



# Abusive Conduct/Bullying in the Workplace

<b>Academic Officer:</b>	Vice Provost - Academic Personnel and Programs
<b>Academic Office:</b>	APP - Academic Personnel and Programs
<b>Staff Officer:</b>	VP – Systemwide Human Resources
<b>Staff Office:</b>	SHR – Systemwide Human Resources Policy
<b>Issuance Date:</b>	TBD
<b>Effective Date:</b>	<a href="#">Click here to enter a date.</a>
<b>Last Review Date:</b>	NA
<b>Scope:</b>	This policy on Abusive Conduct/Bullying (“policy”) applies to all University employees, unpaid interns, volunteers, and independent contractors. The policy applies at all University campuses, the Lawrence Berkeley National Laboratory, Medical Centers, the Office of the President, and Agriculture and Natural Resources.

	<b>Academic</b>	<b>Staff</b>
<b>Contact:</b>	Rebecca Woolston (APP)	Abby Norris (SHR)
<b>Title:</b>	Academic Policy and Policy Exceptions Associate Director	Systemwide Human Resources Policy Specialist
<b>Email:</b>	Rebecca.Woolston@ucop.edu	Abigail.Norris@ucop.edu
<b>Phone #:</b>	(510) 987-9153	(510) 987-0612

## TABLE OF CONTENTS

I.	POLICY SUMMARY.....	2
II.	DEFINITIONS.....	2
III.	POLICY STATEMENT .....	3

IV.	COMPLIANCE / RESPONSIBILITIES .....	6
V.	REQUIRED PROCEDURES .....	7
VI.	RELATED INFORMATION .....	11
VII.	FREQUENTLY ASKED QUESTIONS.....	11
VIII.	REVISION HISTORY .....	12

---

## I. POLICY SUMMARY

---

The University of California (“University”) is committed to promoting and maintaining a healthy working environment in which every individual is treated with civility and respect. This policy addresses the University’s responsibilities and procedures related to Abusive Conduct/Bullying and Retaliation for reporting, or participating in, an investigation or other process provided for in this policy. This policy will be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal, state, or University policies.

Abusive Conduct/Bullying behavior in violation of this policy is prohibited and will not be tolerated. The University encourages anyone who is subjected to or becomes aware of Abusive Conduct/Bullying behavior to promptly report it. The University will respond swiftly to reports of Abusive Conduct/Bullying, and will take appropriate action to stop, prevent, correct, and discipline behavior that violates this policy.

---

## II. DEFINITIONS

---

**Abusive Conduct/Bullying:** For purposes of this policy, abusive conduct and bullying are synonymous. Abusive Conduct/Bullying is sufficiently severe, persistent, or pervasive conduct in the Workplace that denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment, or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive and unrelated to the University’s legitimate educational and business interests. A single act shall not constitute Abusive Conduct/Bullying, unless especially severe or egregious.

**Complainant:** An individual who alleges and/or has been reported to have been subjected to Abusive Conduct/Bullying.

**Reasonable Person Test:** The basis for determining whether the conduct at issue rises to the level of Abusive Conduct/Bullying is whether a reasonable person in the same or similar circumstances would find the conduct hostile or offensive in the Workplace given the totality of the circumstances. Although the intention of the person responsible for the conduct may be considered, it is not determinative.

**Reporter:** An individual who makes a report of alleged Abusive Conduct/Bullying.

**Respondent:** An individual alleged to have engaged in Abusive Conduct/Bullying.

**Retaliation:** An adverse action taken against an individual based on their report of Abusive Conduct/Bullying or participation in an investigation or other resolution process provided for in this policy. An adverse action is conduct that would discourage a reasonable person from reporting Abusive Conduct/Bullying or participating in a process provided for in this policy, and includes but is not limited to threats, intimidation, discrimination, or coercion.

**Workplace:** Any space where University business is conducted or occurs, in connection with University employment and/or in the context of a University program or activity (including, for example, University-sponsored study abroad, research, health services, or internship programs, as well as on-line courses).

---

### III. POLICY STATEMENT

---

#### A. General

The University of California (“University”) is committed to promoting and maintaining a healthy working and learning environment in which every individual is treated with civility and respect. Abusive Conduct/Bullying, including disruptive behavior, may undermine morale and lead to stress; disrupt the functioning and cohesiveness of the University community; interfere with individuals’ ability to learn, teach, research, and work; and undermine a culture that is civil, ethical and that honors compliance. Abusive Conduct/Bullying includes situations where the respondent is a person with relative power or authority and also situations in which there are in peer-to-peer interactions. Accordingly, Abusive Conduct/Bullying behavior in violation of this policy is prohibited.

The University strives to foster an environment in which individuals feel comfortable making reports of Abusive Conduct/Bullying in good faith. The University will respond promptly to reports of Abusive Conduct/Bullying, and will take appropriate action to stop, prevent, correct, and/or discipline individuals who violate this policy. Violations of this policy may result in disciplinary measures pursuant to University policies (including [Sexual Violence and Sexual Harassment \(SVSH\)](#) and [Discrimination, Harassment, and Affirmative Action in the Workplace](#)) and collective bargaining agreements.

#### B. Policy Coverage

This policy covers acts of Abusive Conduct/Bullying and retaliation by and against members of the University community in the Workplace, including all University employees, unpaid interns, volunteers, and independent contractors. This includes but is not limited to conduct that occurs in person or through other means such as electronic media.

### **C. Prohibited Conduct**

Abusive Conduct/Bullying behavior may take many forms including but not limited to conduct involving physical actions and/or verbal, non-verbal, electronic, or written communication.

Abusive Conduct/Bullying, defined in Section II of this policy, may include the following types of behavior:

- Persistent or egregious use of abusive and/or insulting language (written, electronic or verbal)
- Spreading misinformation and malicious rumors
- Behavior, language, or gestures that frighten, humiliate, belittle, or degrade, including criticism or feedback that is delivered with yelling, screaming, threats (including implicit threats), or insults
- Encouraging others to act, singly or in a group, to bully or harass other individuals
- Making repeated or egregious inappropriate comments about a person's appearance, lifestyle, family, or culture
- Regularly 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, videos, or information via e-mail, social media, or other means
- Making unwanted physical contact or inappropriately encroaching on another individual's personal space, in ways that would cause a reasonable person discomfort and unease, in a manner not covered by the University's Sexual Violence and Sexual Harassment policy
- Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes
- Repeatedly demanding of an individual that the individual do tasks or take actions that are inconsistent with that individual's job, are not that individual's responsibility, for which the employee does not have authority, or repeatedly refusing to take "no" for an answer when the individual is within the individual's right to decline a demand; pressuring an individual to provide information that the individual is not authorized to release (or may not even possess)
- Making inappropriate threats to block a person's academic or other advancement, opportunities, or continued employment at the University
- Sabotaging or undermining a person's work performance

Abusive Conduct/Bullying does not include exercising appropriate supervision of employees or carrying out instructional grading, assessment, and evaluation. It does not include performance management or providing appropriate feedback.

Examples of reasonable actions that do not constitute Abusive Conduct/Bullying include but are not limited to:

- Providing performance appraisals to employees, including negative appraisals
- Delivering constructive criticism
- Grading student performance, including negative assessments
- Coaching or providing constructive feedback
- Monitoring or restricting access to sensitive and confidential information for legitimate business reasons
- Scheduling regular or ongoing meetings to address performance issues
- Setting ambitious performance goals to align with departmental goals
- Investigating alleged misconduct or violation of University policy
- Counseling or disciplining an employee for performance, engaging in misconduct, or violating University policy
- Engaging in assertive behavior
- Having a simple disagreement
- Participating in debates about academic decisions and differences of opinion
- Failing to engage in social niceties (e.g., not greeting colleagues)
- Participating in a formal complaint resolution or grievance process

Differences of opinion, reasonable miscommunication, differences in work styles, business disagreements handled professionally, reasonable interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute Abusive Conduct/Bullying, as defined in Section II..

Any person found to have violated this policy may be subject to discipline as set forth in the applicable corrective action policy as outlined in Section IV.E. (Noncompliance with the Policy), below.

#### **D. Retaliation**

This policy prohibits retaliation (e.g., threats, intimidation, reprisals, or other adverse actions) against any person who reports Abusive Conduct/Bullying, assists someone with a report of Abusive Conduct/Bullying, or participates, in good faith, in an investigation or other process under this policy. Any such retaliation is a violation of this policy, independent of whether the report of Abusive Conduct/Bullying is substantiated. Reports of retaliation will be addressed under the procedures outlined below.

#### **E. Free Speech and Academic Freedom**

The faculty and other academic appointees, staff, and students of the University enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section II of the California Constitution. This policy is intended to protect members of the University community from Abusive Conduct/Bullying, not to regulate protected speech. This policy will be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy will be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member, other academic appointee, or the educational, political, artistic, or literary expression of students in classrooms and public forums (See APM-010, APM-011, and APM - 015.)

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal, State, or University policies.

---

## **IV. COMPLIANCE / RESPONSIBILITIES**

---

### **A. Implementation of the Policy**

Executive Officers (the University President, Chancellors, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources) and their designees will develop procedures and supplementary information to support implementation of this policy. Responsible Officers (Vice Provost – Academic Personnel and Programs and Vice President – Systemwide Human Resources) may interpret and clarify the policy. All substantive policy changes are made through the standard process for Presidential policy.

Exceptions to local procedures required by the policy must be approved by the Executive Officer or designee.

### **B. Revisions to the Policy**

The President approves this policy and any revisions upon recommendation by the Responsible Officers. The Vice Provost, Academic Personnel and Programs and the Vice President–Human Resources have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of the Regents.

The UC Provost and Executive Vice President for Academic Affairs and the Executive Vice President–Chief Operating Officer have the authority to ensure that the policy is regularly reviewed, updated, and consistent with other governance policies.

### **C. Approval of Actions**

Actions within this policy must be approved according to local procedures. Actions related to Senior Management Group employees must be approved by the President.

### **D. Compliance with the Policy**

The Executive Officer at each location will designate the local management office that is responsible for monitoring, enforcing, and reporting policy compliance. The Senior Vice President and Chief Compliance and Audit Officer will periodically audit and monitor compliance with the policy.

## E. Noncompliance with the Policy

Noncompliance with this policy may result in remediation, educational efforts, and/or employment consequences up to and including informal counseling, adverse performance evaluations, corrective action/discipline, and termination.

For policy-covered staff employees, corrective action/discipline is governed by Personnel Policies for Staff Members [62 \(Corrective Action\)](#), [63 \(Investigatory Leave\)](#), and [64 \(Termination and Job Abandonment\)](#); [Personnel Policies for Staff Members-II 64 \(Termination of Appointment\), which applies to Senior Management Group \(SMG\) employees](#); and as applicable, other policies and procedures.

For academic personnel, formal corrective action/discipline is governed by APM - 015 ([The Faculty Code of Conduct](#)) and APM - 016 ([University Policy on Faculty Conduct and the Administration of Discipline](#)); APM - 150 ([Non-Senate Academic Appointees/Corrective Action and Dismissal](#)) and as applicable, other policies and procedures.

For represented employees, formal corrective action/discipline is governed by collective bargaining agreements, and as applicable, other policies and procedures.

---

## V. PROCEDURES

---

The University will respond promptly to allegations of Abusive Conduct/Bullying. Abusive Conduct/Bullying will be given the serious attention it warrants and will be addressed in accordance with applicable University policies and procedures.

### A. Reporting Incidents of Abusive Conduct/Bullying

#### 1. Reports of Abusive Conduct/Bullying

For immediate safety or criminal concerns, call 911.

Individuals should report conduct believed to constitute Abusive Conduct/Bullying to their manager, any supervisor, or applicable University office. Local procedures should specify the applicable office and/or teams for handling such reports. Applicable offices include, but are not limited to, Employee and/or Labor Relations, Academic Personnel, Offices of Student Support and Judicial Affairs, and threat response teams. Complaints may be handled by multiple offices in accordance with local procedures. Reports may also be made to the UC Whistleblower hotline.

#### 2. Anonymous and Third-Party Reports

Anonymous reports and allegations from third-party Reporters not directly involved in the complaint will be reviewed and may be investigated. The response to such reports may be limited if the Complainant does not wish to pursue the complaint or

if the University is unable to collect sufficient information to determine whether the alleged conduct occurred or constitutes a violation of this policy.

### **3. Manager and Supervisor Reports**

Managers and supervisors who observe conduct that may constitute Abusive Conduct/Bullying behavior should address such behavior immediately, and should seek assistance if they are unable to address it. Managers and supervisors should consult the applicable office regarding appropriate next steps, even if the incident(s) appear(s) to be resolved.

Managers and supervisors who receive a report of Abusive Conduct/Bullying should immediately submit the report to the applicable office.

### **4. Reports of Sexual Violence/Sexual Harassment or Discrimination**

If the Abusive Conduct/Bullying is sex-based, including conduct that is sexual in nature or based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation, the University's [Sexual Violence and Sexual Harassment Policy](#) will typically apply. Reports shall be made or forwarded to the location's Title IX Office, as required by and described in the SVSH policy.

If the conduct is discriminatory based on categories outlined in the [Discrimination, Harassment, and Affirmative Action in the Workplace policy](#), that policy will apply. Reports should be made or forwarded to local Equal Employment Opportunity/Affirmative Action offices.

## **B. Timelines for Making Reports**

There is no time limit for a Complainant to submit a report, and Complainants should report incidents even if significant time has passed. However, the sooner the University receives a report, the better able it is to respond, investigate, remedy, and impose discipline if appropriate.

## **C. Initial Assessment of a Report / Immediate Health and Safety**

As soon as practicable after receiving a report, the applicable office(s) will make an initial assessment, including a limited factual inquiry when appropriate, to determine how to proceed and whether an investigation is warranted.

## **D. Resolution Options**

If there was no closure after initial assessment, resolution of alleged Abusive Conduct/Bullying may take different forms, including early resolution and/or violation investigation. Regardless of the outcome, the Complainant shall be notified in writing that the complaint was reviewed and appropriate steps were taken to reach resolution in the matter.

### **1. Early Resolution**

The University encourages early resolution when possible. The goal of early resolution is to settle differences fairly, at an early stage, and in an open manner, without Retaliation.

Resolution may be facilitated by a manager, Employee and/or Labor Relations, an Ombuds, Academic Personnel, or another appropriate office. Options for early resolution may include, but are not limited to:

- Facilitated discussion to obtain an agreement between the parties
- Physically separating the parties
- Changing reporting lines
- Agreement to counseling, coaching, educational, and/or training programs
- Negotiating an agreement for corrective action/discipline

The appropriate University office should follow up with the parties after a period of time to ensure that the resolution has been implemented effectively and has addressed the report of Abusive Conduct/Bullying.

The University encourages early resolution, but it does not require that the parties participate in early resolution prior to the University's decision to initiate a formal investigation. In some cases, early resolution may not be the best approach and the applicable University office may initiate a formal investigation instead.

Attempts at early resolution and informal conflict management do not extend the time limit established by the employee's applicable formal complaint resolution or grievance process.

## **2. Formal Investigations**

The Executive Officer at each location will designate the local personnel or management office responsible for conducting investigations and will develop local implementing procedures for the conduct of investigations.

The applicable University office may initiate a formal investigation after a preliminary review of the allegations even in cases where the Complainant does not wish to pursue the complaint. This may occur if the applicable office determines that an investigation is necessary to mitigate risk to the campus community.

Formal investigation of reports of Abusive Conduct/Bullying will incorporate the following procedures:

A. The Respondent will be advised of the relevant allegations in the complaint and will be reminded that Retaliation is prohibited by this policy.

B. The investigation generally will include interviews with the parties, interviews with other witnesses as needed, and a review of relevant documents or other evidence as appropriate.

C. Disclosure of facts to parties and witnesses will be limited to what is reasonably necessary to conduct a fair and thorough investigation, consistent with University policy. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

D. The Complainant and the Respondent may request to have a representative present when they are interviewed. Requests will be reviewed in accordance with local procedures.

E. At any time during the investigation, interim protections or remedies may be necessary. These interim protections or remedies should be implemented in accordance with local procedures.

F. The applicable University office and/or response team conducting the investigation will provide the Complainant and Respondent an estimated timeline for completion of the investigation. If the investigation timeline is extended, the Complainant and Respondent will be notified.

G. Following the completion of the investigation, the investigator will prepare a written report that, at a minimum, includes a statement of the allegations and issues; the positions of the parties; a summary of the evidence; findings of fact; and a determination by the investigator as to whether the conduct at issue violated this policy.

H. The applicable University office and/or response team conducting the investigation will submit the report to the appropriate University official, who will recommend next steps, in accordance with local procedures.

I. The Complainant and the Respondent will be informed when the investigation is completed and whether or not a violation of this policy has occurred. Actions taken to resolve the complaint, if any, that are directly related to the Complainant, such as an order that the Respondent not contact the Complainant, will be shared with the Complainant. In accordance with University policies protecting individuals' privacy, the Complainant may be notified generally that the matter has been referred for appropriate administrative action, but will not be informed of the details of the recommended action without the Respondent's consent.

J. The Complainant and the Respondent may request a copy of the investigative report pursuant to University policies governing privacy and access to personal information. In accordance with University policy, the report will be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report.

Investigative reports made pursuant to this policy may be used as evidence in subsequent complaint or grievance resolution processes or disciplinary proceedings, consistent with local implementation procedures.

### **E. Confidential Resources**

The University provides confidential resources to employees who witness or experience Abusive Conduct/Bullying.

Faculty & Staff Assistance Programs, also known as Employee Assistance Programs, are confidential resources that provide assessment, consultation, counseling and referrals regarding work and personal stress or emotional concerns that are interfering with an individual's ability to work in their professional Workplace or academic setting.

Ombuds offices also provide confidential, impartial, and informal conflict resolution and problem-solving services for UC employees. Ombuds services include conflict analysis, strategies to resolve and prevent disputes, identification of options and information, effective communication coaching, mediation, group facilitation, and resource referrals.

---

## **VI. RELATED INFORMATION**

---

- [Sexual Violence and Sexual Harassment](#) (referenced in Sections III.A and V.A.4 of this policy)
- [Discrimination, Harassment, and Affirmative Action in the Workplace](#) (referenced in Sections III.A and V.A.4 of this policy)
- [Collective bargaining agreements](#) (referenced in Section III.A of this policy)
- Personnel Policies for Staff Members [62](#), [63](#), and [64](#) (referenced in Section IV.E of this policy)
- [Personnel Policies for Staff Members-II 64 \(Termination of Appointment\)](#) (referenced in Section IV.E of this policy)
- [APM - 015 \(The Faculty Code of Conduct\)](#), [APM - 016 \(University Policy on Faculty Conduct and the Administration of Discipline\)](#) and [APM - 150 \(Non-Senate Academic Appointees/Corrective Action and Dismissal\)](#) (referenced in Section IV.E of this policy)
- [Policy on Student Conduct and Discipline](#)
- [UC Regents Policy 1111: Statement of Ethical Values and Standards of Ethical Conduct](#)
- [Whistleblower Policy](#)
- [Whistleblower Protection Policy](#)

---

## **VII. FREQUENTLY ASKED QUESTIONS**

---

TBD

## **VIII. REVISION HISTORY**

---

**TBD:** This is the first issuance of this policy.

DRAFT