



**TO:** SUNY University Faculty Senate  
**FROM:** Equity, Inclusion, and Diversity Committee and Operations Committee  
**RE:** Resolution: Condemn Abusive Workplace Behavior and Request that SUNY System Administration Establish a System-wide Workplace Conduct Policy  
**DATE:** Spring Plenary, April 22, 2023  
**LOCATION:** Upstate Medical University, Syracuse NY

**Resolution #:** 194-01-1

**Vote:** For: 43 / Against: 2

#### RATIONALE:

**WHEREAS** SUNY University Faculty Senate expects the State University of New York (SUNY) to lead the nation by being an example of integrity, fairness, transparency, and safety for its students, faculty, and staff; and

**WHEREAS** SUNY is committed to providing all employees a work environment characterized by civility, encouraging the free exchange of ideas, and respecting the dignity and achievements of others<sup>1</sup>; and

**WHEREAS** abusive workplace behavior, including but not limited to those defined in the Appendix, violates this commitment; and

**WHEREAS** victims of abusive workplace behavior may experience physical, mental, and emotional distress, fear of retaliation, anger, mistrust, depression, and feelings of humiliation, which may lead to less involvement, less creativity, less interaction, fewer contributions, and, finally, their resignation from their positions<sup>2</sup>; and

**WHEREAS** current policies and procedures, such as “Discrimination and Sexual Harassment Complaint Procedure”<sup>3</sup> and “Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York,”<sup>4</sup> do not adequately address the range and scope of potential abusive workplace behavior; and

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<sup>1</sup><https://www.suny.edu/media/suny/content-assets/documents/benefits/postings/Workplace-Violence-Prevention-Policy.pdf>

<sup>2</sup> Rosander M, Salin D, Blomberg S. The last resort: Workplace bullying and the consequences of changing jobs. *Scand J Psychol.* 2022 Apr;63(2):124-135. doi: [10.1111/sjop.12794](https://doi.org/10.1111/sjop.12794). Epub 2022 Jan 21. PMID: 35060628; PMCID: PMC9303419.

<https://psychcentral.com/health/mobbing-at-work-group-bullying>

<sup>3</sup> [https://www.suny.edu/sunypp/documents.cfm?doc\\_id=451](https://www.suny.edu/sunypp/documents.cfm?doc_id=451)

<sup>4</sup> [https://www.suny.edu/sunypp/documents.cfm?doc\\_id=451](https://www.suny.edu/sunypp/documents.cfm?doc_id=451)

**WHEREAS** the current process to resolve issues of abusive workplace behavior that fall outside sexual harassment and affirmative action discrimination is not consistently fair and impartial (as Human Resources represents the interests of the employer); and

**WHEREAS** there is no SUNY oversight or data collection of abusive workplace behavior complaints; and

**WHEREAS** University Faculty Senate has consulted United University Professions (UUP), which is also currently working on a proposal for a Workplace Conduct Policy.

**RESOLUTION:**

**THEREFORE, BE IT RESOLVED** that the SUNY University Faculty Senate calls on the Chancellor to lead an effort to foster an equitable, inclusive, and anti-bullying culture throughout the workplaces in the SUNY system; and

**BE IT FURTHER RESOLVED** that the Chancellor establish a position of the SUNY Ombudsperson to lead an independent Ombuds Office<sup>5</sup>, which will

- Establish and host a SUNY complaint hotline;
- Establish and resource an Ombudsperson at each campus (on smaller campuses one could be shared by several campuses), who is independent of campus administration and directly reports to the SUNY Ombuds Office;
- Collect data on abusive workplace behavior from SUNY campuses;
- Identify the frequency of occurrence of workplace harassment, bullying, and retaliation on each campus;
- Identify campus review, response, and reporting mechanisms to these incidents;
- Evaluate the appropriateness of campus responses and publish an annual report on the state of abusive workplace behavior across the system; and

**BE IT FURTHER RESOLVED** that the SUNY University Faculty Senate calls on the Chancellor to direct his administration, in collaboration with the unions and University Faculty Senate, to develop policies and procedures that ensure a fair and impartial review of abusive workplace behavior complaints. Such policies would be expected to

- Apply to abusive workplace behavior of, or directed toward all campus workers.
- Extend to all campus locations, venues, and sites, both physical and remote, including locations where employees represent SUNY or perform work-related duties and responsibilities for SUNY.

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<sup>5</sup> This is in line with the UUP draft policy on Abusive Workplace Environment and other state university systems. See for example <https://www.nysed.gov/nonpublic-schools/ombudsman> , <https://www.csuohio.edu/provost/ombudsperson> , <https://www.txst.edu/facultysenate/contact/ombudsperson.html> , <https://policy.ucop.edu/doc/4000701/AbusiveConduct> , <https://www.rochester.edu/college/odos/services/university-ombuds.html>

- Provide a procedure which ensures employees the right to file complaints about abusive workplace misconduct toward themselves or their colleagues, which the University shall review, investigate, and assign a response.
- Establish a System Review Panel that will investigate the complaint in case the Campus fails to initiate an investigation in a timely manner (within 60 calendar days from the complaint) or if an employee appeals the campus decision.

**BE IT FURTHER RESOLVED** that Campus Senators work with their Campus Governance Leaders to facilitate conversations about Abusive Workplace behavior on our campuses.

## **Appendix**

### **Definitions**

**Abusive workplace behavior**, often termed bullying, shall be defined as repeated, persistent, and intentional behavior or behaviors that a reasonable person may identify as hostile, intimidating, degrading, humiliating, or isolating, or that undermine an employee's reputation or job performance.

Such behavior includes but is not limited to communication which is verbal or non-verbal, public or private, in-person or electronic/phone, spoken or written. Although abusive workplace behavior is typically defined as repeated behavior, single actions may be so egregious that they need only happen once to disrupt the workplace and be categorized as abusive workplace behavior.

As campuses encourage diversity within faculty and staff, it is crucial to acknowledge that “different cultural dimensions may encourage or discourage bullying behaviour” and that “cultural norms and values may affect how targets make sense of different negative social acts” and how they cope with being bullied.<sup>6</sup> There may be a need for standard onboarding orientation that addresses workplace abuse policies at the campus so everyone can start on the same page. Policies and procedures should be sensitive to the cultural differences that can exist in workplace abuse.

Subject to collective bargaining rights of employees, the non-abusive rights of management to assign tasks and otherwise reasonably direct and discipline employees or manage does not constitute abusive workplace behavior.

SUNY encourages the free expression and exchange of ideas, which does not constitute abusive workplace behavior.

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<sup>6</sup> Salin, D. (2021). Workplace Bullying and Culture: Diverse Conceptualizations and Interpretations. In: D'Cruz, P., Noronha, E., Caponecchia, C., Escartin, J., Salin, D., Tuckey, M.R. (eds) *Dignity and Inclusion at Work. Handbooks of Workplace Bullying, Emotional Abuse and Harassment*, vol 3. Springer, Singapore. [https://doi.org/10.1007/978-981-13-0218-3\\_18](https://doi.org/10.1007/978-981-13-0218-3_18)

Differences of opinion and acts of supervision must be expressed in a respectful, non-abusive manner.

Abusive workplace behavior may take many forms including but not limited to the following behaviors:

**Abuse of authority:** arbitrary and capricious exercise of authority

**Abusive expression:** using language directed at another individual that is outside the range of commonly accepted expressions of disagreement or criticism, including name calling or excessively harsh disapproval.

**Exclusion/shunning:** isolating or excluding another individual from work-related activities, benefits, communications, locations and/or events, intentionally and without a legitimate purpose (e.g., confidentiality); turning others against an individual; making an individual the target of rumors; failing to defend an individual from inaccurate accusations.

**Falsehoods/lying/gossiping:** Falsely blaming an individual for others' mistakes, falsely recognizing others for an individual's own achievements, denying an individual a promotion or raise without explanation, ignoring an individual's work, ignoring an individual's requests for assistance, and spreading rumors.

**Favoritism:** the practice of giving unfair preferential treatment to one person or group at the expense of another

**Humiliation:** belittling or demeaning another individual through ridicule, condescension, sarcasm, reprimands, or spiteful remarks, in private or in public; preventing self-expression.

**Intimidation/gaslighting:** threatening another individual with imminent or future physical, emotional, psychological, or professional harm.

**Retaliation:** Punitive actions against an individual, including but not limited to reassignment of responsibilities, demotion, and/or termination without justified rationale in response to the individual's availing themselves of this policy and/or filing a complaint.

**Sabotage:** interfering with another individual's work that prevents the work from being completed or affects its quality, thereby deliberately diminishing an individual's work; failing to provide necessary information; requiring unreasonable workloads.