

ARTICLE 24 RESPECTFUL WORK ENVIRONMENT

A. GENERAL CONDITIONS

1. The University and UAW are jointly committed to promoting and maintaining a work environment that is healthy and free of Abusive Conduct, in which every employee and member of the University community is treated with respect.
2. The Parties mutually acknowledge that Abusive Conduct creates an environment that a reasonable person would find intimidating and may interfere with an employee's work. These behaviors may occur in, but are not limited to, situations in which one person has authority over another and situations involving peer-to-peer interactions.
3. The University and UAW shall strive to foster an environment in which employees feel comfortable making reports of Abusive Conduct in good faith. The Parties also commit to prohibiting retaliation against any person who reports Abusive Conduct or participates in any related investigation or other process in good faith.
4. Employees included under this Agreement are covered by the University of California Policy on Abusive Conduct Policy (ACP). The policy is available at: <https://policy.ucop.edu/doc/4000701/AbusiveConduct>.
5. Where there is no conflict with this Agreement, definitions or examples in the University's Abusive Conduct in the Workplace Policy shall continue to apply to employees.

B. DEFINITION OF ABUSIVE CONDUCT

1. 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 an employee's participation in or benefit from University employment. 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.
2. Such conduct shall be evaluated on a case-by-case basis, 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. A single act may constitute Abusive Conduct if especially severe or egregious.
3. Exercising Academic Freedom (e.g. comments about scholarship, instruction within the classroom, different approaches to curriculum, opposing opinions about policy issues, or academic achievement), as such, is distinct from and does not constitute Abusive Conduct.
4. 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.

C. EXAMPLES OF ABUSIVE CONDUCT

1. Examples of Abusive Conduct may include, but are not limited to, the following types of behavior:
 - a. Use of abusive, insulting, or offensive language (written, electronic, or verbal),
 - b. Spreading false information or malicious rumors,
 - c. 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,
 - d. Encouraging others to act, singly or in a group, to intimidate or harass other individuals,
 - e. 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,
 - f. Teasing or making someone the brunt of pranks or practical jokes,
 - g. Hazing,
 - h. Interfering with a person's personal property or work equipment without a legitimate business or educational purpose,
 - i. Circulating inappropriate photos, videos, or information via email, social media, or other means,
 - j. 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,
 - k. Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes,
 - l. 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),
 - m. Making threats to block a person's professional or other advancement, opportunities, or continued employment at the University without a legitimate business or educational purpose,

- n. Sabotaging or undermining a person's work performance.
2. Abusive Conduct does not include *per se* exercising appropriate supervision of employees, conducting appropriate performance management, or providing appropriate feedback, including but not limited to the following:
- a. Providing performance appraisals to employees, including negative appraisals,
 - b. Delivering constructive criticism,
 - c. Coaching or providing constructive feedback,
 - d. Monitoring or restricting access to sensitive and confidential information for legitimate business reasons,
 - e. Scheduling regular or ongoing meetings to address performance issues,
 - f. Setting ambitious performance goals to align with departmental goals,
 - g. Investigating alleged misconduct or violation of University policy,
 - h. Counseling or disciplining an employee for performance, engaging in misconduct, or violating University policy,
 - i. Engaging in assertive behavior,
 - j. Having a disagreement,
 - k. Making unpopular statements or articulating positions on controversial issues,
 - l. Participating in a formal complaint resolution or grievance process.
3. Where there is no conflict with this Agreement, definitions, or examples in the University's Abusive Conduct in the Workplace Policy shall continue to apply, upon the effective date of the Policy.
4. 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 email). Any type of Abusive Conduct, regardless of the format in which it occurs, is prohibited.

D. REPORTING COMPLAINTS AND GRIEVANCE PROCEDURE

1. Grievance Procedure

- a. If a grievance is filed alleging violations of this Article, the University shall forward the allegations to the appropriate location office or authority. The Union and University may agree in writing that the grievance, or portion thereof, be placed in abeyance, pending the outcome of the investigation, if any. If there is no investigation, the grievance shall proceed in accordance with Article 07 – Grievance and Arbitration.

- b. When the responsible office(s) issues the report or otherwise concludes its review/investigation, the abeyance, if any, shall automatically terminate, and the grievance process shall resume.
- c. In any event, the parties recognize that having a fair investigation and proceeding to an arbitration hearing on the merits with a completed investigation report (report of findings) is optimal. The parties may mutually agree to postpone the arbitration until the completed investigation report is available.

2. Reporting Complaints

- a. Complaint procedures pertaining to Respectful Work Environment are covered by the University's Abusive Conduct in the Workplace Policy ("Policy"). If there is a conflict between such Policy and this Agreement, the Agreement shall govern.
- b. Employees may make reports of violations of this Article directly to the local designated office(s) listed in: <https://ucnet.universityofcalifornia.edu/career-community/building-community/community-values/healthy-workplaces-and-how-to-report-concerns/>.

3. Complaint Review and Resolution Process

- a. The location's designated office(s), in response to an allegation that Abusive Conduct in violation of this Article has occurred, shall, without undue delay, implement interim measures where appropriate and reasonably available. Such measures shall allow the employee to continue working in an environment free of abusive conduct.
- b. The University shall not exceed timelines for initial assessment of a report, potential early resolution, and formal investigation as set forth in the Abusive Conduct Policy, except as permitted by the Policy.