

UC/UAW RA Bargaining
Article __ - Respectful Work Environment
University Proposal 2
September 30, 2022
Page 1 of 5

For the University 10/1/2022

Peter J. Nguyen

ARTICLE __

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 ~~a~~**Abusive eConduct**, in which every **employee and member of the University community** is treated with respect.
2. The Parties mutually acknowledge that **Abusive eConduct** creates an intimidating environment 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 ~~a~~**Abusive eConduct** in good faith. The Parties also commit to prohibiting retaliation against any person who reports ~~a~~**Abusive eConduct** or participates in any related investigation or other process in good faith.

B. ~~DEFINITIONS 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 ~~e~~**Conduct** creates an environment, whether intended or not, that is objectively 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.

Howard Isaacson

Gabriel Edwards

Mia Velazquez

Conor P White

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[Signature]

[Signature]
(Signature) Michael J. Miller

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 inappropriate 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. Inappropriately interfering with a person's personal property or work equipment,
 - h. Circulating inappropriate photos, videos, or information via e-mail, social media, or other means,

- i. Making unwanted physical contact or inappropriately 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,
 - j. Purposefully excluding, isolating, or marginalizing a person from normal work activities for non-legitimate business purposes,
 - k. 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),
 - l. Making inappropriate threats to block a person's academic advancement, opportunities, or continued employment at the University,
 - m. 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 debates and expressing differences of opinion about academic decisions,
- m. Participating in a formal complaint resolution or grievance process,
- n. ~~Exercising academic freedom, including comments about scholarship, instruction within the classroom, different approaches to curriculum, opposing opinions about policy issues, or academic achievement, even if the content is considered insulting by the recipient and even if delivered passionately~~

~~If the definitions or examples (including paragraphs C.1 and C.2 above) conflict with the Policy at issuance or in future iterations, the new definitions or examples will apply to this Article.~~

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.

D. REPORTING COMPLAINTS

1. 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.
2. Reports of violations of this Article shall be made to the campus designated office(s) (listed in Appendix XX). The campus designated office(s) shall, without undue delay, determine within a reasonable period of time whether there is cause to believe that a violation of this Article has occurred. If the campus designated office(s) determines that a formal investigation will occur, the campus designated office(s) may implement interim measures, if necessary.
3. If a grievance is filed alleging violations of this Article, the ~~grievance shall~~ **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 ~~the~~ **Article 7** - Grievance and Arbitration ~~Article~~.

E. **~~LOCAL ABUSIVE CONDUCT OR RELATED POLICIES~~**

Until a systemwide Policy is established, local policies and guidelines shall control, where applicable. References to "Policy" in this Article shall refer to these local policies, until local policies are superseded by **the** systemwide ~~p~~**P**olicy.