



Policy on Prohibition of Abusive Conduct and Acts of Violence by University Employees and Non-Affiliates

Responsible Official:	Executive Vice Chancellor and Provost Vice Chancellor for Finance and Administrative
Responsible Office:	Academic Personnel Office Human Resources
Issuance Date:	December 14, 2016
Effective Date:	January 1, 2017
Summary:	Describes the University's prohibition on abusive conduct and acts of violence in the workplace, and sets forth procedures for the reporting thereof.
Scope:	This policy applies to all University employees, administrators, staff, faculty, other academic appointees, including graduate student employees, fellows and visiting scholars, and non-affiliates.

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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 Policy](#)
- [University of California Bargaining Units & Contracts](#)
- [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 Academic Personnel Policies and Procedures \(MAPP\)](#)
- [UC Merced Collective Bargaining Agreements](#)

II. POLICY/PROCEDURE SUMMARY & SCOPE

The University of California, Merced (UC Merced) is dedicated to maintaining a respectful workplace environment that is free from violence, threats of violence, harassment, intimidation, bullying or any behavior that a “reasonable person” would find abusive as defined in this policy. Accordingly, under this policy, employees are prohibited from engaging in violent, threatening, or other behavior that a “reasonable person” would find abusive. Information about how to report concerns about this type of behavior is included in section IV(B) below.

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.

This policy is intended to prevent violent, threatening or abusive behavior at UC Merced. It is not intended to supplant existing complaint, grievance or disciplinary processes. It encourages reporting of threatening or abusive behavior by all campus constituents, and requires reporting by supervisors, managers and administrators. Acts of violence must be reported by all employees. Persons found to have violated this policy are subject to discipline in accordance with existing personnel policies.

Harassment, discrimination and/or retaliation based on a protected category is also prohibited and is administered through the [University policy prohibiting discrimination and harassment](#) and the policy prohibiting [sexual violence and sexual harassment](#). These concerns are handled by, and shall be immediately reported to the Office of [Ethics, Compliance, Audit, and Risk \(ECAR\)](#).

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 directed at specific individuals and is repeated, persistent and systematic, often with the intent of intimidating or undermining the targeted individuals. This type of conduct typically involves an abuse of power, such as with the relationships of a supervisor and subordinate, or faculty and student, but also can include abuse by peer-level individuals or coworkers.

Employees: All administrators, staff, faculty, and other academic appointees, including graduate student employees, postdoctoral scholars, fellows and visiting scholars.

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 abusive conduct 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. Although the intention of the person responsible for the conduct may be considered, it is not determinative of whether abusive conduct has occurred.

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 maintaining a respectful workplace that is free from acts of violence and abusive conduct including threats of violence, bullying, intimidation, or any behavior that a “reasonable person” would find abusive. Threats or acts of violence and abusive conduct by University employees and non-affiliates are prohibited in the workplace.
2. Abusive conduct should be distinguished from behavior that may be unpleasant or unwelcome by the recipient yet is appropriate in order to carry out certain instructional, advisory, or supervisory responsibilities. It is important to distinguish between abusive conduct and appropriate workplace supervision. Reasonable supervisory actions, when carried out in an appropriate manner, include, but are not limited to:
 - providing performance appraisals, including negative evaluations;
 - 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;
 - monitoring performance;
 - counseling or disciplining an employee for misconduct; and
 - investigating alleged misconduct.

Differences of opinion, interpersonal conflicts, and occasional problems in working relationships are an inevitable part of work life and do not necessarily constitute abusive conduct.

3. UC Merced will respond promptly to abusive conduct and threats or acts of

violence. Abusive conduct and threats or acts of violence will be given the serious attention they warrant and will be addressed in accordance with University policies and procedures, and 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 the use of University-owned tools and equipment used in the course of employment or research. 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 or witnessed abusive conduct as defined above should promptly notify their supervisor or an appropriate office as listed below. UC Merced employees are required to report acts of violence witnessed in the workplace and are encouraged to report threats of violence or other behavior that they reasonably believe has the potential to lead to an act of violence in the workplace. It is critical that all UC Merced employees take this responsibility seriously.

1. Reporting Acts or Threats of Violence - Emergency
 - a. Any member of the UC Merced community, including students, 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 or Threats of Violence – Non-emergency
 - a. Any supervisor, manager or administrator 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 report, 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. Supervisors, managers and administrators 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, managers and administrators 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 personnel policies and procedures and collective bargaining agreements.
- b. Any UC Merced employee or student who is the subject of or witness to abusive conduct that is non-threatening or non-violent in nature should report such behaviors to their immediate supervisor or a manager or administrator who is not a party to the alleged violation. If they witness or receive a report of abusive conduct, supervisors, managers, and administrators are required to notify the appropriate department head and ELR (if related to staff) or APO (if related to academic appointees).
 - i. The University will take appropriate action to stop abusive conduct in the workplace.
 - ii. If assistance is needed in taking appropriate corrective action, a supervisor, manager or administrator should contact the appropriate office as outlined below (see Section VII for contact information) to request advice or assistance.
 - iii. Supervisors, managers and administrators shall implement appropriate corrective or disciplinary action related to violations of this policy in accordance with applicable personnel procedures and collective bargaining agreements.
- c. Allegations of abusive conduct are serious and have the potential for causing great harm if made without justification. Therefore, it is a violation of this policy for an individual to file a report of abusive conduct without sufficient evidence or in bad faith. An individual found to have filed a report without sufficient evidence or in bad faith has violated this policy and will be subject to disciplinary action.

C. CONFIDENTIALITY

The University shall protect the identity of individuals reporting abusive conduct and threats or 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, based on sufficient evidence, that there has been a violation of this policy. The University will maintain the confidentiality of reports to the extent possible, but may need to make disclosures to complete a fair review of the reported behavior and to undertake appropriate corrective action and discipline.

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

D. RETALIATION

It is a violation of this policy to retaliate against anyone acting in good faith who has made a report of abusive conduct or threats 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 threats 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 threats 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 should report abusive conduct and threats of violence that they experience or witness, and are required to report acts of violence they 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. Supervisors, managers and administrators are required to report and address abusive conduct and threats of violence in accordance with this policy, in coordination with ELR and/or APO.
- E. 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 any behavior that may cause concern for the safety of community members.
- F. ELR and APO will work with supervisors, managers and administrators to address abusive conduct and threats or acts of violence in the workplace and are responsible for implementing any corrective action or discipline resulting from a violation of this policy.
- G. ELR, APO, UC Merced Police Department and the Director of Campus Climate will serve as resources 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 corrective action plan to manage abusive conduct and potential and actual violence.

VI. CONTACT INFORMATION

Subject	Contact	Phone	Email
Primary Contact for this Policy	Office of Ethics, Compliance, Audit, and Risk	209-201-3491	lputney@ucmerced.edu
UC Merced Behavioral Intervention Team (BIT) Core Team	Associate Chancellor	209-201-3491	lputney@ucmerced.edu
	Chief of Police	209-228-7941	cher@ucmerced.edu
	Chief Campus Counsel	209-228-2406	egunther@ucmerced.edu
	Associate Director, Counseling and Psychological Services	209-228-4266	tgonzalez23@ucmerced.edu
	Director of Campus Climate	209-205-0850	dacker@ucmerced.edu
UC Merced CARE Office	Campus Advocate for Sexual Violence, Domestic Violence and Stalking	209-386-2051	lcano6@ucmerced.edu
UC Merced Counseling & Psychological Services (CAPS)		209-228-4266	counseling@ucmerced.edu
UC Merced Office of Campus Climate	Director Campus of Climate	209-228-2598	dacker@ucmerced.edu
Employee Assistance Program (EAP)		800-422-5322	http://www.insighteap.com
UC Merced Office of Legal Affairs	Chief Campus Counsel	209-228-2406	egunther@ucmerced.edu
UC Merced Office of Ombuds Services	University Ombudsperson	209-228-4410	Please call Callale Concon
UC Merced Police Department	Cat Cops	209-228-2677	police@ucmerced.edu
UC Merced Title IX/EEO/AA	Office for the Prevention of Harassment and Discrimination	209-285-9510	msalvador2@ucmerced.edu
University of California Office of Ethics, Compliance and Audit Services		510-987-0479	ECAS@ucop.edu
University of California Whistleblower Hotline		800-403-4744	ucop.edu/uc-whistleblower
UC Merced Academic Personnel Office		209-228-7948	Academicpersonnel.ucmerced.edu
UC Merced Employee and Labor Relations	Employee and Labor Relations Manager	209-259-8161	laborrelations@ucmerced.edu

VII. REVISION HISTORY

Date	Action/Summary of Changes
November 29, 2016	Public Safety Policy 757 [Rescinded]
December 14, 2016	Policy issued
September 19, 2019	Technical revisions (updates to contact information)
January 13, 2020	Technical revisions (updates to contact information)

VIII. APPENDIX

Frequently Asked Questions

Q: If I want to make a report of a threat or act of violence, who do I contact?

A: If you believe there is an imminent danger or threat to the health or safety to self or others, contact 911, (or 9 + 911 from a phone on campus). For a non-imminent threat, contact the [BIT Core Team](#), [Employee and Labor Relations \(ELR\)](#) or the [Academic Personnel Office \(APO\)](#).

Q: If I want to make a report of abusive conduct, who do I contact?

A: A report of abusive conduct may be made to your supervisor, or other manager or administrator, or to Employee and Labor Relations (ELR) or the Academic Personnel Office (APO). To remain anonymous you may call the [Whistleblower Hotline](#). For other contact information see section VII of the policy.

Q: What will happen once I make a report of abusive conduct?

A: The University will take steps to address the matter. This may include informal intervention to end any prohibited conduct or may ultimately result in a more formal disciplinary process. This policy sets a standard for employee conduct. It does not replace or supplant existing complaint and disciplinary procedures. The reporting individual does not have the right to insist upon, participate in or know about the discipline resulting from a report.

Q: Does my report have to be in writing?

A: No. It may be helpful to provide information in writing, but you may make an oral report. If the oral report contains sufficient information the University will respond as it would for a written report.

Q: Can I report abusive conduct anonymously?

A: Yes. 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 sufficient information to proceed (IV. C). If you have questions about whether specific behavior may constitute abusive conduct or whether you have sufficient information to form the basis of a report, you should consult with Employee Labor Relations or Academic Personnel Office, the [University Ombuds](#), Locally Designated Official or [Director of Campus Climate](#) before making a report.

Q: Should I report abusive conduct that has happened in the past? Is there a statute of limitations?

A: This policy is intended to address abusive conduct that occurs on or after the implementation date of this policy. If the abusive conduct occurred prior to the implementation date of this policy and was reported, it may already have been addressed. If the abusive conduct occurred prior to the implementation date of this policy and was not reported, the conduct may still be reported under existing complaint and disciplinary procedures for potential violations of other University policies. For example, if the conduct was both abusive and discriminatory, you could report the discriminatory conduct to the Compliance Office, ELR or APO.

Q: Should I report threats or acts of violence that have happened in the past? Is there a statute of limitations?

A: This policy requires that all UC Merced community members immediately report emergency-level threats or acts of violence to campus police. If you are aware of any such threats or acts of violence that occurred prior to the implementation date of this policy please notify the campus police. This policy also requires supervisors, managers and administrators to report non-emergency level violent or threatening behavior to BIT and Employee Labor Relations (staff) or Academic Personnel Office (academic).

Q: If a violation of this policy is found, what is the range of disciplinary action that may be taken?

A: 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.

Q: If I report abusive conduct under this policy will I be able to find out if/how the abuser was disciplined?

A: An individual that reports abusive conduct does not have a right to participate in the disciplinary process. Discipline is a confidential personnel process and the University will take appropriate steps to address personnel issues based on the nature of the conduct and any past discipline for similar conduct. If you are the victim of abusive conduct and an investigation is conducted, you will be provided information about whether or not the perpetrator was found to have violated this policy.

Q: What are some possible outcomes and remedies, other than discipline?

A: One option for addressing abusive conduct is informal corrective action. This may include a review of the facts, but typically does not include any formal investigation. Options for corrective action may include:

- Obtaining an agreement between the parties;
- Physically separating the parties;
- Placing limitations on contact between the parties;
- Changing reporting lines;
- Alternative work arrangements;
- Following up with the parties after a period of time to assure that the resolution has been implemented effectively.

Q: What are some examples of abusive conduct that might fall under this policy?

A: 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 (III). Examples include but are not limited to:

- 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
- gratuitous sabotage or undermining of a person's work performance or status in the workplace.

A single act does not constitute abusive conduct, unless especially severe and egregious. Performance management does not, on its own, constitute abusive conduct, regardless of whether or not it is unpleasant or welcomed by the recipient.

Q: What if I report abusive conduct and nothing happens?

A: The purpose of this policy is to address and prevent abusive conduct as defined within the policy. It is important to note that not all conduct that may be considered abusive by a reporter will be considered abusive conduct under the policy. In this case, there may be no consequence for the behavior. However, even when a finding of 'no policy violation' is found following an independent investigation, there may be actions that the supervisor can take to mitigate the impact of the conduct on the reporter. The goal of the policy is to detect abusive conduct through reporting, to prevent the target of any abusive conduct from further abuse, and to rectify any adverse action they experienced as a result of the conduct. If a formal investigation is undertaken as a result of the report, the disclosure of facts will be limited to what is reasonably necessary to conduct a fair and thorough investigation. In accordance with University policies protecting individuals' privacy others will not be informed of the details of the recommended disciplinary action without the individual's consent.

Q: What if I report and the behavior continues or gets worse?

A: If the behavior continues or gets worse, contact your supervisor or the office to which you made the original complaint. If this is not effective or if you feel that you are being retaliated against for reporting or being a witness to a report, contact Employee Labor Relations or Academic Personnel Office (IV. D). You may also choose to file a formal complaint under existing personnel procedures and collective bargaining agreements.

Q: What if I report my supervisor or a colleague and then have to continue working with them?

A: It is not possible to ensure that a person who experiences or reports abusive conduct no longer has to work with the individual they alleged has engaged in abusive conduct. The purpose of the policy is to address and prevent further abusive conduct. If the behavior continues or gets worse, contact your supervisor or the office to which you made the original complaint to discuss possible corrective actions to ensure that you are not subject to further abuse. If this is not effective or if you feel that you are being retaliated against for reporting or

being a witness to a report, contact Employee Labor Relations or Academic Personnel Office (IV. D). You may also choose to file a formal complaint under existing personnel procedures and collective bargaining agreements. Keep in mind that the policy contains a “good faith” requirement for all reports of abusive conduct. If you have any questions about whether conduct is abusive, you may want to consult with Employee Labor Relations or Academic Personnel Office, or with the Ombuds, Locally Designated Official or Director of Campus Climate to discuss your concerns and how the situation might be addressed.

Q Is abusive conduct in *electronic form or through social media* covered under this policy?

A: Yes, abusive conduct and/or acts or threats of violence may be communicated in writing or electronically (section III).

Q: Can I still disagree with someone or suggest an alternative way of proceeding on a project without violating this policy?

A: Yes. UC Merced is dedicated to providing and maintaining a respectful workplace that is free from threats and acts of violence, and behavior, including bullying and intimidation, that a “reasonable person” would find abusive (sections III and IV. A. 1). Abusive conduct must be distinguished from behavior that may be unpleasant or unwelcome by the recipient yet is appropriate in order to carry out certain instructional, advisory, or supervisory responsibilities (section IV. A. 2). Disagreements among colleagues or between supervisors and employees, including heated or angry discussions, do not necessarily constitute abusive conduct, which is distinguished in terms of being gratuitous, persistent or repeated, humiliating, intimidating, and with the intent or effect of undermining or sabotaging a person’s performance or status in the workplace.

Q: Isn’t this policy limiting my free speech or academic freedom?

A: Employees do not have an unrestricted right to engage in speech or conduct in the workplace that rises to the level of abusive conduct as defined in the policy. This policy regulates conduct, not speech alone. When the conduct involves speech, it is not the substance or content of the message itself which may violate the policy, but the manner in which it is communicated: whether it is gratuitous, persistent or repeated, humiliating, intimidating, and with the intent or effect of undermining or sabotaging a person’s performance or status in the workplace.

It is the intent of the Faculty Code of Conduct [APM 015](#) to “protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning. “Part I of this [Code](#) sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty’s pursuit of the University’s central functions. Part II of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University.”

Q: Am I required to report acts of violence?

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 (section IV. B. 1. a).

In the case of a **non-emergency threat to self or others**, if you are a supervisor, manager or administrator you **SHALL** immediately contact any member of the Behavioral Intervention Team (BIT) and the Employee Labor Relations (if related to staff) or Academic Personnel Office (if related to academic appointees) (section IV.B.2.a).

Q: Am I required to report abusive conduct?

A: All employees are **encouraged** to report **abusive conduct** to their supervisors or an administrator who is not a party to the alleged violation (section IV. B. 2.b). Supervisors, managers, administrators and employees who **receive a report of abusive conduct SHALL** notify the supervisor or appropriate department head, and Employee Labor Relations for staff or Academic Personnel Office for academic appointees.

Q: Do I have to witness the behavior myself in order to report abusive conduct?

A: No, but you must have sufficient evidence of the behavior to make a report. You may also speak to the target of the abusive conduct and encourage them to report directly. Keep in mind that the policy contains a "good faith" requirement for all reports of abusive conduct (section B. 2. c). If you have any questions about whether conduct is abusive, you may want to consult with Employee Labor Relations or Academic Personnel Office, or with the Ombuds, Locally Designated Official or Director of Campus Climate to discuss your concerns and how the situation might be addressed.

Q: Does the behavior have to happen on University property or during a University affiliated event?

A: 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. (section III).

Q: If I report that an employee may be a danger to themselves, will they get in trouble? What will happen?

A: Members of the Behavioral Intervention Team will review the situation and respond to the situation at the lowest level possible. The team's main concern is to get the employee help, if needed, not to undertake disciplinary action. In fact, the BIT members have no disciplinary authority and do not report the actions they take to Human Resources or Academic Personnel Office for that purpose. Information received by the BIT is shared only on a "need-to-know" basis in order to provide assistance and resources to the employee. (section IV. B.2).

Q: Do you need to feel “unsafe” to report under this policy?

A: No. Abusive conduct is defined to include behavior that a reasonable person would find abusive and does not need to be threatening on either an objective or subjective basis (section III).

Q: Do you need to experience or witness violence or the threat of violence to report under this policy?

A: No. If you have sufficient information that a threat or act of violence has or may occur, you should report it in accordance with the policy.

Q: When should I expect to receive a response if I report abusive conduct? What information will I have access to after reporting, or if there is an investigation or discipline?

A: The time needed to respond to a report of abusive conduct will vary from case to case. If more information is needed to address the issues reported, you may be contacted for information. Alternatively, the University may need to investigate the allegations in the report to determine whether there has been a policy violation. As the reporter of abusive conduct you may not receive any information about corrective action or any resulting discipline. It is expected that steps will be taken promptly to obtain sufficient information to determine if a violation has occurred, and regardless of whether the behavior is found to constitute abusive conduct, to address the concerns appropriately to ensure that a respectful and professional workplace is maintained (section IV.A.3).

Q: What is my responsibility if I witness abusive conduct? What if I am a by-stander or I just know about it?

A: You are encouraged, but not required, to report abusive conduct, even if you are just a by-stander or witness. If you have heard that abusive conduct is occurring, but have not witnessed it, you may wish to reach out to the target to encourage them to report the conduct. You should not make a report of abusive conduct based on gossip or second-hand reports. A better approach would be to talk directly with the individuals affected to make sure they are aware of their options under this policy. If you are uncertain what to do, you should consult with Employee Labor Relations or Academic Personnel Office, or the Ombuds, Locally Designated Official or Director of Climate, to determine if you have sufficient information to make a report or if there are other options for improving the climate in the workplace.

Q: If I am an anonymous reporter, what does the University need in order to take action?

A: “Sufficient information” will differ from case to case. Generally, it is important to try to include the name of the individual alleged to have engaged in the abusive conduct, the targets of the conduct, any witnesses to the conduct and specific example of the conduct. If an anonymous complaint is made to the Whistleblower Hotline, you should receive a response seeking further information if it is needed to take any action (section IV. C).

Q: Where should I report if I am subjected to abusive conduct by my immediate supervisor?

A: You may report to Employee Labor Relations or Academic Personnel Office, to another manager either above your supervisor or outside of your chain of supervision, or to the Locally Designated Official.

Q: Where should I report if I feel that I am being retaliated against due to a report or as a witness to a report?

A: If you feel that you are being retaliated against for reporting or being a witness to a report, contact Employee Labor Relations or Academic Personnel Office (section IV. D). You may also choose to file a formal complaint under existing personnel procedures and collective bargaining agreements.

Q: Under what circumstances does the Behavior Intervention Team convene?

A: The BIT convenes in response to a report of a threat to the safety of oneself or other members of the campus community. In the case of a threat to self or others, it is important to report if you have any concerns regardless of the sufficiency of the evidence. The first step that the BIT will take is to determine if there is a potential threat to self or others. In this instance, it is prudent and reasonable to report whenever there is a legitimate basis for a concern (section B. 2.a.i).

Q: What if I believe I am being subjected to abusive conduct and there are also some performance issues impacting my work?

A: This situation very often may arise, given that both the supervisor and the employee may be experiencing frustration and an elevated level of emotion. It is important for both sides to understand that performance management is a legitimate part of working relationships, and that feedback, performance evaluation and direction must be given in a professional and respectful fashion. Abusive conduct is not acceptable even in the context of performance issues on the part of an employee. If you are having performance issues and feel that you are being subjected to abusive conduct, you are encouraged to report and will be protected from retaliation if the report is made in good faith. In these situations, Human Resources or Academic Personnel Office will normally assess whether the conduct was part of appropriate performance management or constituted abusive conduct. You should not make a report of abusive conduct simply because your supervisor has engaged in normal performance management actions, regardless of whether you agree with the information or the interaction is unpleasant or unwelcome. Keep in mind that the policy contains a "good faith" (section B. 2. c) requirement for all reports of abusive conduct. If you have any questions about whether conduct you experienced is abusive, you may want to consult with Human Resources or the Academic Personnel Office, or with the Ombuds, Locally Designated Official or Director of Campus Climate to discuss your concerns and how the situation might be resolved before making a report.