

UC-UAW CODE OF CONDUCT

Our Union is committed to equity and anti-discrimination in union work, committing to continuing to advance principles of equity and social justice in our internal union work and spaces. Among other things, this includes committing to building a culture of harm prevention, as well as clear and accessible structures of support for any member who experiences discrimination or harassment while engaging in union work.

We are committed to building a union founded on principles of equity and social justice. Over the years, UAW 2865 members have worked to advance these principles in our organizing for structural change at the University of California and our broader communities. As a part of this ongoing work, we recognize that it is also critical to continue advancing these principles internally in our union work and spaces. In that interest, we agree to the following:

We do not tolerate any form of harassment, discrimination, or retaliation in our organizing work and union spaces, including any online meetings and townhalls and any other union communication like text messages and group chats. This includes (but may not be limited to) harassment and/or discrimination based on sex, gender, gender identity, gender expression, race, national or ethnic origin, citizenship, religion, age, marital status, sexual orientation, genetics/genetic markers or information, disability status, veteran status, union activity, pregnancy status, parental or caregiver status, ancestry, use of a service animal, or physical traits such as skin color, weight, etc.

We are committed to building a culture of prevention in our union. We recognize that issues of inequity and discrimination are not simply problems with bad individual behavior or belief. Rather, inequity is a structural issue, and organizational culture is the strongest predictor of whether harassment will occur. Thus, we are committed to building norms and structures that prevent harm from occurring in our organizing work in the first place.

We are committed to building clear and accessible structures of support for members who experience harassment, discrimination, or retaliation while engaging in union work. We also recognize that because we are situated within broader systems of oppression, complete prevention is not achievable in the short term, and harm will inevitably occur. We are committed to building clear and accessible structures of support that enable members to get help on issues they experience, and that encourage addressing issues early to help prevent harm from escalating. This work should balance transparency about how issues are resolved and tracked, while also supporting the privacy of those who don't wish to make public reports.

We are committed to building practices of accountability in our organizing work and union spaces. These practices should be based on best practices of trauma-informed and survivor-centered work, and should be aimed at repairing harm when it occurs. Further, we are committed to developing practices and norms that create the conditions necessary for accountability to be "possible, expected, and likely" (Connie Burk, 2011).

UAW 2865 is committed to cultivating a space in which union members feel comfortable speaking up without fear of threats and harassment.

Reporting a Complaint/Violation

If a member of UAW 2865 experiences anything they feel to be harassment or discrimination, they may report it to the Executive Board, who will designate an official to handle the complaint. They may report verbally or in writing, and the report will remain confidential unless the person reporting specifies otherwise. Members also have the option to speak with a confidential advocate in order to file a complaint of harassment or discrimination. Anything shared between the advocate and the reporting member will remain strictly confidential.

As a general rule, anonymous complaints will not be accepted, but in exceptional circumstances, anonymous complaints may be investigated if the Executive Board determines there is a credible basis to proceed and that the information offered anonymously can be corroborated with independently established facts.

The Executive Board's designee will make every reasonable effort to contact the reporting member within forty-eight (48) hours and discuss options for mediation, a formal investigation, restorative justice, no contact orders, or other viable ways of creating a safe environment for the reporting member.

Within five days of the initial conversation, the Executive Board's designee will confer with the reporting member and come up with a recommendation based on their report and their desired course of action, to be communicated to the reporting member within 48 hours (a total of 7 days after the report). The Executive Board's designee will make every attempt to come up with a proposed remedy that prioritizes safety, equity and the reporting member's agency.

Formal Investigation

The Executive Board will determine whether a formal investigation is required based on the initial report. During this process, it is sometimes necessary to obtain further information from the reporting member. Should a formal investigation be required, the Executive Board will communicate this to the reporting member and will initiate an investigation only if the reporting members wishes to proceed.

Establishment of an Investigative Body

If the complaint requires a formal investigation, it will be promptly investigated by an internal investigating body established by the Executive Board. In cases of serious misconduct (e.g. sexual harassment/abuse), the Local may deem it necessary to bring in a third-party investigator with relevant training (e.g. survivor-centered approach) to conduct the investigation.

Role of the Investigating Body

The goal of an investigation is to find facts, which will normally be obtained by reviewing relevant documentation, as well as by interviewing the complainant, the alleged offender, and other witnesses as deemed relevant by the investigating body. The facts should establish the time, sequence, and nature of the occurrence.

No legal findings will be made in an investigation report. Both parties may suggest a list of persons to be interviewed by the investigating body. Interviews will be made at the body's discretion.

A Survivor-Centered Approach

Any investigation involving allegations of sexual misconduct will use a survivor-centered approach to fact gathering. A survivor-centered approach aims to put the rights of each survivor at the forefront of all actions and ensure that each survivor is treated with dignity and respect. By putting the survivor at the center of the process, such an approach promotes their recovery, reduces the risk of further harm and reinforces their agency and self-determination. Practicing a survivor-centered approach means establishing a relationship with the survivor that promotes their emotional and physical safety, builds trust and helps them to restore some control over their life.

Duration of the Formal Investigation

The goal is to complete the investigation in the shortest time possible, although the complexity of the case, the number of witnesses, and the geographical location will all play a part.

Conclusion of the Investigation

The investigating body should submit its findings and recommendations in a confidential report to the Executive Board. This report should be based on written and oral statements, physical, or any other evidence such as emails, photographs, recordings, etc. In cases involving sexual harassment or abuse, it may be necessary to restrict the full contents of the confidential report to only a subset of the Executive Board.

Upon reviewing the investigative findings, if it is determined that the allegations of misconduct are a) unfounded, b) have not been sufficiently established, or c) that the facts alleged do not amount to misconduct, the case may be closed.

IWW 650 Represented Employees

Complaints against an Employee of the Local for harassment will be made to a member of the subcommittee of the Executive Board dealing with personnel. Such complaints may be verbal or in writing. Once a complaint is made against a bargaining unit member the subcommittee will meet in closed session to discuss the complaint and decide what course of action should be

taken. "Closed session" means that only action items from the meeting will be recorded and will remain confidential. Discussion about the complaint will not occur over email.

If the subcommittee deems that the complaint potentially warrants disciplinary action or inclusion in the Employee's personnel file, the subcommittee will appoint a fact finder to determine the facts of the situation. The Local will make every reasonable effort for fact finding to take no longer than 30 days. Part of fact finding will include an interview with the accused Employee and a discussion of the alleged behavior will take place. The Employee will have a right to Union representation during that meeting. After fact finding, the subcommittee will meet again in closed session to decide what remedies, if any, are warranted. Remedies should be proportional to the severity of the accusation. Remedies may include mediation, restorative justice, no contact orders, or corrective action as outlined in Article 10, provided that just cause has been established.

Definitions

For the purposes of this policy, the following definitions will apply:

Harassment

Harassment is any improper and unwelcome conduct that might reasonably be expected or perceived to cause offense or humiliation to another. Harassment includes – but is not limited to – words, gestures or actions that tend to annoy, alarm, abuse, demean, intimidate, belittle or cause personal humiliation or embarrassment to another; or that cause an intimidating, hostile or offensive work environment. It includes harassment based on any grounds such as race, religion, color, ethnicity, physical attributes, gender or sexual orientation. It can include a one-off incident or a series of incidents. Harassment may be deliberate, unsolicited and coercive. It may occur outside the workplace and/or outside working hours.

Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or perceived to cause offence or humiliation to another. Sexual harassment may occur when it interferes with union participation or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited and coercive.

Examples: Deliberate and unsolicited physical contact, or unwelcome close physical proximity; sexist language that is humiliating

Retaliation

Retaliation involved threats or acts of retribution against an individual who raises concerns, makes claims or assists in providing information about harassment, sexual harassment, or abuse of authority.

Discrimination

Discrimination is the differential treatment of an individual or group of people based on their race, color, national origin, religion, sex (including pregnancy and gender identity), age, marital and parental status, disability, sexual orientation, or genetic information.

Relevant Resources

[UAW 2865 Code of Conduct](#)

[UAW 2865 Internal Harassment Policy](#)

[Region 6 Code of Conduct](#)

[UNHCR Policy on Harassment](#)

[UNICEF Dealing with Harassment Guide](#)

[UNICEF's Caring for Survivors: A Principled Approach](#)