

**COMMITTEE ON CHARGES**

July 31, 2020

To: Dylan Rodríguez, Chair  
Riverside Division

From: Timothy Close, Chair  
Committee on Charges

**Re: [Campus Review] Proposed Policy: Prohibition on Bullying and Abusive Conduct by Employees and Non-Affiliates**

The Committee on Charges considered the proposed policy and offers the following preliminary feedback:

1) The Committee on Charges notes that the proposed policy is being offered without explanation of how the proposed policy differs from policy already in place, and without explanation of what problems with existing policy the proposal is intended to address. Without this information, the Committee is unable to comment as constructively as one would like on the proposal, nor to complete its review. The Committee thus requires additional information on the origination of this proposed policy before completing the Committee's feedback. Who wrote this policy? What is lacking in current policies, including APM015, which the proposed policy uniquely would address? The Committee notes that abusive behavior is already specified within the scope of APM015, for example. Is the purpose of this document only to bring existing policies to the faculty's attention or to refresh the collective memory?

2) The proposed policy may, except toward the end of the document in Appendix B.3, give the impression that corrective measures, implicitly including discipline, could result without disclosure of the identity of the complainant. But, established procedures for grievances and formal complaints require disclosure of the identity of complainant, as per UCR Division bylaws 8.7 (Committee on Charges) and 8.19 (Committee on Privilege and Tenure), UCR Appendix 5 (Policies on Faculty Conduct and the Administration of Discipline), Senate Bylaws 334-337, APM015 and APM016. The proposed policy thus conflicts with established legislation. Several problems arise, as follows:

2a) A complainant of bullying or abusive action must be informed that if there is any intention of disciplinary action, then the identity of the complainant cannot be maintained. This should be clarified at the beginning of the proposed policy, otherwise a series of futile actions, having no real clout, many ensue. The guidelines for complaints against faculty members who are alleged to have violated the Code of Faculty Conduct are stated in UCR Appendix 5.3.4, "...The Form must be signed by the complainant..."). The rights of the accused individual to

be informed are addressed in UCR Appendix 5.3.2 “...informed of the allegation, in writing, by the recipient of the signed allegation. It shall also be the accused Faculty member's right to examine all relevant documents assembled in connection with the allegation and to be heard at each step in the progress of the case.” The procedures are well defined for faculty, and can be extended equally to non-faculty members of the University community.

2b) The proposed policy, by hiding the identity of the complainant and by the loose and vague definitions that have been provided for bullying and abusive behavior, would itself be a vehicle to promote unethical behavior by providing a mechanism for frivolous, malicious and retaliatory complaints.

2c) Related to 2b, this policy would provide administrators with excessive latitude and prove to be a potentially dangerous extension of disciplinary powers. This policy as written parallels deeply flawed whistleblower policies and duplicates existing protocols. It is a highly questionable expansion of administrative power when historically administrators themselves have used their position to bully and intimidate students, faculty and staff without adequate transparency and without following existing policies to conduct investigations beyond the purview of university business and interests.

Again, the Committee on Charges requires additional explanation before being able to complete its response. As it stands now, the Committee on Charges does not have a favorable view of the proposed policy.