



OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

October 20, 2021

CHANCELLORS
ACADEMIC COUNCIL CHAIR ROBERT HORWITZ
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

Re: Systemwide Review of Draft Presidential Policy -- Abusive Conduct/Bullying in the Workplace

Dear Colleagues:

Enclosed for systemwide review is a proposed new Presidential Policy on Abusive Conduct/Bullying in the Workplace.

The proposed Presidential Policy is responsive to a request from the Regents and the Academic Senate for a systemwide policy that addresses the University's responsibilities and procedures related to abusive conduct/bullying.

Background

In spring 2021, Systemwide Human Resources convened a working group with representatives from location Human Resources offices, which drafted a policy with applicability to staff employees based upon the staff [Guidance on Abusive Conduct and Bullying in the Workplace](#). Academic Personnel and Programs (APP) subsequently convened a working group with representatives from campus Academic Personnel offices. Systemwide HR and APP worked in collaboration with UC Legal, the Systemwide Title IX office, and Graduate, Undergraduate and Equity Affairs to further refine the draft policy. Except as otherwise expressly provided in applicable collective-bargaining agreements, this policy will supersede any existing guidance, local policies, or procedures that address the topic of Abusive Conduct/Bullying in the workplace.

Key Policy Principles

The proposed systemwide policy affirms the University of California's commitment to promoting and maintaining a healthy working and learning environment in which each individual is treated with civility and respect. Abusive conduct/bullying 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. The proposed policy contains the following provisions:

Policy Coverage. The proposed policy covers abusive conduct/bullying and retaliation by and against members of the University community in the workplace.

Prohibited Conduct. The proposed policy identifies examples of abusive conduct/bullying, as well as examples of reasonable actions that do not constitute abusive conduct/bullying.

Retaliation. The proposed policy prohibits retaliation against any person who, in good faith, reports abusive conduct/bullying, assists someone with a report of abusive conduct/bullying, or participates in an investigation or other process under the policy.

Free Speech and Academic Freedom. The proposed policy is intended to protect members of the University community from abusive conduct/bullying, not to regulate protected speech. The proposed policy recognizes that freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal, State, or University policies.

Compliance with the Policy. The proposed policy outlines the consequences of noncompliance, which include remediation, educational efforts, and/or employment consequences including informal counseling, adverse performance evaluations, corrective action/discipline, and termination.

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Academic Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy. Attached is a Model Communication which may be used to inform non-exclusively represented employees about the draft policy. The University will adhere to its bargaining obligations, if any, that may exist in connection with the adoption of this policy. Accordingly, the University will follow appropriate procedures with respect to represented employees and the Office of the President's Systemwide Labor Relations office will coordinate that process.

The systemwide review period for the Abusive Conduct/Bullying draft policy is **October 20, 2021 through February 7, 2022**. The draft policy is posted on [UCnet](#).

Comments from the Academic Senate and campus academic administrators should be submitted to ADV-VPCARLSON-SA@ucop.edu. Comments from HR leadership and staff employees should be compiled by HR Policy Coordinators and submitted to SHR Policy through Box. SHR Policy will communicate further with HR Policy Coordinators about this process.

Questions relating to academic personnel may be directed to Rebecca Woolston at Rebecca.Woolston@ucop.edu. Questions from staff should be directed to location HR Policy Coordinators. Location questions related to staff employees may be directed to Systemwide HR Policy Specialist Abby Norris at Abigail.Norris@ucop.edu.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs



Cheryl Lloyd
Vice President
Systemwide Human Resources

Enclosures:

1. Proposed Draft Presidential Policy – Abusive Conduct/Bullying in the Workplace
2. Model Communication

cc: President Drake

Provost and Executive Vice President Brown
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Maldonado
Vice President and Vice Provost Gullatt
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Assistant Vice Provosts/Vice Chancellors/Directors - Academic Personnel
Chief Human Resources Officers
Associate Vice Provost Lee
Deputy General Counsel Woodall
Academic Council Vice Chair Cochran
Executive Director Baxter
Executive Director Silas
Chief of Staff and Executive Director Henderson
Chief of Staff Kao
Chief of Staff Levintov
Chief of Staff Peterson
Chief Policy Advisor McAuliffe
Principal Counsel Chin
Director Grant
Director Roller
Director Sykes
Associate Director DiCaprio
Associate Director Nguyen
Associate Director Woolston
Assistant Director LaBriola
Manager Carr
Manager Donnelly
Manager Smith
HR Manager Crosson

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Policy Specialist Norris
Analyst Durrin
Analyst Wilson
Policy Advisory Committee