Policy on Prohibition of Abusive Conduct and Acts of Violence

| Responsible Official: | Executive Vice Chancellor and Provost  
Vice Chancellor for Business and Administrative Services  
Vice Chancellor for Student Affairs |
|-----------------------|--------------------------------------------------------------------------------|
| Responsible Office:   | Academic Personnel Office  
Human Resources  
Student Affairs |
| Issuance Date:        | TBD |
| Effective Date:       | TBD |
| Summary:              | Describes the University’s prohibition on abusive conduct and acts of violence. |
| Scope:                | This policy applies to all University employees, administrators, staff, faculty, other academic appointees non-affiliates. Student employees fall under the UC Standards of Conduct. |

Contact: Luanna Putney  
Email: lputney@ucmerced.edu  
Phone: (209) 228-2407

I. REFERENCES AND RESOURCES

California State Law:
- California Government Code Section 12950.1(g)(2)  
- California Penal Code Section 626-626.11

University of California Policies:
- University of California Statement of Ethical Values and Standards of Ethical Conduct  
- University of California Regulations Governing the Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California  
- University of California Personnel Policies for Staff Members  
- University of California Academic Personnel Manual  
- University of California Interim Sexual Harassment and Sexual Violence Policy  
- University of California Collective Bargaining Agreements  
- University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment

University of California, Merced Policies:
- UC Merced Principles of Community  
- UC Merced Interim Protocol for Claims of Sexual Harassment  
- UC Merced Academic Personnel Manual (MAPP)  
- UC Merced Collective Bargaining Agreements
II. POLICY/PROCEDURE SUMMARY & SCOPE

The University of California, Merced (UC Merced) is dedicated to providing and maintaining a respectful workplace environment that is free from violence, threats of violence, harassment, intimidation, or any behavior that a “reasonable person” would find unsafe. Accordingly, employees are prohibited from engaging in threatening or bullying behavior or any other behavior that would cause a “reasonable person” to feel unsafe. Information about how to report these concerns is included below in section IV(B).

This policy applies to all UC Merced employees and non-affiliates. It applies to all areas of University operations and programs and to all University facilities, including off-campus locations where University programs and business are conducted.

Harassment, discrimination and/or retaliation based on a protected category is also prohibited and is administered through the University policy prohibiting discrimination and the policy prohibiting sexual violence and sexual harassment. These concerns are handled through, and shall be immediately reported to, the Office of Campus Culture and Compliance.

III. DEFINITIONS

Abusive Conduct: Abusive conduct is defined as behavior of an employer or employee in the workplace 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. Abusive conduct may also be communicated in writing or electronically. A single act shall not constitute abusive conduct, unless especially severe and egregious.

Act of Violence: A physical act of force used or directed against another.

Bullying: Bullying is a form of abusive conduct by an individual or individuals collectively. This behavior is generally persistent and systemic. This type of offense typically involves an abuse of power, such as with the relationships of a supervisor and subordinate, or faculty and student but also includes verbal or emotional abuse of a peer-level individual or coworker.

Employees: All administrators, staff, faculty, other academic appointees.

Legitimate Business Interests: An action that supports or is related to the University of California’s missions of education, research, and public service.

Non-affiliates: Vendors, contractors, subcontractors, consultants, visitors and invitees.
Reasonable Person Test:  The basis for determining whether the conduct at issue rises to the level of bullying is whether a reasonable person in the same or similar circumstances would find the conduct hostile, offensive, and unrelated to the University’s legitimate business interests. Though the intention of the person responsible for the conduct may be considered, it is not determinative.

Workplace:  For purposes of this policy, “workplace” means any location owned, leased, or rented by the Regents of the University of California on behalf of the University of California, Merced, or any location where a University employee is acting in the course and scope of employment. This includes, but is not limited to, buildings, grounds, and surrounding perimeters, including parking lots, field locations, and classrooms. It also includes vehicles when those vehicles are used for University business.

IV. PROCEDURE

A. GENERAL CONDITIONS

1. UC Merced is dedicated to providing and maintaining a respectful environment that is free from abusive conduct and acts of violence, including threats of violence, bullying, intimidation, or any behavior that would cause a “reasonable person” to feel unsafe. Abusive conduct by University employees and non-affiliates is prohibited.

2. Abusive conduct must be distinguished from behavior that may be unpleasant or unwelcome by the recipient yet appropriate in order to carry out certain instructional, advisory, or supervisory responsibilities.
   a. Bullying vs. Supervision
   It is important to distinguish between bullying behavior and appropriate workplace supervision. 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; and
   • 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.

3. UC Merced will respond promptly to abusive conduct and acts of violence. Abusive conduct and acts of violence will be given the serious attention they warrant and will be investigated fully, in accordance with the applicable principles of due process.
4. Any UC Merced employee found to be in violation of this policy may be subject to discipline up to and including dismissal pursuant to applicable University Personnel Policies and/or Collective Bargaining Agreements. Any UC Merced employee found to be in violation of this policy related to acts or threats of violence may be reported to legal authorities and subject to criminal prosecution.

5. No person, including employees and non-affiliates, shall possess or have control of any dangerous weapon, including any firearm, knife having a blade two and one-half inches or more in length, folding knife that locks in place, ice pick or similar sharp tool, cutting, stabbing or bludgeoning implement that is capable of inflicting serious bodily injury, razor with an unguarded blade, dirk or dagger, taser, stun gun or similar electronic device, or any instrument that expels a projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure or spring action, or any spot marker gun, while on the property of UC Merced, except as authorized by the UC Merced Chancellor or designee. This provision does not apply to a duly appointed or honorably retired police officer, or to other local, state or federal peace officers, or security guards authorized to carry a weapon under state law, while carrying out their official duties.

B. REPORTING & RESOLUTION PROCEDURES

Any UC Merced employee who has been subjected to abusive conduct or acts of violence, as defined I III. above, or who has witnessed abusive conduct or an act of violence shall promptly notify the appropriate office as listed below. Additionally, all UC Merced employees are encouraged to report behavior that they reasonably believe has the potential to lead to an act of violence. It is critical that all UC Merced employees take this responsibility seriously.

1. Reporting Abusive Conduct and/or Acts of Violence - Emergency
   a. Any member of the UC Merced community, including employees and non-affiliates, who believe that the actions and statements of an individual constitute an emergency, create imminent danger or pose a threat to health or safety, shall immediately notify 911 (when calling 911 from a phone on-campus, you must dial 9+911) or 209-CAT-COPS (209-228-2677).
   b. After the emergency has been resolved, UC Merced Police will contact the Behavioral Intervention Team for follow-up.

2. Reporting Abusive Conduct and/or Acts of Violence – Non-emergency
   a. Any supervisor who receives a non-emergency report of violent or threatening behavior shall immediately contact any member of the Behavioral Intervention Team (BIT Core Team) and the Employee and Labor Relations (ELR) Office if the report is related to staff or the Academic Personnel Office (APO) if the report is related to academic appointees
      i. The BIT shall review the complaint, which may include an informal or formal threat assessment, to determine if interim measures are needed. Interim measures may include but are not limited to suspension, investigatory leave, administrative leave, fitness for duty assessment, temporary or permanent reassignment of duties, or exclusion from University properties and will be determined in consultation with ELR (if related to staff) or APO (if related to academic appointees).
ii. Supervisor will work with BIT as well as ELR (if related to staff) or APO (if related to academic appointees) to implement appropriate interim measures.

iii. Supervisor will work with ELR for staff or APO for academic appointees to implement corrective or disciplinary action related to violation of this policy in accordance with applicable procedures and collective bargaining units.

b. Any UC Merced employee who is the subject of or witness to, abusive conduct that is non-threatening or non-violent in nature shall report such behaviors to their immediate supervisor or an administrator who is not a party to the alleged violation. Supervisors, managers, administrators and employees who receive a report of abusive conduct shall notify the supervisor or appropriate department head, and ELR (if related to staff) or APO (if related to academic appointees).

i. The University shall take appropriate action to stop reported abusive conduct in the workplace that is non-threatening or non-violent.

ii. If further assistance is required, the supervisor shall contact the appropriate office as outlined below (see Section VII for contact information) to request advice or report the behavior.

iii. Supervisors will implement appropriate corrective or disciplinary action related to violation of this policy in accordance with applicable procedures and collective bargaining units.

C. CONFIDENTIALITY

The University shall protect the identity of individuals reporting abusive conduct and acts of violence to the extent permitted or required by law and University policy while ensuring the safety of members of the University community. The University will act to the extent possible on the basis of anonymous complaints where it has a reasonable belief that there has been a violation of this policy and that the safety and well-being of members of the University community would be served by such action. The University will maintain the confidentiality of investigations to the extent possible but may need to make disclosures to complete a fair review of the matter.

Notification regarding violent crimes will be disseminated in a timely manner according to the mandates and laws governing release of information.

D. RETALIATION

It is a violation of this policy to retaliate against anyone acting in good faith who has made a complaint of abusive conduct or acts of violence in the workplace, who has reported witnessing, or who has been involved in the reporting of, investigating or responding to abusive conduct or acts of violence. It is also a violation of this policy to take adverse action against a person solely because she or he is an actual or potential victim of abusive conduct or acts of violence in the workplace. Those found responsible for retaliatory action will be subject to discipline up to and including dismissal, or termination.

V. ROLES & RESPONSIBILITIES
A. All employees are expected to respect the rights and welfare of others in the workplace and on University properties.

B. All employees are expected to comply with this policy and participate fully in investigations by supplying information to investigating staff or officers.

C. All employees shall report abusive conduct and acts of violence that they experience or witness. Any UC Merced employee or non-affiliate who has obtained a restraining order is expected to notify UC Merced Police Department immediately when the order lists UC Merced locations as protected areas and to provide a copy of the restraining order to UC Merced Police Department.

D. Good faith requirement: Allegations of abusive conduct are serious, with potential for great harm if made without justification. Therefore, it is a violation of this policy for an individual to file a complaint without justification or in bad faith. An individual found to have filed a complaint without justification or in bad faith has violated this policy and will be subject to disciplinary action.

D. The Behavioral Intervention Core Team will provide threat assessment, crisis intervention and post-incident debriefing as needed. The team may convene when any member of the team receives a report of conduct defined in this policy or any behavior that may cause concern for the safety of community members. ELR, UC Merced Police and the Director of Campus Climate will serve as a resource to assist with policy implementation, training, and advice regarding measures that can be taken to prevent abusive conduct and acts of violence. They will likewise provide guidance to departments regarding their responsibilities and assist in the development of a plan of action to manage potential and actual violence.

VII. CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact for this Procedure</td>
<td>Office of Campus Culture and Compliance</td>
<td>228-2407</td>
<td><a href="mailto:lputney@ucmerced.edu">lputney@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced Behavioral Intervention Team (BIT) Core Team</td>
<td>Associate Chancellor</td>
<td>228-2407</td>
<td><a href="mailto:lputney@ucmerced.edu">lputney@ucmerced.edu</a></td>
</tr>
<tr>
<td></td>
<td>Chief of Police</td>
<td>228-7941</td>
<td><a href="mailto:avasquez39@ucmerced.edu">avasquez39@ucmerced.edu</a></td>
</tr>
<tr>
<td></td>
<td>Police Lieutenant</td>
<td>228-7941</td>
<td><a href="mailto:cher@ucmerced.edu">cher@ucmerced.edu</a></td>
</tr>
<tr>
<td></td>
<td>Chief Campus Counsel</td>
<td>228-2406</td>
<td><a href="mailto:egunther@ucmerced.edu">egunther@ucmerced.edu</a></td>
</tr>
<tr>
<td></td>
<td>Assistant Vice Chancellor for Student Affairs</td>
<td>228-4331</td>
<td><a href="mailto:fcollins@ucmerced.edu">fcollins@ucmerced.edu</a></td>
</tr>
<tr>
<td></td>
<td>Director of Campus Climate</td>
<td>228-2598</td>
<td><a href="mailto:dacker@ucmerced.edu">dacker@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced CARE Office</td>
<td>Campus Advocate for Sexual Violence, Domestic Violence and Stalking</td>
<td>228-7939</td>
<td></td>
</tr>
<tr>
<td>UC Merced Counseling &amp; Psychological Services (CAPS)</td>
<td></td>
<td>228-4266</td>
<td><a href="mailto:counseling@ucmerced.edu">counseling@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced Office of Campus Climate</td>
<td>Director Campus of Climate</td>
<td>228-2598</td>
<td><a href="mailto:dacker@ucmerced.edu">dacker@ucmerced.edu</a></td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------------</td>
<td>----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Employee Assistance Program (EAP)</td>
<td></td>
<td>1-800-422-5322</td>
<td><a href="http://www.insighteap.com/">http://www.insighteap.com/</a></td>
</tr>
<tr>
<td>UC Merced Office of Legal Affairs</td>
<td>Chief Campus Counsel</td>
<td>228-2406</td>
<td><a href="mailto:egunther@ucmerced.edu">egunther@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced Office of Ombuds Services</td>
<td>Campus Ombudsperson</td>
<td>228-4410</td>
<td>Please call</td>
</tr>
<tr>
<td>UC Merced Police Department</td>
<td>Cat Cops</td>
<td>228-2677</td>
<td><a href="mailto:police@ucmerced.edu">police@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced Title IX/EEO/AA</td>
<td>Director of Compliance</td>
<td>228-4620</td>
<td>TBD</td>
</tr>
<tr>
<td>University of California Office of Ethics, Compliance and Audit Services</td>
<td></td>
<td>(510) 987-0479</td>
<td><a href="mailto:ECAS@ucop.edu">ECAS@ucop.edu</a></td>
</tr>
<tr>
<td>University of California Whistleblower Hotline</td>
<td></td>
<td>(800) 403-4744</td>
<td>universityofcalifornia.edu/hotline</td>
</tr>
<tr>
<td>UC Merced Academic Personnel Office</td>
<td></td>
<td>(209) 228-7948</td>
<td><a href="mailto:Academicpersonnel@ucmerced.edu">Academicpersonnel@ucmerced.edu</a></td>
</tr>
<tr>
<td>UC Merced Employee and Labor Relations</td>
<td></td>
<td></td>
<td><a href="mailto:laborrelations@ucmerced.edu">laborrelations@ucmerced.edu</a></td>
</tr>
</tbody>
</table>

### VIII. REVISION HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Action/Summary of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 15, 2016</td>
<td>Revised Public Safety Policy 757</td>
</tr>
</tbody>
</table>