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## Article XX

### Abusive Conduct and Microaggressions

#### A. General Provisions

The Union and the University agree that:

1. All employees shall work in a safe, supportive, responsive, positive, and equitable environment that treats each member of the University community with respect and dignity.
2. Abusive conduct, bullying behaviors, and microaggressions are inconsistent with the values of the University and should be addressed directly and comprehensively.
3. No member of the University community will be retaliated against for reporting abusive conduct or bullying in good faith.

#### B. Definitions

1. For purposes of this article, "abusive conduct" means 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.
2. Abusive conduct includes language or behavior that frightens, humiliates, belittles or degrades the recipient or target or includes persistent or egregious use of abusive, insulting, or offensive language; aggressive yelling or shouting; unwarranted physical contact or threatening gestures; making repeated negative comments about a person's appearance, lifestyle, family, or culture; regularly inappropriately teasing or making someone the brunt of pranks or practical jokes; and circulating inappropriate or embarrassing photos or videos via email or social media.
3. This article also prohibits behavior that undermines a person's work performance, working relationships, or perceived value in the workplace,

- including unnecessarily interrupting or disrupting someone's work; inappropriately interfering with a person's personal property or work equipment; repeatedly discounting a person's statements in group meetings; unfavorably comparing one person to others; blaming a person for problems they did not cause; taking credit for another's contributions; spreading misinformation or malicious rumors; purposefully inappropriately excluding, isolating, or marginalizing a person from normal work activities.
4. Abusive conduct by supervisors may include assigning tasks that are beyond a person's skill level; establishing unrealistic timelines, or frequently changing deadlines; denying access to information, consultation, or resources; excessively monitoring an employee's work; giving feedback in an insincere or disrespectful manner; repeatedly reminding someone of past errors or mistakes; inconsistently following or enforcing rules, to the detriment of an employee; ignoring an employee, or isolating them from others; or denying equal access to earned time off.
  5. Retaliation includes threats, intimidation, reprisals, and/or adverse employment and/or academic actions against a person based on their report of prohibited behavior or participation in the investigation, report, remedial, or disciplinary processes provided for in this Article.
  6. Microaggressions are everyday exchanges – including words and actions – that denigrate and exclude individuals based on their membership in a group or class of individuals.

#### C. Resolution Procedures

1. If an Academic Researcher believes they have been subjected to abusive conduct or microaggressions as defined in this Article, they may take action as described in Article XX (Grievance and Arbitration Procedure).
2. Interim Measures for Grievant(s)
  - a. When an Academic Researcher has filed a grievance over abusive conduct or microaggressions, the University shall implement interim measures when necessary. Such measures shall allow the Academic Researcher to continue working in an environment free from abusive conduct.
  - b. Interim measures available to Academic Researchers may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which the Academic Researcher is qualified provided that, in the case of the Grievant(s) the change is voluntary and equitable; training and education of the Respondent; no contact remedies.

3. Remedies

- a. Remedies available to Academic Researchers may include, but are not limited to: change to a different workstation, schedule, work location, unit, department, or position for which the Academic Researcher is qualified provided that in the case of the Grievant, the change is voluntary and equitable; training and education of the Respondent; no contact remedies.
  - b. The University shall implement appropriate remedies if a grievance is sustained. Such remedies shall ensure that the Academic Researcher can continue working in an environment free from abusive conduct.
4. The University prohibits retaliation against or by Academic Researchers based on their report of prohibited behavior or participation in the investigation, report, remedial, or disciplinary processes provided for in this Article.

D. Training

Beginning in 2020, the Union and the University shall partner in developing a peer-led training module specifically tailored for Academic Researchers on the prevention of, responding to, and reporting of Abusive Conduct and microaggressions.

E. Dissemination of Information

1. Each campus will provide transparent information about the distinct procedures for the investigation and resolution of complaints of abusive conduct and microaggressions against staff, students, and faculty. Such options include providing flow charts with time lines, such as are available for Title IX complaints, and providing FAQs.
2. Abusive conduct and microaggressions policy and information regarding reporting procedures will be disseminated widely to Academic Researchers and the University community through publications, websites, new employee orientations, and other appropriate channels of communication, including a centralized UCOP website to access reporting procedures for each campus and building signage.