

BULLYING IN THE WORKPLACE

GENERAL STATEMENT OF INTENT

It is the intent of St. Mary's College of Maryland to educate all employees about bullying in the workplace and to ensure that bullying is not tolerated. Where it is found to have occurred, it will be dealt with in an appropriate manner, which may include the imposition of disciplinary action, up to and including termination of employment.

DEFINITION

Workplace Bullying:

Intentional, persistent, malicious, unwelcome, severe or pervasive conduct that harms, intimidates, offends, degrades or humiliates an employee, whether physical, verbal or written, including electronic which is not limited to email, text, social media at the place of work or in the course of employment. Workplace bullying is behavior that a reasonable person would find to be hostile, offensive, and not related to an employer's legitimate business interests. Examples of workplace bullying include, but are not limited to:

- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Personal insults and use of offensive nicknames;
- Public humiliation;
- Encouragement of others to turn against the targeted employee;
- Spreading rumors and gossip about the targeted employee;
- Sabotage of a coworker's work product or undermining of an employee's work performance;
- Threats of abuse to an individual or an individual's property (defacing or destroying property);
- Being unjustifiably offensive toward fellow employees, wards of the State, or the public;
- Making threats about job security without foundation; or
- Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets.

Bullying conduct does not include:

- A single incident of unreasonable behavior;
- Disciplinary action taken in accordance with applicable law, regulation or policy;
- Routine coaching and counseling, including feedback about and correction of work performance or conduct;
- Exercising management's prerogative to appoint, promote, transfer, or reassign an employee, to direct or assign work, and to determine and re-determine the methods and means by which an agency's functions will be carried out;
- Individual differences in styles of personal expression which may lead to conflict, provided that the expression is not meant to harm; and
- Having differences of opinion.

REPORTING RESPONSIBILITIES

It is the duty of every employee, including management, to immediately report to his/her chain of command any incident of workplace bullying that is witnessed by the employee. An employee may also choose to report incidents of bullying directly to The Offices of Human Resources and Title IX. If the report involves Title IX matters it will be investigated and handled in accordance with Title IX policies and procedures. If the report does not involve Title IX matters the Office of Human Resources will share the report with a bullying investigative team.

TRAINING AND EDUCATION

Training is a significant factor in prevention of workplace bullying, particularly to enable early intervention in workplace conflict before it potentially escalates into bullying. Training protocols for managers, supervisors and employees shall include the definition of workplace bullying and the identification of workplace resources for those who have been affected. All St. Mary's College of Maryland employees shall be required to take refresher workplace bullying training every two (2) years. Workers, including managers and supervisors, should be aware of their roles in relation to prevention and responses to workplace bullying and appropriate skills to take action where necessary.

EMPLOYMENT TRAINING

Employees need the skills to be able to identify workplace bullying and put the right control measures in place. Employees shall be trained in how to prevent, recognize and respond to workplace bullying, and in skills that will help develop productive and respectful workplace relationships.

The training will cover:

- Communicating effectively and engaging workers in decision-making;
- Managing difficult conversations and providing constructive feedback both formally and informally;
- Conflict management;
- Effectively managing workloads and performance;
- Diversity and acceptance; and;
- The process for reporting bullying incidents and filing complaints.

COMPLAINT PROCESS - EMPLOYEES NOT IN A PROTECTED STATUS

An employee who feels s/he has been a victim of bullying that is not because of the individual's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or any other protected status, should file a complaint with the Office of Human Resources, should the issue concern sexual misconduct the complaint should be filed with the Title IX Office. Complaints involving executives of the College will be handled by the Office of the Attorney General and be investigated by an external investigator.

A complaint filed internally:

- Must be filed in writing, form available through the Office of Human Resources website;
- Must be filed with the Title IX Office and in accordance with policies and procedures of the Title IX Office (if the issues concern sexual misconduct) and/or the Office of Human Resources;
- Must be filed within thirty (30) days after the employee knew or reasonably should have known of the alleged violation.

Within fifteen (15) working days of receiving the complaint, the investigators shall investigate the complaint in a manner that includes the following actions:

1. Meet with the complainant in a confidential setting to collect information that the complainant believes is pertinent to the situation. If requested, the complainant shall have a right to representation. Explain the next steps to the complainant.

2. Meet with the employee respondent against whom the complaint was lodged and provide him/her with a summary of the allegations. Explain the next steps to the respondent.
3. Interview witnesses identified by the complainant and respondent.
Gather all relevant physical or electronic evidence (emails, notes, letters, etc. . .)
4. Consider mitigating circumstances that affect the complaint.
5. Determine if the complaint is valid, and, if so, refer recommended sanctions to the relevant administrative personnel for implementation as listed below.

RESULTS OF THE INVESTIGATION

1. The investigative team will provide a summary of findings and provide to the Office of Human Resources. The Office of Human Resources, after consultation with the appropriate vice president, shall assess the appropriate sanction based on the severity of the alleged conduct.
2. In addition to, or in lieu of, discipline, the Office of Human Resources and/or the departmental vice president may exercise management's prerogative to reassign an individual who has filed a complaint upon request of the complainant. Additionally, the Office of Human Resources and/or the departmental vice president, as appropriate, may exercise management's prerogative to reassign the alleged bully; such reassignment is not a disciplinary action.
3. An individual who has been found to have committed a violation of this Policy shall be required to participate in retraining relating to the requirements of this Policy and the prohibitions against bullying.
4. If the behavior giving rise to the complaint does not rise to the level of workplace bullying, the Office of Human Resources should determine whether there are workplace issues that should be addressed and, after investigation, refer the matter to the appropriate administrator or external entity.
5. The complainant and the respondent shall receive a written decision from the departmental vice president that addresses the complaint and steps that were taken to address the issue. Within fifteen (15) days, the investigators shall meet with the complainant and investigate the complaint;
6. The decision may be a dismissal of the complaint if the investigators conclude that the allegations were unfounded
7. If the complaint was found to be false and made with the specific intention of harming another employee, the complainant may be referred to the Office of Human Resources to assess what, if any, sanction is appropriate.
8. A collective bargaining complainant may choose to grieve the decision, within fifteen (15) working days of receipt of decision, in writing in accordance with Article 22 of the Memorandum of Understanding between the College and AFSCME.

9. A non-bargaining complainant may appeal a decision to the President in writing within ten (10) days after receiving a decision;
 1. The President or designee shall review both the complaint and decision, conduct any necessary investigation, and shall issue a final decision within 30 days after the appeal is received. The decision may grant an appropriate relief to the complainant or dismiss the complaint.

COMPLAINT PROCESS - PROTECTED STATUS BASIS

For an employee who feels s/he has been a victim of bullying/harassment and/or discrimination *because* of the individual's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or any other protected status, there are a number of options for pursuing a complaint.

Whether a complaint is filed internally or externally (through the federal Equal Employment Opportunity Commission or the Maryland Commission on Civil Rights) the employee should be aware of the deadlines.

COMPLAINT BY WITNESS

An employee who witnesses bullying behavior as defined in this policy should report that information to his/or chain of command, as outlined above, and may, in addition, report directly to the Office of Human Resources or Title IX Office as appropriate. Complaints filed anonymously may be more challenging to investigate; however, they will be investigated as fully as possible.

RETALIATION PROHIBITED

Reprisal or retaliation against any employee who files a report about bullying is strictly prohibited. Any employee who harasses or intimidates another employee who has reported bullying behavior in the workplace may be subjected to disciplinary action, up to and including termination of employment.

DATA COLLECTION

It is imperative that the data on complaints and the outcome of investigations be collected by the Title IX Office and/or the Office of Human Resources. Data shall be tabulated by the Office of Human Resources in order to pinpoint specific problem locations.