

Guidance from the President Regarding Staff Abusive Conduct and Bullying 7/26/16

The University of California is committed to providing a safe, supportive, responsive and equitable environment for all employees. The University 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 UC 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. Abusive conduct and bullying behaviors are inconsistent with the values of the University and should be addressed directly and comprehensively. The University does not tolerate abusive conduct or bullying. Regardless of circumstances or setting, staff at all levels found to be engaging in abusive conduct should be held accountable. No member of the University community will be retaliated against for reporting bullying in good faith. While UC 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. Assembly Bill 2053, 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.

Examples of abusive conduct may include:

- persistent or egregious use of abusive, insulting, or offensive language directed at an employee
- 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

There is a difference between bullying and appropriate supervision. Examples of reasonable supervisory actions, when carried out in an appropriate manner, include:

- providing performance appraisals
- 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).

People, if they experience abusive conduct or bullying, have a variety of resources they can go to, including but not limited to, local Human Resources and Ombuds or similar offices.

For more information on the above policy guidance you may contact your local human resources or Dianna Henderson, Director of HR Policy and Chief of Staff to the VP of HR at Dianna.henderson@ucop.edu.