

Guidance from the UCR Provost Regarding Abusive Conduct and Bullying Involving Faculty and Academic Appointees

The University of California, Riverside (UCR) is committed to providing a safe, supportive, responsive and equitable environment for all employees. UCR strives to be a leader as an employer and to foster a positive working environment.

In furtherance of these goals and the University's anti-harassment and anti-discrimination policies, all UCR community members are expected to behave in ways that support UC's Principles of Community and Regents Policy 1111 (Statement of Ethical Values and Standards of Ethical Conduct), which states that UC is committed to treating each member of the University community with respect and dignity. The University of California President and the UCR Chancellor have previously enunciated that abusive conduct and bullying behaviors are inconsistent with the values of the University and should be addressed directly and comprehensively. UCR does not tolerate abusive conduct or bullying. Regardless of circumstances or setting, faculty and academic appointees at all levels found to be engaging in abusive conduct will be held accountable. No member of the UCR community will be retaliated against for reporting bullying in good faith. While UCR has a number of current policies that could be used to address bullying, there is some confusion among employees about what bullying is and how to address it.

State legislation related to abusive conduct provides a helpful description of bullying. Government Code 12950.1 which requires training on the prevention of abusive conduct, defines abusive conduct as:

Conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests.

Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Consistent with APM-010 and -015, and the AAUP's Joint *1940 Statement of Principles on Academic Freedom and Tenure* and *1966 Statement on Professional Ethics* and 1987 revisions, there is a difference between abusive conduct and free speech or appropriate interaction with sufficient pedagogical justification. Examples of abusive conduct, may include:

- persistent or egregious use of abusive, insulting, or offensive language directed at a member of the University community, including faculty
- spreading misinformation or malicious rumors
- behavior or language that frightens, humiliates, belittles, or degrades, including criticism or feedback that is delivered with yelling, screaming, threats, or insults
- making repeated inappropriate comments about a person's appearance, lifestyle, family, or culture
- regularly inappropriately 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 or videos via e-mail or social media;

- unwarranted physical contact
- purposefully inappropriately excluding, isolating, or marginalizing a person from normal work activities

And consistent with APM-010 and -015, and the AAUP's Joint *1940 Statement of Principles on Academic Freedom and Tenure* and *1966 Statement on Professional Ethics* and 1987 revisions, there is a difference between bullying and free speech/appropriate supervision, including academic supervision. Examples of reasonable supervisory actions, when carried out in an appropriate manner by or regarding faculty and academic appointees, include:

- providing performance appraisals or academic evaluations
- coaching or providing constructive feedback
- monitoring or restricting access to sensitive information for legitimate business reasons
- scheduling ongoing meetings to address performance issues
- setting aggressive performance goals to help meet departmental goals
- counseling or disciplining an employee for misconduct
- investigating alleged misconduct

Differences of opinion, interpersonal conflicts, and occasional problems in working relations are an inevitable part of working life and do not necessarily constitute workplace bullying. Moreover, this guidance is not intended to interfere with employees' right to engage in protected, concerted activity under the Higher Education Employer-Employee Relations Act (HEERA).

Faculty and Academic Appointees, if they experience abusive conduct or bullying, have a variety of resources they can go to, including but not limited to the Vice Provost of Academic Resolution and the Ombuds or similar offices.