Safety

The university is committed to maintaining the safety and security of all persons on university property and during university activities and to maintain a safe and healthful working environment. Specific prohibited activities include:

Possession of firearms, explosives, or other lethal materials on university property or during university activities, unless the employee falls within certain categories of employees who must use weapons in the course of their employment (such as police officers, R.O.T.C. personnel, etc.)

Possessing, drinking, or being under the influence of intoxicants on the job; unlawful possession, use or distribution of alcohol on university property or during university activities; illegally using, manufacturing, possessing, distributing, dispensing, or being under the influence of controlled substances on university property or during university activities.

Refusal to obey security officials, Civil Defense personnel, or other proper authorities in emergencies.

Failure to comply with safety rules, regulations or common safety practices.

Failure to report an accident involving on-the-job injury or damage to university property.

Smoking in non-designated areas.

#### Work Performance

The university expects faculty and staff to make a commitment to quality job performance.

Issues of poor performance or misconduct compromise both the employee and the organization.

For this reason, the university expects work performance to meet high standards at all times.

Prohibited behaviors include:

Insubordination or refusal of an employee to follow instructions or to perform designated work or to comply with directives of authorized university officials.

Failure to wear proper uniform or identification in the prescribed manner as may be required by the university.

Sleeping on the job.

Failure or refusal to maintain or obtain required licensure, certification or registration.

**Instigating or participating in deliberate low productivity and/or interfering with another employee's work.**<sup>28</sup>

The University of Connecticut has no policy regarding workplace bullying or threatening behavior. Its policies are the standard non-discrimination policies, with a standard “respect” clause:

Respect: The University honors individuality and demonstrates tolerance for the personal beliefs and cultural differences of all individuals. As members of an academic community, we seek to foster a spirit of civility and collegiality through open and honest communication. We strive to protect the health and safety of all persons. We protect the private and confidential information that is provided by our patients and research participants, faculty, administrators, staff, students, volunteers and others. **We value an environment that is free from harassment and violence.**<sup>29</sup>

University of Iowa:

a. Professional conduct. Staff members will conscientiously and professionally fulfill their assigned responsibilities relative to faculty, students, colleagues, customers, and clients. They will meet reasonable standards of work quality and quantity, as established by their supervisor. They will act with honesty and integrity in all matters related to their employment. When

<sup>28</sup> University of Tennessee System Policy Human Resources, University of Tennessee, [https://my.tennessee.edu/pls/portal/policy.portlet\\_policy\\_view.policy\\_print?p\\_refid=254](https://my.tennessee.edu/pls/portal/policy.portlet_policy_view.policy_print?p_refid=254) (accessed 19 December 2008).

<sup>29</sup> Code of Conduct: University of Connecticut, University of Connecticut, <http://www.audit.uconn.edu/doc/codeofconduct.pdf> (accessed 19 December 2008).

fulfilling workplace responsibilities in supervision of other staff, supervisors will demonstrate professional conduct through both instruction and example. All staff will support intellectual freedom among all members of the University. For example:

c. Civility. Staff will treat members of the University community with dignity and respect. Staff must not engage in, nor permit incivility in or affecting the workplace or classroom. For example:

(1) Staff will respect the diversity of individuals in the workplace and respect the differences among them.

(2) **Staff will not use threatening, intimidating, or abusive language, or otherwise engage in conduct that creates a hostile environment that interferes with work of the unit.**

(3) Staff will comply with the University Policy on Violence (II-10).<sup>30</sup>

<sup>30</sup> Human Resources (Standards and Ethics)—(III-16) Ethics and Responsibility Statement for Staff, University of Iowa, <http://www.uiowa.edu/~our/opmanual/iii/16.htm> (accessed 19 December 2008).