

January 26, 2024

LORI KLETZER

Campus Provost and Executive Vice Chancellor

RE: UCSC Implementing Procedures for UC's Abusive Conduct in the Workplace Policy

Dear Lori,

The Academic Senate has reviewed your request for consultation on UCSC Implementing Procedures for UC's Abusive Conduct in the Workplace Policy with the Committees on Academic Freedom (CAF), Career Advising (CCA), Diversity, Equity, and Inclusion (CODEI), Faculty Welfare (CFW), and Privilege and Tenure (CPT) responding. The committees support the goals of this policy revision and thank you for the opportunity to provide feedback.

Overall, the committees ask for clarification on how to identify the appropriate reporting agency and pathways. CODEI and CCA noted this is specifically problematic for marginalized groups and new faculty. CODEI recommends an online flowchart with active links to improve visual accessibility. CCA suggests reporting agencies be consistently linked throughout the policy. Furthermore, CODEI proposes providing the following additional resources as well: [Office of Ombuds](#), the [BRT \(Behavioral Risk Assessment Team\)](#), and [Bias Response](#). In an effort to expand access, CODEI notes the policy could be posted in the two predominant languages commonly spoken on campus.

Given the numerous unit structures on campus, CAF, CFW, CODEI, and CPT called for clarification on the term “supervisor.” CPT recommends this be changed to “Managers and supervisors are mandatory reporters of abusive conduct under this policy. In the case of faculty, this applies to...” followed by a clear definition of the faculty who are mandatory reporters. CAF noted that in small academic departments or programs faculty may be more reluctant to report abusive conduct. Additionally, CFW asks who the “Investigator for violations of the Abusive Conduct” is. Will it be an Academic Personnel Office (APO) or Staff Human Resources (SHR) employee?

In cases involving a Senate faculty member, CFW and CPT request “confirmation that if the ‘next steps’ mentioned in Section C.3.b.viii include disciplinary action, then in the case of faculty members this will go through the standard process starting with the Charges Committee.”

CAF, CFW, CODEI, CCA remarked that these procedures would be best understood and adopted when paired with the annual training on UC Abusive Conduct Policy. In an effort to make clear what circumstances warrant reporting, CCA suggests this training could be directly linked on reporting pages and include short clips to serve as examples.

Both CFA and CCA noted the definition of abusive conduct that warrants reporting should extend beyond “severe and persistent.” CAF commented that moderate abusive conduct over time can

also be harmful. CCA asks if a single “sufficiently severe” act could trigger a report of abuse, as the current language is somewhat opaque.

In addition to these broad concerns and observations, the individual committee responses are enclosed since they have identified other areas that could be addressed or expanded on. CODEI was especially concerned that resources designed for faculty protection from abusive conduct from students are very unclear and decentralized. CPT highlights needed respondent notifications when a formal investigation has been initiated. CAF emphasized the absence of an explanation as to how complaints will be adjudicated.

The Senate thanks you for the opportunity to comment and looks forward to the divisional implementation of this important systemwide policy.

Sincerely,

A handwritten signature in black ink that reads "P. Gallagher" with a long, sweeping horizontal line extending to the right.

Patty Gallagher, Chair
Academic Senate

Enc: Senate Committee Responses (Bundled)

cc: Kamala Green, Associate Vice Chancellor / Chief Human Resources Officer
Grace McClintock, Assistant Vice Provost- Academic Personnel
Herbert Lee, Vice Provost for Academic Affairs
Ed Reiskin, Vice Chancellor & Chief Financial Officer
Roger Schoenman, Chair, Committee on Academic Freedom
Kim Helmer, Chair, Committee on Career Advising
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Alexander Sher, Chair, Committee on Faculty Welfare
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Elisabeth Cameron, Chair, Committee on Teaching

January 24, 2024

PATTY GALLAGHER, Chair
Academic Senate, Santa Cruz Division

Re: Abusive Conduct Policy Implementation

Dear Patty,

The Committee on Academic Freedom (CAF) appreciates the opportunity to comment on this policy again. Our discussion raised concerns about the implementation of this policy (some also raised in a review we undertook *sua sponte* last year)¹ as well as potential academic freedom concerns. We discuss these below.

We share the concern of other committees about the lack of clarity in who is to be the point of contact. “Supervisor” and “manager” in the context of academic departments is unclear. Presumably this refers to department chairs, in which case that should be stated in the policy. We are also concerned that those identified as mandatory reporters may not be sufficiently aware of their obligations. This problem seems particularly acute in academic departments, which tend to be small and tight knit communities in which there can be a reluctance to report abusive conduct because of the impact it can have on the career of a long-time colleague. The policy identifies no consequences for failing to make a report of observed abusive conduct. The possibility of a faculty member dealing with abusive conduct in the workplace and mandatory reporters failing to make a report is deeply concerning.

How complaints will be adjudicated also continues to be unclear. We appreciate the many different options for reporting abusive conduct and feel it would be important to clearly identify how those complaints will be investigated and adjudicated.

Lastly with regard to implementation: in the current policy, methods of investigation, and paths toward a determination of policy violation, reportedly include “conducting initial assessments which may include limited factual inquiries” and “receiving reports”—presumably including the reports of colleagues potentially involved on either side of non-severe but persistent exclusionary behavior. What measures might be taken to guard against the potential for such investigations—arousing further (but still non-severe) retaliation, for example— to *amplify* the harm?

We are also concerned with how abusive conduct is defined when it is not severe. The current definition concerns harmful workplace conduct which is “sufficiently severe, persistent, *or* pervasive” [emphasis added], and defines potentially violating conduct as that which ...”interferes with a person’s participation in, or benefit from...” university life. When conduct that meets that definition of harm is *severe*, it seems intuitive that distinctions will be easy—legitimate criticism between colleagues being readily distinguishable from, for example, *severe* threats, or other

¹ CAF_ASCGallagher_Abusive Conduct Implementation_20230317

malicious or damaging speech. However, milder abusive conduct can be just as damaging if it is persistent (long-lasting) and pervasive (e.g. perpetrated by groups of offenders), but is much harder to distinguish from protected forms of academic disagreement or even disaffinity.

It is crucial that we protect faculty academic freedoms to maintain collaborations whose tight focus (or even exclusion) is motivated by specific intellectual affinities. However, groups of faculty might habitually practice exclusionary behavior as a form of retaliation for a criticism or difference of opinion; the resulting lost opportunities for collegial interaction can be career-changing if they are numerous, or span years or longer; they are likewise significant compromises to academic freedom. And finally—reporting abusive conduct that involves groups or “cliques” of faculty accumulates significant risk for those reporting: if no finding can be reached, or if the ruling body finds *against* a plaintiff.

Finally, we believe this policy is an important step toward creating a safer working environment for all campus members. However, in addition to a policy that deals with conduct once it is happening or has happened, we hope the campus leadership will continue to provide opportunities for education so that some abusive conduct can be avoided altogether.

Sincerely

/s/

Roger Schoenman, Chair
Committee on Academic Freedom

cc: Onuttom Narayan, Chair, Committee on Privilege and Tenure
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion (CDEI)
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)
Elisabeth Cameron, Chair, Committee on Teaching (COT)

January 23, 2024

Patty Gallagher, Chair
Academic Senate

Re: UCSC Implementing Procedures for UC's Abusive Conduct in the Workplace Policy

Dear Patty,

The Committee on Career Advising (CCA) has reviewed the proposed changes to the “UCSC Implementing Procedures for UC's Abusive Conduct in the Workplace Policy,” and we are encouraged by its progress. CCA believes that when the policy becomes formalized, it will foster a safer work culture for all of us, especially more vulnerable newly-hired faculty members whom CCA supports.

Nonetheless, in order to make the policy most effective and accessible, especially for individuals experiencing trauma due to abusive conduct, we suggest that the reporting processes be written with greater clarity, including links to all reporting agents; currently, links are inconsistently applied. Regarding clarity, in section A.1, “Reporting Incidents of Abusive Conduct,” the policy lists multiple channels for reporting potential abuses, which is useful; however, we found the myriad options confusing. Could the policy make greater distinctions or highlight preferences between these choices? For instance, regarding faculty, the policy could outline a preferred reporting chain with explanation. Currently, we are presented with a list of links to forms and reports, but with little guidance for which form or report would be most appropriate for a given instance, including when, and if, one should consult a supervisor.

Regarding faculty supervisors, CCA members assume the policy to suggest that if a chair or dean were deemed to be inappropriate for reporting a grievance, then faculty would contact campus’s Academic Personnel Office (APO). We again assume that APO has a grievance officer. However, that is not specified; thus, knowing whom to contact at APO would be useful information. It is also left unspecified if there are any circumstances in which contacting APO would be preferable to contacting a direct supervisor. Could we also suggest that another possible next-in-line “supervisor” be the Vice Provost for Academic Affairs? Several CCA members report positive results when consulting with our current VPAA, Herbie Lee.

Further, CCA seeks greater clarity in section A.1 which states: “Abusive Conduct is harassing or threatening behavior, including, but not limited to, bullying, that is sufficiently severe, persistent, *or* pervasive” (italics ours). We interpret the “or” to suggest that a single “sufficiently severe” act could trigger a report of abuse. However, policy revisers might consider greater clarity regarding this point, as this nuance could be lost when coupled with the descriptors “persistent” and “pervasive.” Finally, as the policy does not provide specific examples of what is considered

abusive conduct, CCA suggests that a link to the “UC Abusive Conduct in the Workplace” training video or a PDF document that summarizes that content could be provided.

CCA thanks you for the opportunity to further comment on this important policy draft.

Sincerely,

A handwritten signature in brown ink, appearing to read "K. Helmer", followed by a long horizontal line extending to the right.

Kimberly Adila Helmer, Chair
Committee on Career Advising

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Alexander Sher, Chair, Committee on Faculty Welfare
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Elisabeth Cameron, Chair, Committee on Teaching

January 22, 2024

Patty Gallagher, Chair
Academic Senate

Re: Divisional Review – UCSC Implementing Procedures for UC’s Abusive Conduct in the Workplace Policy

Dear Patty,

The Committee on Faculty Welfare (CFW) conducted an online review of the proposed revisions to the UCSC Implementing Procedures for the UC Abusive Conduct in the Workplace Policy. A few of the issues that were raised in the UCSC Academic Senate’s response to the second review of the UC Abusive Conduct in the Workplace Policy¹ were raised by CFW members in this review, including the need to further clarify and define the definition of “supervisor”, and the need for broad campus training on the policy and associated process to ensure that the campus community has access to shared vocabulary, and that the process is carried out by all campus constituents as intended. CFW members additionally noted that the term “investigator” should also be clearly defined in the procedure document, and recommended that if any disciplinary action against a Senate faculty member is recommended, the procedures should explicitly state that the recommendation will go through the UCSC Charges Committee.

The term “supervisor” needs to be clearly defined, particularly since the role is one of a mandatory reporter. However, the term is not clearly defined, particularly as it relates to faculty. For instance, would supervising graduate students require a faculty member to be a mandated reporter? This is not clear. More specific examples of supervisor roles in Section A.2. Duty to Report Abusive Conduct Allegations, are needed.

Similarly, it was not clear to members who the “Investigator for violations of the Abusive Conduct” is. Will it be an Academic Personnel Office (APO) or Staff Human Resources (SHR) employee? What office will the investigator report to, and what will be their charge and training? What if the conduct involves both faculty and staff? Who would be the responsible office and investigator in these cases? It would be helpful if these questions were answered in the procedural document.

If any disciplinary action against a Senate faculty member is recommended after an Abusive Conduct investigation is completed, the implementing procedures should explicitly state that the recommendation will go to the campus Charges Committee, which will conduct its own investigation and have access to the materials gathered during the investigation under the Abusive Conduct policy. CFW echoes the Committee on Privilege and Tenure (CPT) request for “confirmation that if the ‘next steps’ mentioned in Section C.3.b.viii include disciplinary action,

¹ Senate Chair Gallagher to Council Chair Cochran, 10/18/22, Re: Second Systemwide Review of Draft Presidential Policy – Abusive Conduct in the Workplace

then in the case of faculty members this will go through the standard process starting with the Charges Committee.”²

Of course, even the best implementing procedures are only effective if they are actually implemented. CFW once again reiterates the need for broad campus training on both the UC Abusive Conduct Policy and the UCSC Implementing Procedures to ensure that all campus constituents know about, and will follow the same process to address issues of abusive conduct in the workplace.

Thank you for the opportunity to opine.

Sincerely,



Alexander Sher, Chair
Committee on Faculty Welfare

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Kimberley Helmer, Chair, Committee on Career Advising
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Elisabeth Cameron, Chair, Committee on Teaching
Onuttom Narayan, Committee on Privilege and Tenure

² CPT Chair Narayan to Senate Chair Gallagher, 1/16/24, Re: UCSC Procedures Implementing UC’s Abusive Conduct in the Workplace Policy

January 23, 2024

PATTY GALLAGHER, Chair
Academic Senate, Santa Cruz Division

Re: UCSC Implementing Procedures for UC's Abusive Conduct in the Workplace Policy

Dear Patty,

The Committee on Diversity, Equity, and Inclusion (CODEI) have discussed UC Santa Cruz's draft documents for implementing procedures for UC's Abusive Conduct in the Workplace Policy. Our feedback centers on concerns for marginalized groups, access, and protection of those who are abused as well as victims' rights resources.

Specifically, we note that marginalized groups may feel more vulnerable and unwilling to report acts of misconduct. We see these realities as issues of workplace and student life access and equity. Thus, we recommend further clarity of and access to materials and resources. This includes adding the [Office of Ombuds](#), the [BRT \(Behavioral Risk Assessment Team\)](#), and [Bias Response](#) as resources, providing materials and websites in the most commonly spoken two languages on our campus [English and Spanish(?)], creating an online flowchart with active links of who to contact in case of specific situations, and clear graphics on websites that improve visual accessibility to resources.

In addition we recommend links to the UC Learning Center similar to the way it is linked on [UCSC Staff resources webpage](#); note the existing UC Santa Cruz learner guide is helpful, but buried. [This information](#) on the UCSC Staff HR webpage should also be available on multiple sites that are accessed by faculty, staff, and students.

We are especially concerned that resources designed for faculty protection from abusive conduct from students are very unclear and decentralized. This situation brings clear equity and accessibility implications for our faculty. Resources need to be clearly presented in easily accessible flowcharts and visually accessible websites.

And finally, we concur with our senate colleagues that there is need to further clarify and define the definition of "supervisor" and "investigator," both of which should also be clearly defined in the procedure document. We recommend broad campus annual training on UC Abusive Conduct Policy to ensure that the campus community has access to shared vocabulary, and we recommend clarifying and broadly sharing UCSC Implementing Procedures. We urge the campus to ensure easy, clear access to these resources and information about how to access them. In addition, we recommend clarity about what protections are in place for those who need to access these resources. Perhaps this training can be coupled with existing training on what constitutes harassment and abusive conduct.

Thank you for the opportunity to opine on these issues.

Sincerely,



Gabriela Arredondo, Chair
Committee on Diversity, Equity, and Inclusion

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Alexander Sher, Chair, Committee on Faculty Welfare
Onuttom Narayan, Chair, Committee on Privilege and Tenure
Elisabeth Cameron, Chair, Committee on Teaching
Kimberly Helmer, Chair, Committee on Career Advising

January 16, 2024

PATTY GALLAGHER, Chair
Academic Senate, Santa Cruz Division

Re: UCSC Procedures Implementing UC's Abusive Conduct in the Workplace Policy

Dear Patty,

The Committee on Privilege and Tenure (CPT) reviewed the draft University of California, Santa Cruz procedures for implementing the University of California's systemwide Abusive Conduct Policy, and we have the following comments:

- It is not clear from the draft procedures which office has overall responsibility to handle complaints, despite clear indications that this is Academic Personnel Office (APO)/Staff Human Resources (SHR). Should we distinguish between “applicable office” at the bottom of Page 2 and “responsible office” at the top of Page 2? Is this the same as “University Office” on page 5? If we have understood the intent of this draft correctly, we recommend that the paragraph at the top of Page 2 be moved to the bottom of Section A.1, where it should say “In certain cases, the applicable office may determine that the case should be handled by another entity, in which case it will be transferred to them. While complaints against students in their capacity as employees are addressed under this policy, all other complaints...coordinate review and response of those complaints.”¹ Thereafter, assuming that APO/SHR is being referred to, the term “applicable office” should be used uniformly throughout instead of “University Office ” or “applicable University Office.”
- For faculty, the term “managers and supervisors” is defined as “including, among others, Chairs and Deans.” It is poor practice to have a reporting obligation apply to an ill-defined category. We recommend that this be changed to “Managers and supervisors are mandatory reporters of abusive conduct under this policy. In the case of faculty, this applies to...”, followed by a clear definition of the faculty who are mandatory reporters. Is this all faculty holding administrative titles of Department Chair or higher? Are college provosts also included? What about faculty running labs, with regard to people working in the lab or faculty teaching large classes that are supervising a number of teaching assistants?
- Provision should be made in the procedures for what should happen if the incident reported involves APO/SHR or a member thereof. Also, Section A.1 should specify that the policy applies to all University employees: faculty, administrators, staff, and student

¹ This will imply that a formal investigation resulting from such a complaint will also be conducted by the entity to which it is transferred. Without this change, Section C.3 would put APO/SHR in charge of these investigations too, even if they involve e.g. SVSH issues.

employees in the capacity of their employment.

- When the respondent is notified that a formal investigation has been initiated (Section C.3.a), it should be made clear that
 - (if this is true) the investigating officer or the applicable office may submit a disciplinary complaint at the end of the process, if they consider it to be appropriate
 - investigative reports, evidence gathered, and findings of fact made pursuant to this policy may be used as evidence in subsequent complaint or grievance resolution processes and/or disciplinary proceedings.
 - The Complainant and the Respondent may have an advisor present when they are interviewed and at meetings. They may have other support persons present under other policies.

We request confirmation that if the “next steps” mentioned in Section C.3.b.viii include disciplinary action, then in the case of faculty members this will go through the standard process starting with the Charges Committee.

Sincerely

/s/

Onuttom Narayan, Chair

Committee on Privilege and Tenure

cc: Roger Schoenman, Chair, Committee on Academic Freedom (CAF)
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion (CDEI)
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)
Elisabeth Cameron, Chair, Committee on Teaching (COT)