

WUSM Policy on Abusive Conduct

Washington University School of Medicine (WUSM) is committed to having a positive learning and working environment for its students, faculty, and staff. All individuals have the right to enjoy an environment free from all forms of conduct that can be considered harassing, threatening, or intimidating. In addition, academic freedom can exist only when every person is free to pursue ideas in a non-threatening atmosphere of mutual respect. WUSM is committed to protecting the academic freedom and freedom of expression of all members of the school community and this Policy against abusive conduct will be applied in a manner that protects those freedoms. Abusive conduct is reprehensible and threatening to the careers, educational experience, and well being of all members of our community and will not be tolerated. This Policy applies to all students, faculty, and staff and is in addition to the Washington University Sexual Harassment and Discriminatory Harassment policies.

What Is Abusive Conduct?

Abusive conduct is behavior that creates an intimidating environment and is likely to interfere with an individual's work or education. This conduct can be verbal, visual, physical, or communicated in writing or electronically. Such conduct is typically directed against a particular individual or individuals. It includes, but is not limited to, situations where one person has authority over another. In such situations, abusive conduct is particularly serious because it may unfairly exploit the power inherent in a faculty member's or supervisor's position.

Examples of conduct that may be considered abusive include but are not limited to:

threatening or intimidating behavior or words (written or oral);
obscenities/profanities (verbal or gestures) directed at a person;
threatening or obscene gestures, jokes, or cartoons;
degrading a person or a group on the basis of a personal or cultural characteristic;
taunting, jeering, mocking, or humiliating another person through acts or words;
screaming and/or yelling at or around others;
insulting someone, especially in the presence of others; and
endangering the safety of an individual or individuals.

In considering a complaint under this policy, the following understandings shall apply:

- (1) Abusive conduct must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities. In the context of patient care clear and direct communication may be necessary in order to deliver safe, effective, appropriate, and timely clinical treatment.
- (2) Instructional responsibilities require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

The fact that someone did not intend to be abusive is generally not considered a sufficient defense to a complaint, although the reasonableness of the accuser's perceptions may be considered. In most cases, it is the characteristics and the effect of the behavior on the complainant and whether a reasonable person would find the conduct abusive that determines whether the behavior was abusive.

Reporting Abusive Conduct

The School of Medicine can respond to specific instances and allegations of abusive conduct only if it is aware of them and therefore encourages anyone who believes that he or she has experienced abusive conduct to come forward promptly with inquiries, reports, or complaints and to seek assistance. In addition, any faculty member, manager, or employee who becomes aware of instances or allegations of abusive conduct, by or against a person under his or her supervisory authority, is required

to report it to the appropriate dean, director, department head, or other similar administrator or to the WUSM Human Resources Office. Once a complaint is received, it is the responsibility of the dean, director, department head, or similar administrator to respond to the allegations and reports of abusive conduct and take corrective action, if appropriate, or to work with WUSM Human Resources to develop such a response and corrective action, if appropriate. All complaints and their resolution must be reported to WUSM Human Resources.

Protection of Rights

(1) Retaliation means conduct that adversely affects another's terms or conditions of employment or education and has the effect of harming a person for filing a complaint or for participating in the investigation. Retaliation can take many forms. Examples include but are not limited to:

- reassignment of work duties without good reason;
- reassignment of work duties without good reason;
- loss of job benefits (i.e., travel);
- loss of salary;
- termination; and
- threats.

Against the Complainant

It is a violation of this policy to retaliate against persons who report or make a charge of abusive conduct or against those who testify, assist, or participate, in any investigation involving a complaint. Any such retaliation, or any encouragement of another to retaliate, is a violation of this policy, independent of whether the particular claim is substantiated.

Against the Respondent

Lodging a complaint is not proof of prohibited conduct. A complaint shall not be taken into account during reappointment, tenure, promotion, merit, or other evaluation or review until a final determination has been made that the policy has been violated.

Knowingly False or Malicious Complaints

Accusations of abusive conduct typically have injurious and far-reaching effects on the careers and lives of accused individuals. Therefore allegations must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation will not be tolerated and will subject the person making such a report to disciplinary action.

Possible Sanctions

Possible sanctions for a person found to exhibit abusive conduct include, but are not limited to, the following:

In many situations, the following examples of sanctions may be sufficient:

- oral or written reprimand;
- required attendance at a sensitivity program;

apology to the victim; and
oral or written warning.

In certain situations, the following sanctions may also need to be considered:

- loss of salary or benefit, such as sabbatical or research or travel funding;
- loss of non-salary benefits (i.e., travel funding);
- demotion; and
- suspension, probation, termination.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions.

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