



## *Academic Senate*

Professor Sang-Hee Lee  
Division Chair

January 11, 2024

To: Kiersten Boyce, Chief Compliance Officer

**Re: UCR's Proposed Abusive Conduct Local Implementing Procedure**

Dear Kiersten,

The Academic Senate has completed review of the [subject proposal](#) submitted on October 5, 2023. I write to provide you with comments from this consultation.

The Academic Senate Executive Council discussed the proposed procedures on January 8, 2024 along with the attached comments from faculty committees. The Executive Council is generally supportive of the proposed procedures and urges the Administration to take into account the consultative feedback herein to clarify and strengthen them.

As always, we appreciate the opportunity to opine.

Yours,

A handwritten signature in black ink, appearing to read 'Sang-Hee Lee'.

Sang-Hee Lee  
Chair, Academic Senate

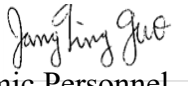
Cc: Associate Vice Chancellor & Chief Compliance Officer Boyce  
Investigator Kidder  
Director Cortez  
Executive Analyst Lau



**COMMITTEE ON ACADEMIC PERSONNEL**

November 8, 2023

To: Sang-Hee Lee, Chair  
Riverside Division Academic Senate

From: Jang-Ting Guo, Chair   
Committee on Academic Personnel

Re: UCR's Proposed Abusive Conduct Local Implementing Procedure

In its November 8, 2023 meeting, CAP discussed UCR's proposed abusive conduct local implementing procedure. The committee commends the effort in codifying the new UC-wide Abusive Conduct Policy into the campus counterpart, and appreciates its clarity, simplicity and definitional consistency. Accordingly, CAP has no further comment on this proposed local implementing procedure.



## *Academic Senate*

### **COMMITTEE ON CHARGES**

October 30, 2023

To: Sang-Hee Lee, Chair  
Riverside Division

Fr: Amit Roy-Chowdhury   
Chair, Committee on Charges

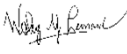
Re: [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure

The Committee reviewed UCR's Proposed Abusive Conduct Local Implementing Procedures intended to substantively replace UCR's older campus policy (and the Policy 650-76 designation). While members were in overall support of the proposed procedures, the Committee had concerns about the clarity of the procedures shown in the Flowchart and on pg. 12 and 13 of the policy document. The role of Charges is not clarified and may risk contradictory or parallel processes to Appendix 5, specifically within the Flowchart. The Committee requests that the case review by Charges should be added to the Flowchart as well as citation of Appendix 5 in the policy document. The committee also requests clarification if this will be a process parallel to what is currently outlined in Appendix 5 of Senate Bylaws or will be integrated with it; in either case, this needs to be clearly explained in the document. While Appendix 5 is cited as a reference, how it is related to this policy is not explained anywhere.



December 6, 2023

TO: Sang-Hee Lee, Chair  
Riverside Division of the Academic Senate

FROM: Wesley Leonard, Chair   
CHASS Executive Committee

RE: [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local  
Implementing Procedure

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The CHASS Executive Committee (EC) strongly supports stopping abusive conduct and holding accountable those who have engaged in it, and – of particular note for the proposed implementation procedures – having clarity in knowing how a given complaint will proceed through the system. However, we lack confidence that the proposed implementation procedure engages the underlying structures that facilitate abusive conduct or helps to build capacity toward what should be basic norms: treating others with respect and supporting those who have been harmed. We note that the letter inviting Senate consultation on the policy explains that “the purpose of the implementing procedure is procedural matters. The most important of these is, probably, which office does what.” The latter point is indeed crucial, but we also call attention to unaddressed procedural matters.

In particular, the policy clearly states that retaliation will not be tolerated in cases where alleged abusive conduct is reported. Clarification of this legal protection is appropriate, but the CHASS EC believes there is an omission of a crucially needed procedure for responding to serious negative outcomes that do not meet the narrow definition of “adverse action” outlined in relation to what constitutes retaliation (Abusive Conduct in the Workplace Procedure – PROPOSED, p. 4). Examples include exclusion from informal communication or social/academic interaction, negative effects on climate, how retaliation can be carried out in evaluation and assessments, negative gossip within and outside the university, and similar consequences to the individuals who report abusive conduct as well as to their networks.

In addition to explicitly stopping retaliation, we feel that an implementation policy must also actively engage in mitigation of less obvious kinds of harm such as those mentioned above; our experience is that relegating such preventative tasks to other entities (e.g., counseling centers)

not named in the flowchart will not produce a good outcome. For instance, there could be a formal mechanism, built into the flowchart, for the offices and individuals currently named within it to come together on a regular basis to critically intervene in identifying and mitigating larger patterns of abusive conduct, and to ensure that the voices of people who have experienced that abusive conduct will be central to this. As a general point, the CHASS EC believes the voices of targets of abuse are missing in the implementation procedure proposal. How will those who have been subjected to abusive conduct be supported and included throughout and beyond these procedures? We also are concerned about *who* is counted as a “reasonable person” who decides what actions are “intimidating or offensive and unrelated to the University’s legitimate educational, employment, and business interests.”

The CHASS EC also has a concern that procedures that are ostensibly meant to prevent abusive conduct can too easily be weaponized (e.g., via “reverse discrimination” allegations) by the person(s) perpetuating abusive conduct as a means of intimidation. Although this is more an issue of the underlying policies regarding abusive conduct than of the associated implementation policies outlined in the current proposal, we nevertheless feel that this issue needs to be directly named and recognized in the implementation procedures. As part of doing so, we note in particular that asymmetric power relations need to be emphasized more directly and throughout the outlined procedures of investigating and responding to cases of alleged abusive conduct; currently, “including power imbalance” is mentioned only parenthetically. To that end, we also emphasize that mediation, while potentially useful for resolving differences among people of similar power, is never an appropriate solution to address climate issues related to systems of oppression because it erases power dynamics and does not hold the person(s) perpetuating abusive conduct accountable.




## *Academic Senate*

### **COMMITTEE ON DIVERSITY, EQUITY, & INCLUSION**

November 30, 2023

**To:** Sang-Hee Lee, Chair  
Riverside Division Academic Senate

**From:** Gareth Funning, Chair   
Committee on Diversity, Equity, & Inclusion

**Re:** [Campus Review] Proposal: UCR's Proposed Abusive Conduct  
Local Implementing Procedure

The Committee on Diversity Equity and Inclusion discussed the proposed UCR's Abusive Conduct Local Implementing Procedure and was in general support. While the committee felt the proposed procedures did not have significant impact on DEI, some members offered additional comments - a lack of clarity in the flowchart and lack of information on the ability to seek advice before filing a complaint.



## *Academic Senate*

### **FACULTY WELFARE**

December 4, 2023

To: Sang-Hee Lee, Chair  
Riverside Division

From: Abhijit Ghosh, Chair  
Committee on Faculty Welfare

A handwritten signature in black ink, appearing to read "AGhosh", positioned above the "From:" line.

**RE: [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure**

The Committee on Faculty Welfare (CFW) reviewed UCR's proposed Abusive Conduct Local Implementing Procedure. CFW is happy to see that this policy explicitly acknowledges APM-015 (*The Faculty Code of Conduct*) and APM-016 (*University Policy on Faculty Conduct and the Administration of Discipline*). CFW also appreciates that the policy intends to ensure a fair and thorough investigation of alleged abusive conduct. With that in mind, CFW wishes to stress that neither the Respondent nor Complainant should be placed in favor or at a disadvantage during the course of the investigation, through access to information (whether confidential or not), resources, etc.



## *Academic Senate*

### **COMMITTEE ON PRIVILEGE & TENURE**

November 30, 2023

To: Sang-Hee Lee, Chair  
Riverside Division

Fr: Y. Peter Chung, Chair *Y. Peter Chung*  
Committee on Privilege & Tenure

Re: [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure

The Committee on Privilege and Tenure reviewed UCR's proposed Abusive Conduct Local Implementing Procedure for alignment with the broader UC-wide Abusive Conduct Policy in effect as of January 1, 2023. The language is clear in that it requests each campus to adapt this document to the policies, offices and officers that are pertinent to that particular campus. The Committee noted the effort to draft a local procedure but raised several points regarding clarity and consistency in application. Below we enumerate several places where the UCR document can be clarified:

1. "The applicable University office and/or response team conducting the investigation will complete the investigation promptly, typically within 120 business days of notifying the parties in writing that a formal investigation of the complaint will be conducted".

This is often not the case at UCR. There should be a clear, detailed description of what conditions merit an extension.

2. "Abusive Conduct does not (emphasis added) include exercising appropriate supervision of employees or carrying out instruction, grading, assessment, and evaluation. It does not include performance management or providing appropriate feedback".

It is extremely important that this be enforced to ensure fair treatment of all parties.

3. At UCR the Executive officer(s) in charge of the investigation are not clearly identified. That must be the case because there could be several of them.
4. Which person or office determines that the policies laid out here are being consistently followed at UCR? This needs to be made clear in the policy document.



5. “Locations are responsible for developing implementing procedures that include the identification of responsible offices for reporting and investigation, details of resolution options, tracking of reports, training, and communication.”

It is important for UCR to amend this document in a way that it is very clear to all members of UCR what is the path if they are accused of abusive conduct and/or if they accuse someone of abusive conduct. Where possible, the policy should reference the specific UCR office or officer to be contacted and/or that will oversee the applicable process. Additionally, consequences as a result of the outcome of these policies should be clear.

6. “This policy is intended to protect all members of the University community”.

It is important that those members (faculty, staff, and students) be explicitly enumerated to emphasize that they are all specifically protected.

7. “The University will respond promptly to allegations of Abusive Conduct”.

Policies need to be followed/enforced and it should be clear which office/officer is in charge of those functions at UCR. It is not sufficient to keep the language of the UC wide document which mentions the appropriate office or officer. At UCR we have many different offices and officers who are in charge of different aspects of abusive conduct. It is very important that all members of the UCR know exactly how the system functions.

8. In reporting incidents, the UCR policy says nothing about the VPAR and its role.

This is important because we are the only campus with a VPAR. The VPAR function should be clearly delineated because this office has a very important role in abuse of conduct. It should also be clear in the VPAR’s website what the functions of this position are.

9. “Examples of conduct that generally do not constitute Abusive Conduct as defined in Section II of this policy”.

These examples are very clear and must be followed by UCR administrators.



12/14/23

**To:** Sang-Hee Lee, Division Chair of the UCR Division of the Academic Senate and Cherysa Cortez, Executive Director of the UCR Academic Senate

**From:** Katherine Meltzoff, Ph.D., Faculty Chair of the School of Education Executive Committee

**Subject:** Response to Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure

The SOE Executive Committee reviewed the UCR's Proposed Abusive Conduct Local Implementing Procedure. Comments/feedback were solicited at our executive committee meeting and via email.

The SOE FEC does not have any questions or comments regarding this proposal.

Thank you for the opportunity to provide feedback.

Sincerely,

Katherine Meltzoff  
Faculty Executive Committee Chair  
School of Education  
University of California, Riverside



January 5, 2024

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

SUBJECT: Response to [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure

Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the *Proposal: UCR's Proposed Abusive Conduct Local Implementing Procedure*. The committee appreciates the efforts to implement the policy on abusive conduct but has the following concerns:

The committee is concerned about the ambiguity on how the process works for faculty disciplinary procedures in the proposal. Faculty currently have a separate disciplinary process from staff members. The committee finds that the proposal does not detail how disciplinary procedures involving faculty would be dealt with, specifically any disciplinary review by the Vice Provost for Academic Personnel's (VPAP) office or the Charges committee.

The committee is concerned that the proposed implementing procedure for faculty disciplinary actions for abusive conduct violations is modeled on the procedure for staff. The committee noted that faculty require a different, unique procedure because faculty are a different type of University employee than staff members.

Otherwise, the committee has no further comments.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "M. Kaul".

Marcus Kaul, Ph.D.  
Chair, Faculty Executive Committee School of Medicine



**School of Public Policy**  
University of California, Riverside  
INTS 4133 | 900 University Ave  
Riverside, CA 92521

TO: Sang-Hee Lee, Chair  
Riverside Division

FR: Richard M. Carpiano, Chair  
Executive Committee, School of Public Policy

RE: [Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing  
Procedure

Date: December 1, 2023

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The Faculty Executive Committee of the School of Public Policy reviewed the document  
"[Campus Review] Proposal: UCR's Proposed Abusive Conduct Local Implementing  
Procedure."

We have no comments to submit.


Sincerely,

A handwritten signature in black ink that reads "Richard M. Carpiano". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard M. Carpiano, Ph.D., M.P.H.  
Professor of Public Policy

November 9, 2023

**TO:** Sang-Hee Lee-, Chair  
Riverside Division of the Academic Senate

**FROM:** Victor G. J. Rodgers, Chair   
BCOE Executive Committee

**RE:** Proposed Abusive Conduct Local Implementation Procedure

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On November 9, 2023, the BCOE Executive Committee reviewed the proposed Abusive Conduct Local Implementation Procedure. The committee voted unanimously to offer no comments.



## *Academic Senate*

### **COMMITTEE ON ACADEMIC FREEDOM**

November 1, 2023

To: Sang-Hee Lee, Chair  
Riverside Division Academic Senate

From: Matt King, Chair  
Committee on Academic Freedom

**Re: Proposed UCR Abusive Conduct Policy Local Implementing Procedures**

The Committee on Academic Freedom reviewed the proposed UCR Abusive Conduct Policy Local Implementing Procedures and did not have any concerns related to Academic Freedom.