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### Procedure 1C.0.2 Respectful Workplace

#### Part 1. Purpose and Scope

To build and maintain a workplace that is objectively respectful and professional for all Minnesota State Colleges and Universities employees, volunteers, contractors, and other people interacting with or engaging system employees. This procedure applies to all college, university, and system office employees (collectively referred to herein as system employees). This procedure governs the interactions and communications of all system employees involving other employees, students, or third parties. This procedure also applies to system employees while engaged in work on behalf of the system in locations that are not system property or facilities, including online (referred to herein as remote or virtual locations).

#### Part 2. General

Minnesota State is committed to providing an inclusive and respectful workplace as an important component of fulfilling the system's vision and ability to carry out its mission. Accordingly, all employees of Minnesota State are expected to treat each other, members of the public, and others doing business with the system with professionalism and respect.

#### Part 3. Definitions

##### **Minnesota State**

See Minnesota State Colleges and Universities.

##### **Minnesota State Colleges and Universities**

Minnesota State Board of Trustees, Office of the Chancellor, its colleges, universities, and the system office.

##### **Professionalism**

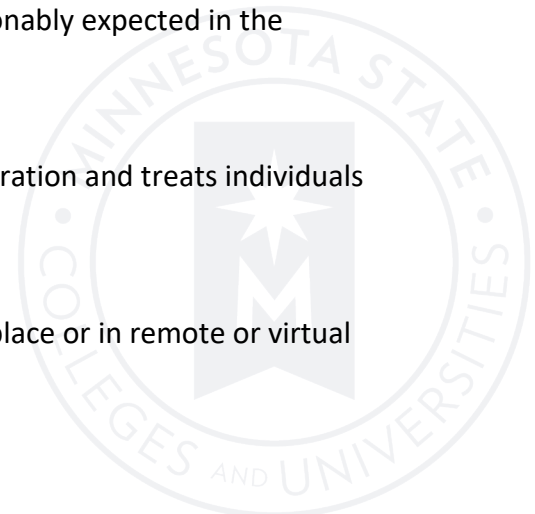
Displaying the good judgment and proper behavior that is reasonably expected in the workplace.

##### **Respect**

Behavior or communication that demonstrates positive consideration and treats individuals in a manner that a reasonable person would find appropriate.

##### **Third parties**

Volunteers, contractors, and other non-employees in the workplace or in remote or virtual locations.



#### **Part 4. Exclusions**

This procedure addresses communications and behavior that do not involve protected class status. Communications and behavior that involve protected class status are addressed in Board Policy 1B.1 Equal Opportunity and Nondiscrimination in Employment and Education. Student conduct will be evaluated according to the applicable Student Code of Conduct. Some complaints may allege conduct that involves Board Policy 1B.1, or other policies, and this procedure. Such alleged conduct may be examined and evaluated under the terms of this procedure by the same investigator and decision-making authority assigned to examine and evaluate the conduct under the terms of Board Policy 1B.1 or other policies.

#### **Part 5. Responsibilities**

##### **Subpart A. Expectations**

Employees and third parties are expected to conduct themselves in a manner that demonstrates professionalism and respect for others in the workplace and in carrying out job duties, including in remote or virtual locations.

Examples of prohibited conduct include but are not limited to:

- Exhibiting aggressive behaviors including shouting, abusive language, direct or indirect threats of violence, or other non-verbal expressions of aggression;
- Behavior that a reasonable person would find to be demeaning, humiliating, or bullying;
- Deliberately destroying, damaging, or obstructing someone's work performance, work product, tools, or materials; and/or
- Using this procedure to knowingly make a false complaint.

In addition to their responsibilities as employees as described above, administrators, managers, and supervisors are also expected to:

- Inform their employees and third parties for whom they are responsible of the expectations outlined in this procedure;
- Achieve and maintain compliance with this procedure; and
- Take timely and appropriate action when a complaint is made alleging violation of this procedure.

In addition to these expectations, employees are encouraged to participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they have relevant information. Employees are also encouraged to report incidents involving others that may have violated this procedure in accordance with processes identified by the college, university, or system office.

Failure to comply with this procedure may result in disciplinary action in accordance with the applicable collective bargaining agreement or compensation plan, up to and including termination, or ending a contractor or volunteer relationship with the applicable college, university, or system office.

### **Subpart B. Context**

Context is important in understanding the difference between respectful and/or professional behavior and disrespectful and/or unprofessional behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful and/or unprofessional behavior. For example, disrespectful and/or unprofessional behavior does not include any of the following:

- The normal exercise of administrative, supervisory, or managerial responsibilities, including, but not limited to, performance reviews, work direction, performance management, and disciplinary action, provided they are conducted in a professional and respectful manner.
- Disagreements, misunderstandings, miscommunication, or conflict situations where the behavior remains professional and respectful.
- Employee feedback and recommendations regarding peers where such feedback and recommendations are solicited by the employer are a routine part of the employee's job duties, or where the right to make the recommendation is conferred by a collective bargaining agreement or compensation plan, provided that in all instances such feedback and recommendations are given in a professional and respectful manner.
- Activity protected by the Public Employment Labor Relations Act.

### **Subpart C. Free speech and free inquiry**

Not every act that may be viewed as lacking professionalism and respect violates this procedure. To violate this procedure, conduct must include action beyond the mere expression of views, words, symbols, or thoughts that another individual finds offensive. The colleges, universities, and system office shall maintain and encourage full freedom, within the law, of inquiry, teaching, and research. Academic freedom comes with a responsibility that all members of our education community benefit from it without intimidation, exploitation, or coercion. Workplace communications and conduct between co-workers will normally be subject to the requirements of Part 5, Subpart A.

## **Part 6. Retaliation Prohibited**

Retaliation includes, but is not limited to, engaging in any form of intimidation, reprisal, or harassment. Retaliation is prohibited against any employee or third party who:

- Initiates a complaint;
- Reports an incident that may violate this procedure;
- Participates in an investigation related to a complaint; or

- Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this procedure.

## **Part 7. Procedures**

As with all allegations of misconduct, resolution and investigatory processes related to this procedure will be conducted in a timely, fair, and objective manner. Individuals are encouraged to consider whether consulting with the college, university, or system office Human Resources office or the Employee Assistance Program (EAP) is likely to provide an opportunity for informal resolution and whether informal resolution makes sense in their particular situation.

Represented employees may wish to consult with their exclusive representative.

### **Subpart A. Informal resolution**

Employees and third parties are encouraged to speak with the college, university, or system office Human Resources office, or with an EAP representative for assistance or guidance on informal resolution.

Colleges, universities, and the system office Human Resources offices may adopt alternative dispute resolution approaches to facilitate voluntary informal resolution for respectful workplace complaints.

### **Subpart B. Formal complaints**

Any employee or third party may initiate a formal complaint under this procedure.

Complaints should be submitted to the Human Resources office at the college, university, or system office (whichever employs the respondent). Employees and third parties are encouraged but not required to use a complaint submission form, if such a form is created by the college, university, or system office Human Resources office. (See the proposed template for such a form at the end of this procedure). If the complaint concerns a member of the Human Resources office, the complainant may contact the Human Resources director or other appropriate administrator. If the complaint concerns the college or university president, the complainant may contact the vice chancellor for Human Resources in the system office.

- Complaints must contain details of the situation and the identity of the person or persons against whom the complaint is being made.
- If an investigation is deemed warranted, a person against whom a formal complaint is made will be informed of the complaint.
- The appropriate party in receipt of a complaint made pursuant to this procedure should acknowledge receipt of any complaint in writing, to the complainant, with a statement that would include:
  - The date that the complaint was made;
  - A statement that the Human Resources office or other appropriate manager or administrator retains the discretion to determine whether an investigation is warranted;

- A statement that if it is determined that an investigation is warranted, all investigations will be conducted in a timely, fair, and objective manner; and
- A statement that all recorded data associated with a complaint, including any investigation and any outcome, are government data, and that the release or non-release of data is governed by the Minnesota Government Data Practices Act (MGDPA).
- The Human Resources office designee or other appropriate manager or administrator may, after an initial consideration of the allegations in a complaint, determine that an investigation into all or some aspects of a complaint is not warranted for one or more of the following reasons:
  - The facts alleged, if taken as true, would not amount to a violation of this procedure;
  - The facts alleged are inherently implausible;
  - The facts alleged substantially repeat claims previously reviewed; or
  - Other sound reasons that further the fundamental purposes of this procedure.

Personnel actions taken in response to this complaint are subject to any processes under applicable collective bargaining agreements and plans, including review and/or appeal procedures. Any personnel actions taken in response to this complaint are government data. The release or non-release of this data is governed by the MGDPA.

Colleges and universities may adopt alternative resolution and complaint procedures provided that such alternative procedures are consistent with the basic elements of Part 7, Subpart A and B.

This process does not supersede any applicable grievance or dispute resolution process under a collective bargaining agreement or plan.

Recommended content for a standardized complaint form and complaint acknowledgment form are set out below for use by college, university, and system office Human Resources offices.

#### TEMPLATE COMPLAINT FORM

Name:

Date:

Summary of Concerns:

Summary of any Documentation Related to Allegations (please include with complaint):

Witnesses (please identify witnesses and describe what they might know re: allegations.):

## TEMPLATE COMPLAINT ACKNOWLEDGMENT FORM

This form acknowledges receipt of a complaint made under the Respectful Workplace Procedure on (date). A Human Resources representative or other appropriate manager or administrator will review the complaint to determine whether an investigation is warranted. If an investigation proceeds, it will be conducted in a timely, fair, and objective manner.

Investigations and personnel actions taken in response to this complaint are subject to any processes under applicable collective bargaining agreements and plans, including review and/or appeal procedures.

**All data associated with this complaint, including any investigation and any outcome, are government data. The release or non-release of this data is governed by the Minnesota Government Data Practices Act(MGDPA).**

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Date of Adoption: 07/20/17

Date of Implementation: 07/20/17

Date of Last Review: 02/03/23

Date and Subject of Amendments:

02/03/2023 - Reviewed as part of the 5-year review cycle. Added definitions of Minnesota State and Minnesota State Colleges and Universities to Part 3. Amendments to Part 4, Part 5, and Part 6. Template Complaint Form and Template Complaint Acknowledgement Form added to Part 7, Subpart Subpart B. Formal Complaints. Technical changes throughout.

No Additional HISTORY.