STANDARD ADMINISTRATIVE PROCEDURE

XX.XX.XX.XX.XX Investigation and Resolution of Formal Complaints for Workplace Bullying

Approved
Next scheduled review:

Standard Administrative Procedure Statement

Texas A&M University [TAMU] considers workplace bullying unacceptable. All employees should be able to work in an environment free of bullying. TAMU has grievance and investigative procedures that deal with harassment in many forms. This standard administrative procedure is intended to create a process for reporting, investigating and resolving formal complaints related to workplace bullying.

REASON

• Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale, and create legal risks.
• Managers and supervisors must ensure employees, co-employees, and subordinates are not bullied or engage in bullying activities themselves.

Definitions

Workplace bullying is behavior that intentionally harms, intimidates, offends, degrades, or humiliates an employee, possibly in front of other employees, students or campus visitors.

Workplace bullying can be, but is not limited to:

- Unwarranted criticism
- Blame without factual justification
- Being treated differently than the rest one’s work group without proper workplace-related justification
- Being sworn at, shouted at, or subjected to other humiliating behaviors
- Unwarranted physical contact
- Exclusion or social isolation
- Being the target of practical jokes
- Excessive unwarranted monitoring
Procedures and Responsibilities

1. GENERAL
   1.1 Managers and supervisors must ensure employees, co-employees, and subordinates are not bullied and not engage in bullying activities themselves.
   1.2 Employees are expected to comply with this procedure and not engage in activities that would be considered bullying.

2. APPLICABILITY
   2.1 This procedure applies to all those persons classified as “Faculty” or “Non-Faculty Employees” at Texas A&M University employees. In addition, based on their student employment appointments, this procedure applies to the following students:

   2.1.1 Student employees and wage employees will be considered non-faculty employees for the purpose of these procedures and complaints against them will follow the formal filing procedures as described in §X11X.

   2.1.2 Graduate Assistants-Teaching and persons holding post-doctoral teaching appointments will be considered faculty for the purpose of these procedures and complaints against them will follow the formal filing procedures as described in §X47.

   2.1.3 Graduate Assistants-Non-Teaching, Graduate Assistants-Research and post-doctoral non-teaching appointments will be considered non-faculty employees for the purpose of these procedures and complaints against them will follow the formal filing procedures as described in §X11.

3. CONFIDENTIALITY
   3.1 Persons gathering general information, seeking guidance, or filing a complaint may be concerned about the confidentiality of the information they are sharing. While the University wishes to create an environment in which individuals feel free to discuss concerns and make complaints, the University may be legally obligated to take action when its officials are informed that bullying may be occurring.

   3.2 If the individual does not disclose identifying information about themselves or parties involved, (e.g. names, department or unit), during the inquiry or complaint, it may be necessary in order to take action can be taken on the matter complaint.

   3.3 Once an individual discloses identifying information to an official of the University, that person will be considered to have filed a complaint with the University. An official of the University is any employee with supervisory responsibilities or higher.

   3.4 The confidentiality of the information received will be protected as far as legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the University’s legal obligation to act upon the charge and the right of the alleged offender to be informed. To the extent possible, the proceedings will be conducted in a manner that protects the confidentiality of all parties involved.

4. PROTECTION FOR COMPLAINTANT AND RESPONDENT
   4.1 Protection from Retaliation: Managers and supervisors will take reasonable action to assure that the complainant, the alleged offender, and those testifying on behalf of either part or supporting either party in other ways, are protected from retaliation. Persons who retaliate will be subject to disciplinary action up to and including termination. This action can be taken at any time during or following an investigation of a bullying complaint.
4.2. **Protection of the Respondent:** When a complaint of bullying is filed, the alleged offender will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations. In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the alleged offender if damaged by the proceedings. A complainant who intentionally makes dishonest or malicious allegations will be subject to University discipline up to and including termination.

4.3.5. **DIRECTING COMPLAINTS**
4.4.5.1. Workplace bullying that can be categorized as sexual harassment or other forms of illegal discrimination should be handled according to procedures defined by the University Standard Administrative Procedure 08.01.01.M1.02. Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges.

4.5.5.2. The procedure for requesting an informal resolution of complaints against all University employees is described in section 6.

4.6.5.3. The procedure for filing complaints against faculty employees is described in section 7.

4.7.5.4. The procedure for filing complaints against non-faculty employees is described in section 11.

5. **FILING INFORMAL RESOLUTION OF COMPLAINTS**

5.1.6.1. **Informal Filing Procedures:** Informal procedures are aimed at stopping the bullying behavior rather than determining culpability or intent. It provides a rapid method for stopping bullying. Complaints that are resolved informally are generally not investigated to the same degree as formal proceedings. The use of informal procedures does not mean that the institution takes bullying lightly.

5.2.6.2. A request for an informal resolution of a complaint should be filed with the lowest level supervisor capable of addressing it, normally the complainant’s direct supervisor. That supervisor becomes the Investigating Authority unless replaced by a higher ranking authority. The supervisor and the complainant should formulate a plan of action to resolve the complaint in a timely manner. This should include, as appropriate, investigation, counseling, and discipline options within the scope of their authority. If the lowest level supervisor is the respondent, the employee should go to the next level supervisor in the chain of authority.

5.3.6.3. If the complainant or supervisor feels the bullying behavior is continuing, either may file a complaint with higher level supervisors until the complaint is resolved.

5.4.6.4. At any time, any party to the proceedings may file a formal complaint with the appropriate Official Contact of the University.

5.5.6.5. In some instances the respondent may agree, voluntarily, to sanctions beyond the scope of supervisory authority to avoid a formal proceeding. Otherwise, disciplinary action beyond the scope of supervisory authority for employees or students cannot be invoked without a formal proceeding initiated by filing a formal complaint.

5.6.6.6. Mediation may be utilized as a method for resolving informal complaints.
5.7.6.7. If a complainant decides to handle the situation personally, and the bullying stops, then the supervisor’s involvement and the investigation will end. Supervisors are expected to conduct periodic follow-up with complainant per section 12 below.

6.7. **FILING FORMAL COMPLAINTS AGAINST FACULTY EMPLOYEES**

6.7.1. Formal complaint procedures are initiated with a written request for investigation of workplace bullying charges. This request may be made by the complainant, the institution, or any of the parties involved.

6.7.2. Formal complaints against a faculty member must be filed with the Dean of Faculties and Associate Provost.

6.7.3. Upon receipt of the formal complaint, the Dean of Faculties and Associate Provost will appoint an Investigating Authority and will forward the complaint to such Investigative Authority within 10.5 business days of receipt of the complaint.

6.7.4. The Investigating Authority shall consist of a team of three (two) faculty members chosen by the Dean of Faculties and Associate Provost from the serving members appointed to the **Academic Civil Rights Investigation Committee (ACRIC)**, as described in Standard Administrative Procedure 08.01.01.M1.02, Investigation and Resolution of Complaints Against Faculty Members for Illegal Discrimination, Sexual Harassment, or Related Retaliation Charges.

7. ACADEMIC INVESTIGATION COMMITTEE (AIC)

7.1. The AIC is a standing committee formed by a pool of thirty (30) faculty members appointed by the Deans of the Colleges, Schools, Libraries, and Branch Campuses and the Dean of Faculties and Associate Provost. In this regard, each Dean will appoint two (2) faculty members willing and available to serve for 2 years in the AIC. In addition, the Dean of Faculties and Associate Provost will appoint within the same time frame four (4) additional faculty members to diversify the committee to serve in the ACRIC for the same period of time.

7.2. AIC members are charged with the sole duty and responsibility of investigating formal complaints related to alleged workplace bullying by a faculty member. Their duties and responsibilities commence on September 1st of the academic year of their appointment and cease on August 31st of the second academic year following their appointment. AIC members may be re-appointed by their respective Deans to serve in the AIC for additional two (2) year terms. Vacancies of AIC members during the term of their appointment shall be immediately filled by the appointment of new members by the respective Deans.

7.3. Upon receipt of a formal complaint of workplace bullying, the Dean of Faculties and Associate Provost will appoint from the membership of the committee a team of three (3) ACRIC members to investigate alleged civil rights violations by a faculty member.

7.4. AIC members are subject to challenge for cause. The Dean of Faculties and Associate Provost will rule on the validity of any challenge. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of prior interactions between an AIC member and other individuals does not necessarily constitute bias.)

7.5. AIC members will receive ad hoc training on workplace bullying and appropriate methods in how to carry out investigations, findings and conclusions. These training are mandatory for all AIC members.

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members before they can be appointed to conduct an investigation. Trainings will generally be carried out prior to commencement of their term or as otherwise determined from time to time by the Dean of Faculties and Associate Provost. The trainings are also open to deans, department heads and faculty members.

8. INVESTIGATION OF COMPLAINTS AGAINST FACULTY EMPLOYEES

8.1. Upon receipt of a formal complaint the Dean of Faculties and Associate Provost will appoint an Investigating Authority in accordance with §7.4 above.

8.2. The Investigating Authority shall be supported by the office of the Dean of Faculties and Associate Provost. This support will be exclusively limited to aiding the Investigating Authority in their needs throughout the investigative procedures and to assure that the investigation is conducted in accordance with the processes and procedures set forth in the regulations, rules and this procedure.

8.3. The Investigating Authority appointed by the Dean of Faculties and Associate Provost is responsible for all administrative activities required to conduct the investigation, formal complaint procedures. These include, but are not limited to, informing parties necessary to the investigation, contacting supervisors regarding subordinate’s time away from work to participate in the investigative process, making reports to University officials, and other responsibilities necessary to properly conduct the investigation. The Investigating Authority may request help from the Office of the Dean of Faculties and Associate Provost to carry out these duties.

8.4. The Investigating Authority will review the complaint and conduct the investigation within the fifteen (15) business days, unless unusual circumstances require more time. Extensions should not be for more than fifteen (15) additional business days. Any further extensions require the approval of the Dean of Faculties and Associate Provost.

8.5. The Investigating Authority should strive to interview the Complainant first. Thereafter, the Respondent(s) should be the next person(s) to be interviewed. Witnesses identified by the Complainant and Respondent(s) should be interviewed next. Notwithstanding the foregoing, all attempts to interview any of the parties, including all witnesses should be carefully documented.

8.6. Upon conclusion of the investigative procedure, the Investigating Authority will prepare a formal written report of the findings. The report must be addressed to the Dean of Faculties and Associate Provost and must contain all of the following elements: (1) Listing of the Complainant’s allegations; (2) The Complainant’s requested relief; (3) Detailed indication of all documentation reviewed by the Investigating Authority which must be attached as numbered Exhibits to the report; (4) Analysis of each allegation containing the statements made during the interviews by the Complainant, the Respondent(s) and the witnesses; (5) Conclusion (the complaint’s allegation(s) of workplace bullying are substantiated, are not substantiated, or there is insufficient evidence to make a determination), and (6) Recommended remedy.

8.6. The report shall be delivered by the Investigating Authority to the Dean of Faculties and Associate Provost. Upon review of the report, the Dean of Faculties and Associate Provost will render a written recommendation to the Provost and Executive Vice President of Academic Affairs. The written recommendation shall indicate if the Dean of Faculties and Associate Provost
9. **APPEAL OF SANCTION(S) AGAINST FACULTY EMPLOYEES**

9.1. The sanction(s) imposed by the Provost and Executive Vice President of Academic Affairs in the final decision for Civil Rights violation charges constitutes an employment action.

9.2. Sanctions may be appealed by the individual being sanctioned within thirty days (30) from the date the decision was made or otherwise the sanctions imposed will become final.

9.3. If the sanction(s) relates to dismissal of a faculty member, the sanction(s) may be appealed to the Committee on Academic Freedom, Responsibility, and Tenure (CAFRT) in accordance with §9 of University Rule 12.0199 M2.

9.4. If the sanction(s) do not relate to dismissal, the sanction(s) may be appealed to the University Grievance Committee (UGC) in accordance with University Rule 12.01.99.M4.

9.5. The findings of the CAFRT or the UGC will be limited to determining whether or not the sanction imposed is reasonable based on the decision.

10. **FILING FORMAL COMPLAINTS AGAINST NON-FACULTY EMPLOYEES**

10.1. Formal complaint procedures are initiated with a written request for investigation of workplace bullying charges. This request may be made by the complainant, the institution, or any of the parties involved.

10.2. A formal complaint filed against a non-faculty employee shall be directed to the Human Resources Department Employee Relations Office.

10.3. Upon receipt of the formal complaint, the Human Resources Department Employee Relations Office will appoint an Investigating Authority and will forward the complaint to such Investigative Authority within 5 business days of the complaint.

10.4. An Investigating Authority, composed of one or two people, will conduct the investigation. The Investigating Authority will reach a conclusion based on the investigation: the complaint either occurred, it did not occur, or there is insufficient evidence to make a determination.

11. **INVESTIGATION OF COMPLAINTS AGAINST NON-FACULTY EMPLOYEES**

11.1. The Investigating Authority will investigate the case and determine, within 15 working days, whether to recommend sanctions at that time, to dismiss the case or to investigate the complaint further. Once a decision for further investigation is made, it normally should be completed within 30 working days.
11.2. The Investigating Authority should strive to interview the Complainant first. Thereafter, the Respondent(s) should be the next person(s) to be interviewed. Witnesses identified by the Complainant and Respondent(s) should be interviewed next. Notwithstanding the foregoing, all attempts to interview any of the parties, including all witnesses should be carefully documented.

11.3. The determinations of the Investigating Authority, together with the recommended sanctions, if any, will be reported through the Director of Human Resources, or designee, to the appropriate vice president or other direct report to the University President. Decisions by the vice president or direct report regarding investigation and resolution of the complaint, including recommended sanctions, are considered final and shall be reported to the alleged offender, the complainant, the Director of Human Resources, or designee.

11.4. Reasonable extensions of an investigation can be made for extenuating circumstances due to continuing a complex investigation, illness, scheduled vacations, professional presentations, etc. These extensions are granted by the office of the appropriate Official Contact of the University.

11.5. Remedial Action: Action or sanctions to stop the harassment will not be made at the expense of the victim. Solutions or remedies will be through actions directed to the bully.

11.6. Appeals: Appeals of sanctions against a non-faculty employee should be handled in accordance with the reporting unit procedures.

12. FOLLOW UP

12.1. Following resolution of the complaint against faculty employees, the Dean of Faculties will follow up with the complainant in three months in those instances where their informal or formal complaint was proven to ensure that the bullying activity has ceased.

12.2. Following resolution of the complaint against non-faculty employees, the Human Resources Department Employee Relations Office will follow up with the complainant in three months in those instances where their informal or formal complaint was proven to ensure that the bullying activity has ceased.

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**Related Statutes Policies, Regulations and Rules**

Supplements System Regulation  
[http://policies.tamus.edu](http://policies.tamus.edu)

Supplements University Rule  
[http://rules-saps.tamu.edu](http://rules-saps.tamu.edu)

*Supplements University Rule 08.01.01.M1 (not approved yet, under OGC review at this time)*
Contact Office

(Non-faculty employees) Human Resources

(Faculty employees) Dean of Faculties and Associate Provost’s Office