

UCR Policies and Procedures

Title: Abusive Conduct in the Workplace Procedure – PROPOSED

Number: 650-76

Responsible Office:	See Section II
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Scope:	This procedure implements the UC Policy on Abusive Conduct (“policy”), which applies to all UCR employees, unpaid interns, and third parties.

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I. INTRODUCTION AND PURPOSE

The University of California (“University”) is committed to promoting and maintaining a healthy working and learning environment in which every individual is treated with respect. Abusive Conduct, including disruptive behavior, may erode morale and lead to stress; disrupt the functioning of the University community; and interfere with individuals’ ability to learn, teach, research, and work. The University’s [Policy on Abusive Conduct in the Workplace](#) defines and prohibits Abusive Conduct, and is designed to foster an environment in which individuals feel safe making good-faith reports of Abusive Conduct. UC Riverside (UCR) is committed to responding promptly to reports of Abusive Conduct, and taking appropriate action to stop, prevent, correct, and/or discipline individuals who engage in Abusive Conduct, in accordance with the Policy, this procedure, and applicable University staff and academic personnel policies and collective bargaining agreements.

Abusive Conduct in violation of the policy is prohibited and will not be tolerated. The University encourages anyone who is subjected to or becomes aware of Abusive Conduct to promptly report it. Managers and supervisors (including Chairs and Deans) who observe or become aware of Abusive Conduct have response and reporting obligations (see Section V(C)(2)).

Physical violence or threats of physical violence are extreme forms of Abusive Conduct and should be reported to UCPD or UCR’s Threat Assessment Consultation Team in accordance with UCR’s [Violence Prevention Policy](#). Such incidents may also violate criminal laws.

II. SCOPE

This local procedure implements the Policy, in accordance with Section IV(A) of the Policy. To the extent there is any conflict between this procedure and the policy, the policy shall govern. This procedure addresses the campus’s responsibilities and procedures related to Abusive Conduct and Retaliation for reporting, or participating in, an investigation or other process provided for in the policy. The policy will be implemented in a manner that recognizes rights to freedom of speech and expression. However, freedom of speech and academic freedom are not limitless and, for example, do not protect speech or expressive conduct that violates federal and state anti-discrimination laws.

The policy and this procedure apply to acts of Abusive Conduct and Retaliation in the Workplace, including by and against all UCR employees, unpaid interns, and third

parties. This includes but is not limited to conduct that occurs in person or through other means such as electronic media.

The policy applies to students in their capacity as student employees if they are Complainants, Respondents, or Reporters. It also applies to students who are not student employees if they are Complainants or Reporters. If a student is a Respondent and is not acting in the course of employment, the matter will be addressed by the Office of Student Conduct and Academic Integrity (“SCAIP”) under campus student codes of conduct and procedures.

III. DEFINITIONS

Abusive Conduct: Abusive Conduct is harassing or threatening behavior that 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. The conduct creates an environment, whether intended or not, that a reasonable person would find to be intimidating or offensive and unrelated to the University’s legitimate educational, employment, and business interests. The conduct shall be evaluated taking into account the circumstances of the parties, relationship between the parties (including power imbalance); the frequency, nature and severity of the alleged conduct; whether the conduct was physically threatening; and whether the conduct may be protected as academic freedom or free speech. A single act may constitute Abusive Conduct, if especially severe or egregious. When the alleged conduct involves issues related to academic freedom, the Responsible Office will consult with the Vice Provost for Academic Personnel for relevant academic judgment.

In determining whether the conduct at issue rises to the level of Abusive Conduct, the standard of “reasonable person” should be used. This standard 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. When evaluating the conduct at issue, the parties’ perspectives and circumstances should be considered.

Complainant: Any individual, including a student, who alleges and/or has been reported to have been subjected to Abusive Conduct.

Reporter: Any individual, including a student, who makes a report of alleged Abusive Conduct.

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

Responsible Office: UCR office with responsibilities for addressing certain types of reports of Abusive Conduct, as provided in Section IV of this procedure. Unless otherwise noted, Responsible Offices’ duties include:

- Advising supervisors and managers who receive reports of Abusive Conduct in accordance with Section[(V)(C)(2) of the policy; see also Sec. IV.A below].

- Receiving and assessing reports for the applicable type of employee, including determining whether Interim Measures are appropriate and coordinating their implementation, overseeing alternative resolution, and authorizing formal investigations. see Section [(V)(E)] of the policy; see also Sec. V.D below.
- Conducting or coordinating formal investigations; see Section [(V)(F)(2)] of the policy; see also Sec V.D.2.2 below].
- Coordinating the development and implementation of corrective and remedial measures, as appropriate, and in compliance with applicable personnel policies and procedures; and
- Tracking reports and maintaining case files. see Section [(V)(F)(2)(b)(7-9)] of the policy; see also Sec. V.D.2.2.b.7-8 below].

Retaliation: An adverse action taken against an individual based on their report of Abusive Conduct or participation in an investigation or other resolution process provided for in the policy. An adverse action is conduct that would discourage reporting Abusive Conduct or participating in a process provided for in the policy, and includes but is not limited to threats, intimidation, 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 (for example, University-sponsored study abroad, research, health services, or internship programs, as well as the online workplace).

III. 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. The policy is intended to protect members of the University community from Abusive Conduct, not to regulate protected speech. UCR implements the Policy in a manner that recognizes rights to freedom of speech and expression. Freedom of speech, freedom of expression, and academic freedom are essential to the mission of the University; the free exchange of ideas is necessary for the discovery and dissemination of knowledge. However, freedom of speech and academic freedom are not limitless and, for example, do not protect speech or expressive conduct that violates federal and state anti-discrimination laws. See [Section V\(D\)](#) for further detail.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy—UCR Responsible Offices

In accordance with Section IV(A) of the policy, this implementing procedure identifies Responsible Offices for receiving and tracking reports; advising supervisors and

managers who receive reports; assessing and responding to reports including conducting or coordinating investigations; and overseeing training and education regarding the Policy and this procedure (see Section C below).

The Responsible Office and the specific procedures for Investigating and resolving complaints of Abusive Conduct depend on the Respondent's position in or relationship to the University. Anyone may make a report to a Responsible Office, or may use the other reporting options provided in Section V of this procedure (see Section V(F) for other resolution options).

- Reports about Senate Faculty Respondents: Senate Faculty reports are addressed in accordance with [APM – 015](#) and [– 016](#) and this procedure. The Vice Provost for Administrative Resolution (VPAR) is the Chancellor's Designee under these policies and has responsibility for handling complaints about Senate faculty.
- Reports about Other Academic Personnel Respondents: The Office of Academic Personnel (APO) is the Responsible Office for reports about non-Senate faculty and non-faculty academic personnel. APO also handles grievances by academic personnel filed under [APM – 140](#).
- Reports about Staff: Employee and Labor Relations (ELR), in Human Resources, is the Responsible Office for reports about PPSM-covered staff as well as represented staff and other employees (other than academic personnel). ELR also handles [PPSM 70](#) complaints by staff.
- The Chief Compliance unit and Locally Designated Official (LDO) have responsibility for whistleblower and discrimination reports received via the systemwide EthicsPoint hotline and for conducting and coordinating certain formal investigations. The LDO coordinates, with the Responsible Office, formal investigations.
- Reports about SMG (Senior Management Group) members may be made to any of the above offices, depending on the individual member's affiliation (for example, a complaint about an SMG who has an underlying Senate faculty appointment may be made to the VPAR or ELR), and will be addressed in accordance with applicable Senior Management Group policies.

B. Training; Education and Awareness

Human Resources implements the systemwide Abusive Conduct training, which is required of all employees. Other Responsible Offices and managers may supplement this training with additional programming and communications.

Managers and supervisors are responsible for ensuring that employees complete the required training and for promoting awareness of the Policy and this procedure.

C. Compliance with the Policy; Exceptions

The Chief Compliance Office is responsible for monitoring, enforcing, and reporting policy compliance.

Exceptions to this procedure must be approved by the Chancellor or designee; exceptions relating to Senior Management Group employees must be approved by the University President or designee, in accordance with the policy.

V. PROCEDURES FOR REPORTING AND RESOLUTION OF REPORTS

The Complainant and Respondent are sometimes referred to together in this section as “the parties.”

A. Confidential Resources

UCR provides confidential resources to individuals who witness or experience Abusive Conduct. They may consult with these confidential resources before making a report or at any point. Meeting with any confidential resource is not considered making a formal report and will not lead to an investigation.

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.

The Ombuds office also provide confidential, impartial, independent, and informal conflict resolution and problem-solving services. 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. Individuals experiencing Abusive Conduct may seek confidential assistance from Ombuds offices to discuss strategies and options for moving forward based on the conduct they are experiencing. Ombuds may help identify options when the individual is determining which resolution route is best for the situation.

Although Ombuds offices are independent from and do not share information with formal compliance and complaint processes, Ombuds may assist individuals with identifying the applicable campus offices and additional support resources.

B. Privacy and Confidentiality

The University must balance the privacy interests of people involved in a report of Abusive Conduct against the need to gather information, ensure a fair process, and stop, prevent, and remedy the alleged conduct. In this context, the University protects people’s privacy to the extent permitted by law and University policies.

C. Reporting Incidents of Abusive Conduct

1. General – How to File Complaints and Reports

Individuals should report conduct believed to constitute Abusive Conduct to:

- **Their manager or any supervisor.** UCR encourages people to report to their supervisor or the supervisor of the Respondent. Chairs and Deans, among others, are managers and supervisors. Managers and supervisors who receive a report of Abusive Conduct must immediately submit the report to the applicable Responsible Office. See also section 2 below for managers' and supervisors' responsibility for Abusive Conduct they observe or become aware of other than by receiving a report.
- **Directly to the applicable Responsible Office.** There are different Responsible Offices depending on who is alleged to have engaged in Abusive Conduct--the identity of the Respondent. If the Respondent is unidentified, is a non-affiliate, or does not fall in any of the categories below, reports may be made through the Whistleblower hotline:
 - The VPAR is the Responsible Office for reports about Senate Faculty Respondents. These reports may also be made to the Complainant's supervisor or manager, or to the supervisor of the Senate faculty member (often a Department Chair), or to the Whistleblower hotline. Reports may be made by email vpar@ucr.edu or (951) 827-3541.
 - APO is the Responsible Office for reports about other academic personnel, including non-Senate faculty. Reports may be made by email at academicpersonnel@ucr.edu or (951) 827-2933.
 - ELR is the Responsible Office for reports about staff. Reports may be made by email at employee.relations@ucr.edu or (951) 827-3641.
- **Through the UC Whistleblower hotline.** This hotline accepts reports online and by phone and anonymous reports.
- **For reports of Violent Behavior, to the Threat Assessment Consultation Team.** Note that reports will be handled in accordance with the [Policy on Violence Prevention](#) as well as the Abusive Conduct Policy and this procedure, as applicable.
 - [Contact information to come]
- **For reports of discrimination, harassment, and other conduct prohibited** by the University's [Sexual Violence and Sexual Harassment \(SVSH\) Policy](#) or the [UCR Discrimination, Harassment, and Retaliation Complaint and Resolution Policy](#); reports shall be made or forwarded to

UCR's Office of Title IX, Equal Opportunity & Affirmative Action Office, as required by and described in the policies. If discrimination or harassment, or any other violation of the SVSH or non-discrimination policies, is identified over the course of a resolution process for a report of an Abusive Conduct, the Responsible Office, investigator, or facilitating manager, will contact Title IX/EOAA and refer to that office all related evidence or factual findings.

Anonymous reports and allegations from Reporters who are not Complainants will be reviewed and may be investigated. Such reports will be tracked, even if they are not investigated. The response to such reports may be limited if the Complainant does not wish to pursue the complaint or if UCR is unable to collect sufficient information to determine whether the alleged conduct occurred or constitutes a violation of the policy.

2. Manager and Supervisor Reporting and Consultation Obligations

Managers and supervisors (including, among others, Chairs and Deans) who observe conduct that may constitute Abusive Conduct have a responsibility to immediately consult with the applicable Responsible Office regarding appropriate next steps, even if the incident(s) appear(s) to be resolved. This consultation will help support the manager or supervisor in responding to the report and may result in the matter being escalated or referred to another office or process, such as for investigation. Consultation will also ensure that the incident is tracked appropriately.

3. 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.

D. Initial Assessment of a Report / Immediate Health and Safety

As soon as practicable, and **no more than 30 business days** after receiving a report, the applicable Responsible Office(s) will make an initial assessment. The assessment first determines whether the report, on its face, plausibly alleges abusive conduct and determines the appropriate resolution. The reported conduct shall be evaluated taking into account the circumstances of the parties, relationship between the parties (including power imbalance); the frequency, nature and severity of the alleged conduct; whether the conduct was physically threatening; and whether the conduct may be protected as academic freedom or free speech. A single act may constitute Abusive Conduct, if especially severe or egregious.

When the alleged conduct involves issues related to academic freedom, the Responsible Office will consult with the Vice Provost for Academic Personnel for relevant academic judgment. This consultation, if for Senate faculty, will be anonymized to protect the identity of the faculty involved.

Assessment is typically conducted in consultation through case management or investigations groups. In some cases, data collection or limited inquiry is necessary in order to determine whether it alleges abusive conduct, which office the report should be referred to, where the matter should be escalated, or other initial assessment outcomes. Each report is reviewed and assessed on a case-by-case basis. For reports that contain multiple allegations, the assessment applies to each allegation, and different actions may be taken for different allegations (for example, certain allegations may be dismissed, others referred, and another accepted for investigation under this procedure). The facilitating manager or Responsible Office may extend this timeline for good cause.

Interim measures will also be considered; see Section E(2)(a) below.

If an individual's health and safety are threatened or there is a report of physical violence or threats of violence, the matter will be reported to TACT and/or UCPD. (See Section V(C)(3) of this procedure for response to reports of sexual violence.)

If a complaint is assessed as reporting conduct that does not, as alleged, constitute Abusive Conduct but that could, if it continued or recurred, constitute Abusive Conduct, or is otherwise of concern, typically it will be referred to management to address in consultation with the Responsible Office. Management may engage in performance management or other supervisory activities to address the concerns.

E. Resolution Options

UCR will respond to reports of Abusive Conduct in accordance with timelines set forth in this procedure, and will take appropriate action to stop, prevent, correct, and discipline behavior that violates the policy.

Resolution of alleged Abusive Conduct may take different forms, including early resolution and/or a formal investigation. Regardless of the outcome, the Complainant shall be notified in writing of the resolution and rationale.

Instead of, or in addition to, reporting Abusive Conduct in violation of the policy, an employee may file a grievance or complaint. That grievance or complaint must meet all of the requirements, including time limits for filing, under the applicable complaint resolution or grievance procedure ([PPSM-70 \(Complaint Resolution\)](#), [APM-015 \(The Faculty Code of Conduct\)](#), [APM - 016 \(University Policy on Faculty Conduct and the Administration of Discipline\)](#), [APM - 140 \(Non-Senate Academic Appointees/Grievances\)](#), [APM - 150 \(Non-Senate Academic Appointees/Corrective Action and Dismissal\)](#), [Bylaw 335 \(Grievance Cases\)](#), or applicable collective bargaining agreements). Any such grievance or complaint will be forwarded to the Responsible Office for assessment under this procedure, and the grievance or complaint procedure will be held in abeyance pending resolution under this procedure, unless the applicable collective bargaining agreement or policy provides otherwise. After completion of the procedures under the policy, the grievance or complaint may be reactivated under the applicable grievance or complaint procedure.

The University’s ability to take responsive action depends on its relationship and level of control over the third party, if any. Generally, the resolution options in this procedure are designed to address reports about current UCR employees or other affiliates. UCR recognizes, however, its responsibility to address all concerns of Abusive Conduct, even when they involve individuals who are not employees. When the Respondent is a third party, the applicable Responsible Office will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process. The extent of the inquiry and responsive steps will depend on the specific circumstances. See also “Other Inquiry,” below.

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. Although UCR encourages early resolution, it is not required; in some cases, early resolution may not be the best approach and the applicable Responsible Office may authorize a formal investigation instead.

Early resolution may be facilitated by a manager, ELR, APO, the VPAR, the LDO, Title IX/EOAA (if in connection with a report of discrimination or harassment), or another appropriate office. If early resolution is facilitated by a manager, they will consult with ELR, APO, or the VPAR as applicable.

The facilitating manager or Responsible Office will initiate the early resolution process promptly, typically within **60 to 75 business days** after the Responsible Office has made an initial assessment of a report. The facilitating manager or Responsible Office may extend this timeline for good cause, with written notice to the Complainant and the Respondent of the reason for the extension and the projected new timeline.

Options for early resolution may include, but are not limited to:

- Facilitated discussion or mediation to obtain an agreement between the parties
- Provision of counseling, coaching, educational, and/or training programs
- Negotiating an agreement for corrective action/discipline.

The parties should contact the applicable Responsible Office if the resolution measure is no longer effective in addressing the reported conduct.

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 Investigation Procedure

a. General

The applicable Responsible Office may authorize 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 Responsible Office determines that an investigation is necessary to mitigate risk to the campus community. Investigations may be conducted internally, for example by investigators in the Chief Compliance Office, or by external investigators.

Investigative reports produced may be used as evidence in subsequent complaint or grievance resolution processes or disciplinary proceedings.

b. Formal Investigation Requirements

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

1. Interim protections or measures may be necessary prior to or during the investigation to prevent retaliation, protect the integrity of the investigation, and protect against Abusive Conduct. These interim protections or measures should be implemented in accordance with local procedures. Interim measures do not presume that a report will be substantiated and are not disciplinary in nature.
2. The Respondent will be advised of the relevant allegations in the complaint and will be reminded that Retaliation is prohibited by the.
3. 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.
4. The investigator will interview any other witnesses who the investigator believed are necessary in order to conduct a thorough investigation. If a Complainant, accused employee, or witness fails or refuses to be interviewed, the investigator will complete the investigation based upon the information available.
5. 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.
6. The Complainant and the Respondent may have an advisor present when they are interviewed and at meetings. They may have other support persons present under other policies. Other witnesses may have an advisor present at the discretion of the applicable University office or as required by University policy or a collective bargaining agreement.
7. 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. The applicable University office and/or

response team may extend this timeline for good cause, with written notice to the Complainant and the Respondent of the reason for the extension and the projected new timeline.

8. 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 preliminary determination by the investigator as to whether the conduct at issue violated the policy. In making factual findings, the investigator will apply the preponderance of evidence standard.
9. The Responsible Office will review the report and make the determination as to whether any conduct substantiated violated the policy, and notify the parties that the investigation is completed and whether or not a policy violation occurred. Any interim measures should be reviewed at this time and modified if appropriate.
10. The Responsible Office will submit the report to the appropriate administrator(s) for next steps. See Section 4, *Corrective and Remedial Measures for Policy Violations*, below.
11. 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 (such as discipline) without the Respondent's consent.

3. Other Inquiry. In some situations, a formal investigation is not appropriate but some fact-finding is still necessary to address the matter. This may be conducted as an "other inquiry." Such an inquiry may be appropriate when the Respondent is a non-affiliate or when there is no identifiable, individual Respondent (such as where the Complainant alleges Abusive Conduct by an organization or a Respondent whose identity is unknown, or conduct by multiple people that rises to the level of Abusive Conduct only when considered in the aggregate).

4. Corrective and Remedial Measures for Policy Violations. Noncompliance with the 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 appointees, formal corrective action/discipline is governed by [APM-](#)

[015 \(The Faculty Code of Conduct\)](#), [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. The Abusive Conduct Policy does not supplant disciplinary processes described in the APM or Academic Senate Bylaws or regulations.

For represented employees, formal corrective action/discipline is governed by collective bargaining agreements.

VI. APPROVAL AND REVISION HISTORY

This procedure was approved by [____] effective [____], 2023.

VII. RELATED POLICIES AND OTHER REFERENCES

- [Sexual Violence and Sexual Harassment](#) (referenced in Sections III.A and V.A.4 of the policy)
- [Discrimination, Harassment, and Affirmative Action in the Workplace](#) (referenced in Sections III.A and V.A.4 of the policy) and [UCR Discrimination, Harassment, and Retaliation Complaint and Resolution Policy](#)
- [Collective bargaining agreements](#) (referenced in Section III.A of the)
- Personnel Policies for Staff Members [62](#), [63](#), and [64](#) (referenced in Section IV.E of the policy) and related local procedures
- [Personnel Policies for Staff Members-II 64 \(Termination of Appointment\)](#) (referenced in Section IV.E of the policy) and related local procedure
- [APM - 015 \(The Faculty Code of Conduct\)](#), [APM - 016 \(University Policy on Faculty Conduct and the Administration of Discipline\)](#), and [APM - 150 \(Non-Senate Academic Appointees/Corrective Action and Dismissal\)](#), [APM - 335 \(Appointment and Promotion Cooperative Extension Advisor\)](#) (referenced in Section IV.E and Section V.F of the policy) and Appendix 5 of the UCR Senate Bylaws
- [Personnel Policies for Staff Members-70 \(Complaint Resolution\)](#) (referenced in Section V.F of the policy)
- UC Academic Senate Bylaws [335](#), [336](#), and [337](#)
- [Policy on Student Conduct and Discipline](#)
- [UC Regents Policy 1111: Statement of Ethical Values and Standards of Ethical Conduct](#)
- [Whistleblower Policy](#) and [Local Implementing Procedure](#)

- [Whistleblower Protection Policy](#) and [Local Implementing Procedure](#)
- [California State Assembly Bill 2053: Employment discrimination or harassment: education and training: abusive conduct](#)

VIII. FREQUENTLY ASKED QUESTIONS

1. What are examples of Abusive Conduct?

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

Abusive Conduct may include but is not limited to the following types of conduct that otherwise satisfy the definition in Section II of the policy:

- Use of abusive and/or insulting language (written, electronic or verbal)
- Spreading false information or malicious rumors
- Behavior, language, or gestures that frighten, humiliate, belittle, or degrade, including criticism or feedback that is delivered with yelling, screaming, threats, implicit threats, or insults
- Encouraging others to act, singly or in a group, to intimidate or harass other individuals
- Making repeated or egregious comments about a person's appearance, lifestyle, family, culture, country of origin, visa status, religious/spiritual/philosophical beliefs, or political views in a manner not covered by the University's policies prohibiting discrimination
- Teasing or making someone the brunt of pranks or practical jokes
- Interfering with a person's personal property or work equipment without a legitimate business or educational purpose
- Circulating photos, videos, or information via e-mail, text messages, social media, or other means without a legitimate business or educational purpose
- Making unwanted physical contact or encroaching on another individual's personal space, in ways that would cause discomfort and unease, in a manner not covered by the University's [Sexual Violence and Sexual Harassment Policy](#) or UCR's [Violence Prevention 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 threats to block a person's academic or other advancement, opportunities, or continued employment at the University without a legitimate business or educational purpose
- Sabotaging or undermining a person's work performance

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

2. What are examples of conduct that generally do not constitute Abusive Conduct?

Examples 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 disagreement
- Making unpopular statements or articulating positions on controversial issues
- Participating in debates and expressing differences of opinion about academic decisions
- Participating in a formal complaint resolution or grievance process
- Exercising academic freedom, including comments about scholarship, instruction within the classroom, different approaches to curriculum, opposing opinions about policy issues, or academic achievement, even if the content is considered insulting by the recipient and even if delivered passionately

It is important to recognize that not all interactions that may be unpleasant are necessarily Abusive Conduct. Differences of opinion, miscommunication, differences in work styles, business disagreements handled professionally, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute Abusive Conduct, as defined in Section II of the Policy.

3. Is cyberbullying addressed in the Policy?

Yes. Abusive Conduct can occur in many different settings, from a physical workplace (e.g., an office building) to an online workplace (e.g., an online meeting or an e-mail). Any type of Abusive Conduct, regardless of the format in which it occurs, is prohibited by the policy.

4. Is there a mandatory training for Abusive Conduct?

Yes. All employees are required to complete training through UCR's Learning Center.
