

## A flow chart for Investigations at UWM

The UWM Ombuds Council was developed to help foster informal resolution of conflicts between individuals and groups between (or among) employees. There are times, however, when individuals allege a violation of a policy or procedure at UWM and want to know what can be resolved informally or what procedures can be used to investigate those allegations. This document outlines the various processes that can be used. The procedures used to investigate these allegations will differ on the nature of the issue. Please note: there is no mechanism for formal mediation among staff members at UWM.

### **1. Interpersonal conflicts, including climate issues.**

The Ombuds Council does not investigate differing allegations of fact involved in disputes. However, the Ombuds Council actions do include listening to allegations of interpersonal conflicts or other violations of policy and will help visitors consider various options, including formal grievance processes. Ombuds Council members do not participate in any formal processes, but their informal actions may include talking to supervisors or other employees, either on behalf of employees, or with all parties involved.

The Ombuds Council can survey members of a unit to assess climate concerns. The survey may be modified to fit a particular unit's concerns, but standard questions include: Role (tenured, intersections), Overall Climate?, Best thing/worst thing about working here?, What would you do to keep a healthy climate?, Working Relationships?, Communication in Department/unit?

Results will be presented to all members of the unit, engaging the unit in discussions about the results and future steps.

### **2. Allegations of violations of the Code of Conduct, including bullying.**

The UWM Code of Conduct establishes guidelines for professional conduct by those acting on behalf of the University including executive officers, faculty, staff, and other individuals employed by the University using University resources or facilities, and volunteers and representatives acting as agents of the University. Any alleged violations of this policy should first be reported to the employee's direct supervisor, department chair or department head as appropriate. It is expected that the recipient of the information regarding the alleged policy violation will investigate and take appropriate action.

We recommend that units that encounter allegations of violations of the Code of Conduct undertake investigations with the following principles in mind:

- Where feasible and appropriate to the complexity of the complaint, at least two people are charged with conducting the investigation

- Those individuals are expected to maintain confidentiality of all parties
- Expectations of the nature and timing of the findings be clarified at the outset.
  - How will findings be presented? (written format or verbally given)
  - To whom will the findings be presented (the Executive Committee, the Supervisor, the Department Head)?
  - What are the range of possible recommendations?
  - When are the findings expected to be presented?

Sometimes departments or units may not be able to identify individuals to conduct the investigation. If this is the case, they may ask for assistance from an Advisory Group that will consist of the Secretary of the University, Special Assistant to the Provost for Conflict Resolution and the Vice Provost for Personnel.

## **Bullying**

Bullying is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative verbal or psychological abuse. There is typically an element of vindictiveness and the behavior is calculated to threaten, undermine, patronize, humiliate, intimidate, or demean the recipient.

### **Staff:**

An individual who believes he or she has been the subject of bullying, or an individual who believes a staff member has engaged in bullying behavior should report the behavior to his or her supervisor or manager, the Department Director or Dean of the School or College or to the appropriate Vice Chancellor or Provost. The individual may also report the bullying to the supervisor of the alleged bully. Individuals may also report acts of bullying to the Academic Staff Committee or the Classified Staff Council (as Appropriate), or Office of the Dean of Students, or to an Ombuds. The individual should select the reporting method he or she is most comfortable with and that is most appropriate to the situation. If the bullying is based on protected class status as defined in the University of Wisconsin-Milwaukee Equal Employment Opportunity policy [http://www4.uwm.edu/eds/policies\\_forms/](http://www4.uwm.edu/eds/policies_forms/), it should be reported to the Office of Equity/Diversity Services.

### **Faculty:**

A faculty member who believes he or she has been the subject of bullying, or an individual who believes a faculty member has engaged in bullying behavior should report the behavior to the Department Chair, the Dean of the School or College or to the Provost. The individual may also report the bullying to the supervisor of the alleged bully. Individuals may also report acts of bullying to the University Committee or to an Ombuds. The individual should select the reporting method he or she is most comfortable with and that is most appropriate to the situation. If the bullying is based on protected class status as defined in the University of Wisconsin-Milwaukee Equal Employment Opportunity policy [http://www4.uwm.edu/eds/policies\\_forms/](http://www4.uwm.edu/eds/policies_forms/), it should be reported to the Office of Equity/Diversity Services.

Bullying behavior will be investigated and handled in the same manner as misconduct, and may result in a variety of possible sanctions up to and including termination. For faculty, investigations will follow the rules set forth for misconduct in the UWM Policies and Procedures. For Academic Staff, investigations will follow the rules set forth for misconduct in the UWM Academic Staff Personnel Policies and Procedures. For University Staff, investigations will follow procedures outlined by Human Resources.

### **3. Allegations of discrimination or sexual violence/sexual harassment**

Allegations of discrimination or sexual violence/sexual harassment should be reported to the UWM Office of Equity/Diversity Services (EDS) for investigation per UWM's Discriminatory Conduct Policy (Including Sexual Harassment and Sexual Violence). Such conduct that also could constitute a crime may also be reported to the UWM Police Department. UWM's policies provide equal opportunity in its admissions, employment, educational programs, and activities without regard to age, ancestry, arrest or conviction record, color, disability, gender identity/expression, genetic information, identity as a veteran, disabled veteran, or Vietnam veteran, marital status, national guard or U.S. military reserve membership, national origin, pregnancy, political affiliation, race, religion, sex, or sexual orientation. EDS is dedicated to preventing discrimination and guiding institutional compliance with applicable federal and state laws. Through educational programs, the investigation and resolution of complaints, and oversight activities, EDS fosters an environment and culture that appreciate all members of the UWM community. <http://www4.uwm.edu/eds/>