

1 **SAN JOSÉ STATE UNIVERSITY**  
2 **Academic Senate**  
3 **Professional Standards Committee**  
4 **December 10, 2018**  
5 **Final Reading**

AS 1715

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7 **Sense of the Senate Resolution**  
8 **Requesting the Appointment of a Presidential Task Force**  
9 **To Recommend Measures to Foster a Supportive Workplace**  
10 **And Calling Upon Our Community**  
11 **To Preserve Civility and Combat Bullying**  
12 **At San José State University**

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14 **Whereas:** San José State University (SJSU) is committed to the promotion of an  
15 inclusive, safe, supportive, responsive, and equitable workplace  
16 environment for all faculty, staff, and students; and

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18 **Whereas:** The SJSU Academic Senate reiterates its commitment to SS-S05-1 which  
19 supports UP S01-13's "commitment to creating a diverse community  
20 guided by core values of inclusion, civility and respect for each individual"<sup>1</sup>  
21 and S99-8 which directs faculty members to "avoid exploitative, harassing,  
22 or discriminatory behavior;"<sup>2</sup> and

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24 **Whereas:** The SJSU Academic Senate recognizes that SJSU has taken preliminary  
25 steps to identify and define bullying among its student population;<sup>3</sup> and

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27 **Whereas:** The SJSU Academic Senate acknowledges the importance of the "CSU  
28 Safe and Healthy Workplace Environment," a report which evaluates the  
29 issue of workplace bullying at San Francisco State University, surveys the  
30 CSU system for best practices, and makes recommendations to the  
31 campus community for action;<sup>4</sup> and

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33 **Whereas:** The SJSU Academic Senate endorses the California State University's  
34 call in AS-3246-16 which "urges CSU campus senates and administration  
35 to develop and implement strategies to redress, remedy, and mediate  
36 workplace bullying;"<sup>5</sup> and

37  
38 **Whereas:** The SJSU Academic Senate notes the need for a working definition of  
39 bullying to open discussion of the problem of workplace bullying. We  
40 suggest the University of California Berkeley definition **as a starting point**  
41 **only**. The Senate notes that creation of a suitable definition is a difficult  
42 task, beyond the scope of a Sense of the Senate Resolution, and attaches  
43 for the information of the Task Force a list of observations and

44 suggestions expressed by some Senators in response to the Berkeley  
45 definition (Appendix A.) The Berkeley definition follows:

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

54  
55 *“Examples of bullying may include:*

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- 57 • *persistent or egregious use of abusive, insulting, or offensive*
- 58 *language directed at an employee;*
- 59 • *spreading misinformation or malicious rumors;*
- 60 • *behavior or language that frightens, humiliates, belittles, or*
- 61 *degrades, including criticism or feedback that is delivered with*
- 62 *yelling, screaming, threats, or insults;*
- 63 • *making repeated inappropriate comments about a person’s*
- 64 *appearance, lifestyle, family, or culture;*
- 65 • *regularly teasing or making someone the brunt of pranks or practical*
- 66 *jokes;*
- 67 • *interfering with a person’s personal property or work equipment;*
- 68 • *circulating inappropriate or embarrassing photos or videos via e-mail or*
- 69 *social media;*
- 70 • *unwarranted physical contact; or*
- 71 • *purposefully excluding, isolating, or marginalizing a person from*
- 72 *normal work activities.”<sup>6</sup>*

73  
74 and,

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

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

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82 Whereas: The California State Legislature provides a helpful description of bullying  
83 in Assembly Bill 2053, which the University of California, Berkeley,  
84 considered before its adoption of a Workplace Bullying Prevention Policy  
85 in 2016;<sup>7</sup> and

86  
87 Whereas: The issues described above require a University-wide response that goes  
88 beyond the normal purview of the Academic Senate; now therefore, be it  
89

- 90 Resolved: That the Academic Senate asks the President to establish a Task Force  
91 for a Supportive Workplace, which we suggest have the following  
92 characteristics:  
93
- 94 1) Membership. A small group of administrators, faculty, staff, and/or  
95 students, selected for their various kinds of expertise and experiences  
96 on the subject of workplace bullying, and their willingness to engage in  
97 a prolonged reform effort, appointed by the President after consultation  
98 with the various constituent groups, including the Senate Executive  
99 Committee regarding faculty members.
  - 100 2) Task. Make evidence-based recommendations to the President, the  
101 Senate, and the campus more generally of any necessary steps to  
102 promote an inclusive, safe, supportive, responsive, and equitable  
103 workplace environment; craft a definition of bullying acceptable and  
104 appropriate for our campus; make plans to combat bullying through  
105 education, possibly by utilizing restorative justice approaches; and  
106 recommend a formal process for addressing bullying when it occurs.<sup>8</sup>
  - 107 3) Deadline. Deliver a report to the President and the Senate by  
108 December 1, 2019.

109  
110 Be it further

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112 Resolved: That, in the meantime, faculty, staff and students who have suffered from  
113 bullying are advised that limited services are available. Faculty and staff  
114 may be helped via the confidential employee assistance program,<sup>9</sup> while  
115 students may seek help through Counseling and Psychological Services  
116 (CAPS).<sup>10</sup>  
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118 *Rationale:*

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120 *The culture of the academy generally and San José State specifically holds as one of its*  
121 *fundamental tenets the right to academic freedom and embraces principles of*  
122 *collegiality and shared governance. However, as Leah P. Hollis points out, “Workplace*  
123 *bullying, harassment, and hostile speech chill the environment and motivate those*  
124 *facing abuse to withhold valuable contributions. Stating that bullying and coercing*  
125 *others is one’s right as free speech is an excuse to sidestep the actions of the bully,*  
126 *instead of addressing the impact of bullying on the educational environment” (Hollis*  
127 *2018.) A culture of academic freedom cannot thrive in an atmosphere of abrasive*  
128 *conduct and incivility—it will thrive in a diverse community guided by the core values of*  
129 *inclusion, civility, and respect for each individual.*

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131 *Approved: December 3, 2018*

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133 *Vote: 10-0-0*

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

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137 *Absent: Kemnitz*

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

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

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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.

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

<sup>2</sup> <http://www.sjsu.edu/senate/docs/S99-8.pdf>

<sup>3</sup> <http://www.sjsu.edu/spartansforsafety/bullying/>

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<sup>4</sup> <http://www.csueu.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1745>

<sup>5</sup> <https://www.calstate.edu/acadsen/Records/Resolutions/2015-2016/documents/3246.shtml>

<sup>6</sup> <https://campuspol.berkeley.edu/policies/bullying.pdf>

<sup>7</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB2053](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2053)

<sup>8</sup> <https://titleix.sfsu.edu/content/anti-bullying-workgroup-progress>

<sup>9</sup> [http://www.sjsu.edu/up/all/wellness/employee\\_assistance/](http://www.sjsu.edu/up/all/wellness/employee_assistance/)

<sup>10</sup> [http://www.sjsu.edu/counseling/students/Personal\\_Counseling/Crisis\\_Intervention/index.html](http://www.sjsu.edu/counseling/students/Personal_Counseling/Crisis_Intervention/index.html)