

**SAN JOSÉ STATE UNIVERSITY
ONE WASHINGTON SQUARE
SAN JOSE, CA 95192**

SS-F18-5, Sense of the Senate Resolution, Creating a Task Force for a Supportive Workplace and Calling Upon our Community to Preserve Civility and Combat Bullying at San José State University

Legislative History: At its meeting of December 10, 2018, the Academic Senate unanimously approved the following Sense of the Senate Resolution presented by Senator Peter for the Professional Standards Committee.

**Sense of the Senate Resolution
Creating a Task Force for a Supportive Workplace and
Calling Upon our Community to Preserve Civility and Combat
Bullying at San José State University**

- Whereas: San José State University (SJSU) is committed to the promotion of an inclusive, safe, supportive, responsive, and equitable workplace environment for all faculty, staff, and students; and
- Whereas: The SJSU Academic Senate reiterates its commitment to SS-S05-1 which supports UP S01-13's "commitment to creating a diverse community guided by core values of inclusion, civility and respect for each individual"ⁱ and S99-8 which directs faculty members to "avoid exploitative, harassing, or discriminatory behavior;"ⁱⁱ and
- Whereas: The SJSU Academic Senate recognizes that SJSU has taken preliminary steps to identify and define bullying among its student population;ⁱⁱⁱ and
- Whereas: The SJSU Academic Senate acknowledges the importance of the "CSU Safe and Healthy Workplace Environment," a report which evaluates the issue of workplace bullying at San Francisco State University, surveys the CSU system for best practices, and makes recommendations to the campus community for action;^{iv} and
- Whereas: The SJSU Academic Senate endorses the California State University's call in AS-3246-16 which "urges CSU campus senates and administration to develop and implement strategies to redress, remedy, and mediate workplace bullying;"^v and

Whereas: The SJSU Academic Senate notes the need for a working definition of bullying to open discussion of the problem of workplace bullying. We suggest the University of California Berkeley definition **as a starting point only**. The Senate notes that creation of a suitable definition is a difficult task, beyond the scope of a Sense of the Senate Resolution, and attaches for the information of the Task Force a list of observations and suggestions expressed by some Senators in response to the Berkeley definition (Appendix A.) The Berkeley definition follows:

*“Bullying is a pattern of **repeated behavior** that a **reasonable person** would find hostile, offensive, and unrelated to the University’s legitimate business interests. Bullying behavior may take many forms including physical, verbal, or written acts or behaviors. Workplace bullying often involves an abuse or misuse of power. A single physical, verbal, or written act or behavior generally will not constitute bullying unless especially severe and egregious.”*

“Examples of bullying may include:

- *persistent or egregious use of abusive, insulting, or offensive language directed at an employee;*
- *spreading misinformation or malicious rumors;*
- *behavior or language that frightens, humiliates, belittles, or degrades, including criticism or feedback that is delivered with yelling, screaming, threats, or insults;*
- *making repeated inappropriate comments about a person’s appearance, lifestyle, family, or culture;*
- *regularly teasing or making someone the brunt of pranks or practical jokes;*
- *interfering with a person’s personal property or work equipment;*
- *circulating inappropriate or embarrassing photos or videos via e-mail or social media;*
- *unwarranted physical contact; or*
- *purposefully excluding, isolating, or marginalizing a person from normal work activities.”^{vi}*

and,

Whereas: The definition of bullying requires further elaboration and study;
and,

Whereas: Researchers agree that effective ways of dealing with bullying involve awareness, education, prevention, and early intervention; and

Whereas: The California State Legislature provides a helpful description of bullying in Assembly Bill 2053, which the University of California, Berkeley, considered before its adoption of a Workplace Bullying Prevention Policy in 2016;^{vii} and

Whereas: The issues described above require a University-wide response that goes beyond the normal purview of the Academic Senate; now therefore, be it

Resolved: That the Academic Senate asks the President to establish a Task Force for a Supportive Workplace, which we suggest have the following characteristics:

- 1) Membership. A small group of administrators, faculty, staff, and/or students, selected for their various kinds of expertise and experiences on the subject of workplace bullying, and their willingness to engage in a prolonged reform effort, appointed by the President after consultation with the various constituent groups, including the Senate Executive Committee regarding faculty members.
- 2) Task. Make evidence-based recommendations to the President, the Senate, and the campus more generally of any necessary steps to promote an inclusive, safe, supportive, responsive, and equitable workplace environment; craft a definition of bullying acceptable and appropriate for our campus; make plans to combat bullying through education, possibly by utilizing restorative justice approaches; and recommend a formal process for addressing bullying when it occurs.^{viii}
- 3) Deadline. Deliver a report to the President and the Senate by December 1, 2019.

Be it further

Resolved: That, in the meantime, faculty, staff and students who have suffered from bullying are advised that limited services are available. Faculty and staff may be helped via the confidential employee assistance program,^{ix} while students may seek help through Counseling and Psychological Services (CAPS).^x

Rationale:

The culture of the academy generally and San José State specifically holds as one of its fundamental tenets the right to academic freedom and embraces principles of collegiality and shared governance. However, as Leah P. Hollis points out, “Workplace bullying, harassment, and hostile speech chill the environment and motivate those facing abuse to withhold valuable contributions. Stating that bullying and coercing others is one’s right as free speech is an excuse to sidestep the actions of the bully, instead of addressing the impact of bullying on the educational environment” (Hollis 2018.) A culture of academic freedom cannot thrive in an atmosphere of abrasive

conduct and incivility—it will thrive in a diverse community guided by the core values of inclusion, civility, and respect for each individual.

Approved: December 3, 2018

Vote: 10-0-0

Present: Chin, Kumar, He, Monday, McKee, Cargill, Peter, Hart, Rodriquez, Mahendra

Absent: Kemnitz

Financial Impacts: There could be financial impact if recommendations from the Task Force are implemented. This impact could be positive if the workplace environment becomes healthier and therefore less prone to lawsuits, grievances, inefficient work, etc.

Workload Impact: The comment on financial impact applies equally to workload impact.

Appendix A

While the Academic Senate suspects that the Berkeley definition of bullying may be a good starting point, individual Academic Senators expressed a wide range of remarks concerning the definition. These remarks reinforced the view that perfecting a suitable definition is a critical task and one that will not be easy. Following are some of the remarks that were made concerning the Berkeley definition as they emerged at the First Reading of this resolution; we recommend that the Task Force familiarize itself both with the Berkeley and other definitions of bullying and also consider these remarks as it grapples with its work:

- The phrase “legitimate business interests” is confusing. What if bullying (an illegitimate means) were used for a legitimate end (the university’s “legitimate business interests?”
- The exclusion of “a single act” needs careful consideration. Is the “severe and egregious” exception sufficient?
- The definition could include reference to the need for scrupulous adherence to ethical norms when the potential for abuse of power is high, such as when faculty evaluate faculty.
- The definition could account for acts of bullying at events where a small or unpopular minority is bullied into silence.
- The definition could account for gaslighting and threats to whistleblowers.
- While the Berkeley definition notes the use of various modes of communication to carry out bullying--such as email and social media--it may too narrowly limit these modes to photos or videos when bullying could be carried out via these media in other ways.

Disability status and numerous other protected groups could be added to the list regarding the use of inappropriate comments as acts of bullying. However—some of us wonder if the lack of inclusion of these groups in the Berkeley definition is because they may have other forms of legal protection? Also, the circumstances surrounding embarrassing could be noted—“teasing” remarks made in front of others may be cause for greater concern.

ⁱ <http://www.sjsu.edu/senate/docs/SS-S05-1.pdf>

ⁱⁱ <http://www.sjsu.edu/senate/docs/S99-8.pdf>

ⁱⁱⁱ <http://www.sjsu.edu/spartansforsafety/bullying/>

^{iv} <http://www.csueu.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1745>

^v <https://www.calstate.edu/acadsen/Records/Resolutions/2015-2016/documents/3246.shtml>

^{vi} <https://campuspol.berkeley.edu/policies/bullying.pdf>

vii https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2053

viii <https://titleix.sfsu.edu/content/anti-bullying-workgroup-progress>

ix http://www.sjsu.edu/up/all/wellness/employee_assistance/

x http://www.sjsu.edu/counseling/students/Personal_Counseling/Crisis_Intervention/index.html