CSD 13 SCHOOL BOARD
POLICY NUMBER: 1.17 NEPN/NSBA Code: GBGB

Adopted: 11/2/21

Workforce Bullying

The Board is committed to providing a respectful, safe and inclusive workplace for employees, free from bullying conduct. All employees and students in the school unit, as well as parents, community members and others involved with the schools are prohibited from engaging in workplace bullying as defined in this policy.

A. Definition

For the purposes of this policy, "workplace bullying" means intentional behavior that a reasonable person would expect to interfere with an employee's work performance or ability to work. Generally, workplace bullying will involve repeated conduct; however, a single incident of egregious conduct could constitute workplace bullying. Examples of workplace conduct include, but may not be limited to:

- Humiliating, mocking, name-calling, insulting, maligning or spreading rumors about an employee;
- Shunning or isolating an employee and/or encouraging others to do so;
- Screaming or swearing at an employee, slamming doors or tables, aggressively invading an employee's personal space, placing an employee in reasonable fear of physical harm, or other similar types of aggressive conduct;
- Targeted practical jokes;
- Damaging an employee's property;
- Sabotaging an employee's work or purposefully misleading an employee about work duties (e.g., giving incorrect deadlines or intentionally destroying an employee's work);
- Harassing and/or retaliating against an employee for reporting workplace bullying; and
- Cyberbullying, which is defined in Maine law as bullying occurring through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds data or intelligence of any nature transmitted by the use of any electronic device, including but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

B. Exclusions

Workplace bullying does not include the following:

- When supervisors set reasonable performance goals or provide verbal or written counseling, direction, feedback or discipline to employees in the workplace when the intent is to address unsatisfactory work performance, or violations of law or school policy.
- When supervisors make personnel decisions designed to meet the operational or financial needs of the school unit or the needs of students. Examples include but are not limited to, changing shifts, reassigning work responsibilities, taking steps to reduce overtime costs, transferring or reassigning employees to another building or position, etc.
- Discrimination or harassment based on protected characteristics (race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability or genetic information). Such conduct is prohibited under separate policies and complaints shall be addressed under Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure.
- Disrespectful conduct by students directed at school employees that can be addressed through enforcement of classroom rules, school rules and applicable Board policies.

C. Reports and Investigations

Employees who believe they have been bullied in the workplace, or anyone who believes they have witnessed an incident of an employee being bullied in the workplace, are expected to report the issue to the building administrator. The building administrator shall promptly notify the Superintendent of all workplace bullying reports. If the report is about the building administrator, the report should be made to the Superintendent. Any workplace bullying report about the Superintendent should be made to the Board Chair.

All reports of workplace bullying shall be investigated promptly and documented in writing. The person who was the subject of the alleged workplace bullying and the person alleged to have engaged in workplace bullying will be notified of the outcome of the investigation, consistent with confidentiality and privacy laws.

D. Disciplinary Action

Any employee who is found to have engaged in workplace bullying will be subject to disciplinary action, up to and including termination of employment.

Students who are found to have engaged in bullying of an employee will be subject to disciplinary action in accordance with applicable student discipline policies/procedures.

Parents and others who are found to have engaged in bullying of an employee will be addressed in a manner appropriate to the particular circumstances.

E. Appeals

If the subject of the alleged workplace bullying or the person alleged to have engaged in workplace bullying is dissatisfied with the resolution of the matter, they may file a written appeal within five business days with the Superintendent stating the reason for the appeal. The Superintendent will review the matter and issue a written decision within ten business days. The Superintendent's decision is final.

If the case involves employees covered by a collective bargaining agreement, any disagreement with the results of the investigation may be resolved through the agreement's dispute resolution process.

F. Retaliation Prohibited

Retaliation for reporting workplace bullying behavior is prohibited. Employees and students found to have engaged in retaliation shall be subject to disciplinary action.

G. Responsibility of the Superintendent

The Superintendent is responsible for implementing this policy and for the development of any necessary procedures to enforce the policy.

Legal References:
20 M.R.S.A. Sections 1001(21); 6544(2)(C)

Cross References:
CSD Policy Number 1.09 Harassment and Sexual Harassment of School Employees