

<b>ADMINISTRATIVE DIVISION</b>	ACAF Academic Affairs
<b>POLICY NUMBER</b>	ACAF 1.80
<b>POLICY TITLE</b>	Faculty Workplace Incivility
<b>SCOPE OF POLICY</b>	USC Columbia
<b>DATE OF REVISION</b>	June 24, 2022
<b>RESPONSIBLE OFFICER</b>	Executive Vice President for Academic Affairs and Provost
<b>ADMINISTRATIVE OFFICE</b>	Office of the Provost

## **PURPOSE**

The University of South Carolina aspires to be a community in which individual members treat each other with civility and respect through adherence to the standards of conduct and values expressed in the Carolinian Creed. This policy establishes a process for reporting, investigating and resolving complaints against faculty members related to workplace incivility.

## **DEFINITIONS AND ACRONYMS**

**Complainant:** Employee reporting an allegation of faculty workplace incivility

**Faculty:** All employees who hold a tenure-track or professional-track title as defined by policy [ACAF 1.06 Academic Titles for Faculty and Unclassified Academic Staff Positions](#).

**Faculty Civility Advocate:** Faculty member appointed by the provost to adjudicate complaints of workplace incivility as dictated in this policy in an independent and just manner.

**Faculty Ombuds:** The Faculty Ombuds is available to all tenured, tenure track and professional-track faculty members. The Faculty Ombuds is available to listen to visitor concerns, clarify issues, develop options and provide information. The ombuds advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the university. The Faculty Ombuds is not an office of notice or mandated reporter. Communications to the ombuds are not notice to the university. The ombuds may refer individuals to the appropriate place where formal notice can be made.

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

**Workplace incivility:** Workplace incivility is behavior or a pattern of behaviors that would cause a reasonable person to experience substantial emotional distress and/or interferes with their ability to work.

## **POLICY**

The University of South Carolina is dedicated to the mission of teaching, research, creative activity, and service. To this end, the university is committed to the establishment of a working environment that fosters academic freedom for all faculty and, consistent with these commitments, aspires to cultivate a community in which individual members treat each other with civility and respect. The university believes that these goals can only be achieved through adherence to the standards of conduct and values expressed in the Carolinian Creed. We conceive civility is not as a constraint on academic freedom but as the foundation of foundation

of a healthy learning environment that fosters productive disagreement, collaboration, creativity, and well-being for all members of our community.

Accordingly, the faculty considers workplace incivility unacceptable. It undermines our values, harms colleagues, and impedes the mission and commitments of the University.

Workplace incivility is behavior or a pattern of behaviors that would cause a reasonable person to experience substantial emotional distress and/or interferes with their ability to work. Incivility, as distinct from challenging and rigorous intellectual exchange, serves no legitimate purpose. It is behavior outside the bonds of respectful, equitable, and dignified communication. Workplace incivility may be a cumulative effect or a severe single incident. Workplace incivility may affect faculty beyond the intended target, and such parties may bring complaints under policy.

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 a variety of means including face-to-face, written communications, or electronic media. Examples of workplace incivility include, but are not limited to: abusive language, aggressive shouting, defamatory language, unwelcome physical contact, threats and intimidation, public ridicule (e.g., ad hominem attacks), conspicuous exclusion, and scapegoating. Behaviors that might constitute harassment, discrimination or sexual assault should be reported to the Office of Civil Rights and Title IX.

For purposes of this policy, any reference to allegation of incivility refers to the behavior of a faculty member. Any university employee can allege faculty incivility through the procedures described in this policy. Depending on the nature and severity of the complaint, allegations may be addressed at the unit level or escalated to the Faculty Civility Advocate or the Office of Civil Rights and Title IX.

- A. In cases of workplace incivility, the university will take reasonable actions pursuant to this policy. It is appropriate, however, for the university to respond differently to different types of incivility. The procedures outlined herein are intended to provide a fair and orderly means of handling allegations of workplace incivility and to be a bridge to existing university procedures and policies and the provisions of the Faculty Manual.
- B. Since a charge of incivility, regardless of whether it is justified or not, may seriously damage an individual's career, any such issues must be handled in a confidential manner to the extent allowed by applicable law. Premature disclosure of information concerning an allegation may itself constitute incivility. Only necessary participants should be involved at each stage of the procedure. Any inquiry or investigation must also be handled promptly and expeditiously and with full attention to the rights of all individuals involved. It is understood that anyone conducting an inquiry or investigation, e.g., the Faculty Civility Advocate or members of the Faculty Appellate Panel, must possess the special knowledge necessary to judge the situation, but must also have no immediate personal interest in the case.
- C. The time between receipt of a formal complaint by the Faculty Civility Advocate and completion and disposition of an investigation should not exceed 45 business days. Should the formal investigation take longer than 45 business days to complete, the record of inquiry should include documentation of the reasons for the extension of the period and the individuals involved should be notified.

## PROCEDURES

- A. The provost in consultation with the chair of the Faculty Senate and the chair of the Faculty Appellate Panel or their designees will appoint a tenured faculty member at the rank of professor or a tenured librarian to serve in a part-time capacity as the Faculty Civility Advocate (FCA). If the FCA has a conflict of interest in any case brought before them, an alternate will be appointed by the provost in consultation with the chair of the Faculty Senate. The FCA will file an annual report with the chair of the Faculty Senate and with the provost.
- B. Complaints of workplace incivility can be addressed through informal or formal processes. Procedures for handling each type of complaint are described below. Faculty are strongly encouraged to seek informal resolution of their concerns within their academic unit or through the university faculty ombuds before filing a formal complaint.
- C. Unit heads and deans must refer all complaints of incivility by a faculty member that cannot be resolved through informal resolution within the academic unit or through consultation with the faculty ombuds to the FCA for formal resolution.
- D. Informal Resolution
  1. Any employee who feels they are a victim of workplace incivility is encouraged to speak with their supervisor or academic unit head. If the allegation is against the employee's supervisor or unit head, the employee should report to that person's supervisor. If the complainant and respondent are from different units, either the complainant or the complainant's supervisor should contact the respondent's supervisor. As needed, the parties involved can pursue mediation or consultation with the faculty ombuds if appropriate. The respondent's supervisor can impose a sanction of counseling, oral warning or written reprimand, following the procedures of policy [ACAF 1.82 Faculty Progressive Discipline](#). Informal procedures are aimed at stopping the incivility as rapidly as possible.
  2. If applicable, the initial complaint can be elevated to the academic dean. The dean can impose a sanction of counseling, oral warning, written reprimand, probation, administrative reassignment or demotion, following the procedures of policy [ACAF 1.82 Faculty Progressive Discipline](#). Sanctions beyond written reprimand can be appealed through the faculty grievance process.
  3. An employee who believes that they are a victim of workplace incivility and that informal resolution has not been successful can file a formal complaint as described below.
- E. Formal Resolution
  1. Any employee who wishes to file a formal complaint of incivility is encouraged to speak with the FCA. The FCA can help the employee understand what constitutes incivility and

direct them in the filing of a formal complaint. Formal complaint procedures are initiated with a written request for investigation of workplace incivility which is filed with the FCA. This request may be made by the complainant, the institution or any of the parties involved.

- a. If the FCA has a conflict of interest based on prior relationship with either the complainant or the respondent, the FCA will appoint a member of the Faculty Appellate Panel as acting FCA for the specific investigation.
- b. The FCA will investigate the allegations in a level of detail sufficient to determine whether there are grounds for a charge of workplace incivility. The FCA will investigate the allegations in a level of detail sufficient to determine whether the preponderance of evidence support a finding of workplace incivility. Following this investigation, the FCA will prepare a file indicating what evidence was reviewed, summaries of relevant interviews and the conclusions of the inquiry. A copy of the report must be made available to the complainant(s) and the respondent(s) for comment. Any comments by the complainant(s) and the respondent(s) should be made part of the file. The FCA should review the complaint and conduct the investigation within 45 business days. The Office of the Provost will receive and maintain the file for a minimum of five years.
- c. In conducting an investigation, the Ad FCA will follow procedures appropriate to the circumstances needed for both a complete investigation and fairness to all individuals involved. The FCA should seek all relevant materials and documents, including, but not be limited to, statements from the complainants(s) and the respondent(s), relevant correspondence, electronic communications, witness testimony and memoranda of telephone calls. Whenever possible, interviews should be conducted of all individuals involved either in 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. The FCA should strive to interview the complainant(s) first. Thereafter, the respondent(s) should be the next person(s) interviewed. Witnesses identified by the complainant and the respondent should be interviewed next. All attempts to interview any of the parties, including all witnesses should be carefully documented. Complete summaries of these interviews should be prepared and provided to the interviewed party for comment or revision and included as part of the investigatory file. Throughout the investigation, the complainant(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.
- d. Upon conclusion of the investigation the FCA will submit to the provost a formal written report of the findings. This report 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 FCA which must be attached as numbered exhibits to the report; (4) Analysis of each allegation containing the statements made by the complainant, the respondent(s) and the witnesses; (5)

Conclusion of the matter (the complainant's allegation(s) of workplace incivility are substantiated, are not substantiated, or there is insufficient evidence to make a determination); and (6) Recommended remedy A copy of the report, should be made available to the complainant(s) and the respondent(s) for comment and any comments by the complainant(s) and the respondent(s) made part of the file.

- e. If the FCA concludes that there are no grounds for a charge of workplace incivility then no further inquiry is necessary. The case will be considered closed. Diligent efforts, as deemed appropriate by the FCA, should be taken at this time to restore the reputation of the respondent(s), and to protect the position and reputation of the person who, in good faith, made the allegation of bullying.
  - f. If the FCA finds that workplace incivility has occurred, the FCA can consult separately with the complainant(s) and the respondent(s) as well as with the unit head or dean to discuss options for resolution. These options include but are not limited to separation of the parties involved, appropriate counseling for either or both parties, or disciplinary action as defined in policy [ACAF 1.82 Faculty Progressive Discipline](#). 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.
  - g. Recommendations for disciplinary actions beyond a written reprimand proceed from the faculty member's supervisor to their dean, to the provost and at each stage must be communicated to the complainant(s) and respondent(s) in writing.
2. After a determination by the Office of the Provost or upon a decision that the alleged behavior does not violate this incivility policy, complainant(s) or respondent(s) dissatisfied with the proposed resolution may appeal to the Faculty Appellate Panel, following the grievance procedures in the Faculty Manual. The appeal must be based on denial of procedural due process or denial of academic freedom. The petition shall state the factual basis for the allegations and the relief requested. Either complainant or the respondent can file an appeal within 10 business days of receiving the report from the FCA. If the respondent has been determined responsible for incivility, appeal to the Faculty Appellate Panel is effectively appealing both the adjudication and the sanction.
- a. Within 10 business days of the appeal all parties named in the complaint are notified in writing that the appeal has been filed and that the complaint and finding will be reviewed.
  - b. The Faculty Appellate Panel may choose to assign its power to an ad hoc review committee. Any member of the panel who has a conflict of interest must recuse themselves from the review. The panel will have access to all documentation and material collected during the investigation conducted by the FCA.
  - c. The FCA will serve as a non-voting observer in all meetings and facilitate the needs of the committee. The provost will also appoint an individual to serve as non-voting

administrative support in all meetings. This representative will be responsible for recording the proceedings of all meetings.

- d. The panel will review the complaint and conduct the additional interviews or collection of documentation deemed necessary to the review within 30 business days unless unusual circumstances require more time. Extensions should not be for more than 15 additional business days. Any further extensions require the approval of the provost. All parties involved shall be notified of the extensions.
- e. The panel will be supported by the Office of the Provost. This support will include assisting the committee in their needs throughout any additional investigative procedures and assuring that the investigation is conducted in accordance with the processes and procedures set forth in this document.
- f. If applicable, the ad hoc committee will report its findings and recommendation to the full panel for a decision.
- g. The panel will submit its decision on the appeal to all parties involved, including the Office of the Provost and the Office of the President. If a finding of incivility is upheld, the panel can recommend the same resolution or disciplinary action as the FCA or one that is less or more severe. The direct supervisor of the respondent is responsible for implementing the resolution or disciplinary action. Documentation must be maintained in the respondent's unit personnel file and added to the case file. The entire case file must be maintained in the Office of the Provost for a minimum of five years.
- h. The president will be the final authority to whom a grievance or appeal may be submitted.

#### F. Confidentiality

1. Persons gathering general information, seeking guidance or filing a complaint may be concerned about the confidentiality of the information that they are sharing. While the university wants to create an environment in which individuals feel free to discuss concerns and make complaints, the university may find it necessary to take action despite a request for confidentiality when its officials are informed that extreme incivility may be occurring.
2. Identifying information about the parties involved (e.g. names, department or unit), may be necessary in order for action to be taken on the complaint.
3. The confidentiality of the information received will be protected to the extent allowed by applicable law. 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.

## G. Non-Retaliation

1. Protection from Retaliation: Department chairs and supervisors will take reasonable action to assure that the complainant, the alleged offender and those testifying on behalf of either party or supporting either party in other ways are protected from retaliation. Persons who retaliate will be subject to disciplinary action in a manner consistent with the Faculty Manual and university policies. This action can be taken at any time during or following an investigation of an incivility complaint.
2. Protection of the complainant and respondent: When a complaint of incivility 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 efforts should be taken to restore the reputation of the alleged offender if damaged by the proceedings, and to protect the position and reputation of the person who, in good faith, made the allegation of workplace incivility.

### RELATED POLICIES

[ACAF 1.82 Faculty Progressive Discipline](#)

[CR 1.00 Policy Against Discrimination, Harassment & Sexual Misconduct](#)

[CR 2.00 Equal Opportunity and Non-Discrimination](#)

[Faculty Manual](#)

### HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
February 28, 2014	New policy
May 2, 2019	Policy revised to clarify eligibility for Faculty Civility Advocate and Committee on Professional Conduct membership.
June 24, 2022	Policy broadened to encompass workplace incivility and to address allegations against faculty presented by staff or other faculty
August 3, 2023	Non-Substantive revision to reflect current policy titles and URLs.