

Subject: Interim Guidance Regarding Abusive Conduct and Bullying Against Faculty and Academic Appointees

Dear Colleagues:

UCR is committed to creating and maintaining a respectful, cooperative, professional and courteous work environment. As you know, each year, the Chancellor reminds the campus of our [Principles of Community](#) which outline our collective responsibility to support and show consideration for one another. In addition, the University currently requires education and training of supervisory staff to prevent bullying and abusive conduct. However, on our campus, as in every other workplace, there are occasional lapses in interpersonal behavior that may detract from the positive working environment we strive to maintain. In the extreme, this behavior could be considered bullying or abusive conduct.

Consistent with other systemwide guidance previously issued on this topic, this Interim Guidance regarding Abusive Conduct and Bullying Against Faculty and Academic Appointees (attached) adopts the current systemwide and statutory definitions of bullying and abusive conduct that is currently used when assessing compliance with our Principles of Community, and with Regents Policy 1111 (Statement of Ethical Values and Standards of Ethical Conduct). It also builds upon the training that you have all received under the University Sexual Violence and Sexual Harassment Policy. It reads:

Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests.

Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

At UCR, faculty and academic appointees who are experiencing bullying or abusive conduct have a number of options for resolution, including:

- Discussing the conduct with their department chair, Associate Dean, or Dean
- Consulting with the Ombuds Office, which provides confidential and impartial conflict resolution
- Consulting with the Vice Provost of Academic Resolution, who will address the issue directly with relevant department management
- Contacting the Faculty and Staff Assistance Program (FSAP), which offers confidential counseling, consultation and referrals services for employees and managers

- Initiating a grievance or disciplinary complaint under the APM or relevant collective bargaining agreement.
- Making a complaint via the Whistleblower hotline, [(800) 403-4744], which would be referred to the appropriate office for investigation or intervention
- Making a complaint with the Title IX Office, where the conduct includes gender- based harassment
- Making a complaint with the Equal Employment Opportunity/Affirmative Action Department, where the conduct includes harassment based on the employee's protected status (i.e., race, ethnicity, age, religion, sexual orientation, national origin, physical abilities, gender identity, etc.)

Individuals who report bullying or abusive behavior are protected from retaliation.

UCR strives to maintain a campus of respect and a positive working environment for all. Faculty and academic appointees who experience conditions which they believe are consistent with the definitions of bullying or abusive conduct outlined in the Interim Guidance regarding Abusive Conduct and Bullying Against Faculty and Academic Appointees are encouraged to utilize the resources listed above.

The Chancellor and I intend to engage in appropriate consultation and to confer with the Executive Council and other Senate Academic Leadership and Committees before any permanent Guidance is issued.

Interim Guidance from the UCR Provost Regarding Abusive Conduct and Bullying Against Faculty and Academic Appointees

The University of California, Riverside (UCR) is committed to providing a safe, supportive, responsive and equitable environment for all employees. UCR strives to be a leader as an employer and to foster a positive working environment.

In furtherance of these goals and the University's anti-harassment and anti-discrimination policies, all UCR community members are expected to behave in ways that support UC's Principles of Community and Regents Policy 1111 (Statement of Ethical Values and Standards of Ethical Conduct), which states that UC is committed to treating each member of the University community with respect and dignity. The University of California President and the UCR Chancellor have previously enunciated that abusive conduct and bullying behaviors are inconsistent with the values of the University and should be addressed directly and comprehensively. UCR does not tolerate abusive conduct or bullying. Regardless of circumstances or setting, faculty and academic appointees at all levels found to be engaging in abusive conduct should be held accountable. No member of the UCR community will be retaliated against for reporting bullying in good faith. While UCR has a number of current policies that could be used to address bullying, there is some confusion among employees about what bullying is and how to address it.

State legislation related to abusive conduct provides a helpful description of bullying. Government Code 12950.1 which requires training on the prevention of abusive conduct, defines abusive conduct as:

Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests.

Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Examples of abusive conduct, without a sufficient pedagogical justification, may include:

- persistent or egregious use of abusive, insulting, or offensive language directed at a faculty member
- 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 inappropriately teasing or making someone the brunt of pranks or practical jokes
- inappropriately 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
- purposefully inappropriately excluding, isolating, or marginalizing a person from normal work activities

Commented [DB1]: Need to balance against academic freedom –

There is a difference between bullying and appropriate supervision. Examples of reasonable supervisory actions, when carried out in an appropriate manner, include:

- providing performance appraisals or academic evaluations
- coaching or providing constructive feedback
- monitoring or restricting access to sensitive information for legitimate business reasons
- scheduling ongoing meetings to address performance issues
- setting aggressive performance goals to help meet departmental goals
- counseling or disciplining an employee for misconduct
- investigating alleged misconduct

Commented [DB2]: Some may not apply in this context...

Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute workplace bullying. Moreover, this guidance is not intended to interfere with employees' right to engage in protected, concerted activity under the Higher Education Employer-Employee Relations Act (HEERA).

Faculty and Academic Appointees, if they experience abusive conduct or bullying, have a variety of resources they can go to, including but not limited to the Vice Provost of Academic Resolution and the Ombuds or similar offices.