September 27, 2022

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division
FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the Proposed Policy: 2nd Round Review - Draft Presidential Policy - Abusive Conduct in the Workplace. The Committee agreed that an abusive workplace policy is considered necessary, timely, and very well intentioned. However, the current version raises some concerns with the committee as described below:

1. Page 3 of 15 – II. DEFINITIONS – Abusive Conduct
   While the “objectively offensive” standard appears well intended by considering all case-related circumstances, the concern is that it remains unclear how the “objectively offensive” standard is defined and thus can be determined to have been met or not.

   This section raised the concern that it opens the door to the UC system being deployed as the social secret police recording and keeping files on all the faculty and employees related to what any random person thinks they may/may not have done. This could easily turn into a situation where everyone is so fearful of upsetting someone, staff, student, etc, that academic and personal freedom are impacted. The section is vague as not to delineate that the activities alleged to have occurred need to be somehow university-related. The way it currently reads, it appears easily possible that someone getting into a quarrel with their neighbor and the neighbor reporting them to the university under this policy. This section needs clarification.

   The absence of any time limit raised concern because 3 years is the limit to file a complaint alleging sexual harassment or discrimination in California. The statute of limitations was set with Assembly Bill No. 9, which went into effect on January 1, 2020.

   The investigator needs to be defined. Who can be an investigator, faculty, staff, or any UC employee, or third party, or any combination thereof? This is important because determining whether an act, or actions falls under academic freedom for a faculty in route to determining if the act violates the policy should be the providence of academic faculty. There was also concern that the policy as written may fail the standard of the individual being considered innocent until proven guilty.
Yours sincerely,

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