



Oxnard Union High School District

**SECTION 4000
PERSONNEL**

**BOARD POLICY
BP 4035**

WORKPLACE BULLYING

The purpose of this Board policy is to promote a workplace climate that enables every District employee to contribute fully to the District's educational community. The Board of Education believes that every employee should be afforded dignity and respect in their workplace.

The Board finds that workplace bullying is detrimental to an efficient, effective, and healthy workplace. District management shall be responsible for taking reasonable action to ensure that workplace bullying does not occur, to promptly address allegations of workplace bullying, and to take remedial action to minimize the likelihood that such workplace bullying will reoccur.

For purposes of this policy, workplace bullying is defined as intentional and repeated conduct, directed toward a District employee(s), without reasonable justification, and which a reasonable person would find hostile, intimidating, threatening, sabotaging, offensive, humiliating, or an abuse of authority. It may be verbal or nonverbal, public or private. It is typically behavior that is repeated and spanning several incidents; a single incident is rarely a violation.

Subject to Board approval, the Superintendent or designee shall be responsible for developing and implementing administrative regulations to carry out the intent of this Board policy. This policy and related administrative regulation(s) shall apply to all employees, parents, and other persons who utilize or visit District facilities.

ADOPTED: 07/13/11; REAFFIRMED: 09/23/20



Oxnard Union High School District

SECTION 4000 PERSONNEL

ADMINISTRATIVE REGULATION AR 4035

WORKPLACE BULLYING

Workplace bullying is detrimental to an efficient, effective, and healthy workplace environment, and District management shall be responsible for taking reasonable action to ensure that workplace bullying does not occur. District management shall also be responsible for promptly addressing allegations of workplace bullying and to take remedial action to minimize the likelihood that such workplace bullying will reoccur.

Workplace bullying is defined as intentional and repeated conduct, directed toward a District employee(s), without reasonable justification, which a reasonable person would perceive to be hostile, intimidating, threatening, sabotaging, offensive, humiliating, or an abuse of authority, and which the alleged victim actually perceives as being objectionable. It may be verbal or nonverbal, public or private. It is typically behavior that is repeated and spanning several incidents; a single incident is rarely a violation.

Common tactics adopted by workplace bullies include, but are not limited to:

- **Verbal and Non-Verbal Communication:** Yelling or shouting at a person; provocative or dehumanizing name-calling, nicknaming, or insulting of a person; slandering, ridiculing, or maligning a person or his/her family; starting or perpetuating rumors or gossip about a person; making non-verbal gestures which are threatening, menacing, hostile, or obscene;
- **Exclusion:** Ostracizing a person; physically isolating a person from others without a legitimate reason; arbitrarily directing a person not to communicate with others; excluding a person from requisite job training; arbitrarily excluding a person from job-critical decision-making opportunities;
- **Interference:** Intentionally preventing a person from performing his/her job duties; moving or hiding items required for a person to productively work; interfering with a person's mail or other communications; setting a person up for failure through unrealistic deadlines, inadequate resources, withholding required information, or refusing to collaborate;
- **Discipline and Complaints:** Persistently disciplining a person for conduct which is later found to be unproven; persistently complaining about a person for conduct which is later found to be unproven.

It is acknowledged that the nature of any employee interaction is fact-specific and must be viewed in its context. Workplace bullying must not, in any way, be confused with the non-abusive exercise of the District's managerial prerogative to direct, coach, reprimand, or discipline District employees. Some examples of conduct that does not constitute workplace bullying include:

- Use of a passionate, loud, or expressive communication style;
- Differences of opinion on work-related concerns, and the expression of such differences;

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- Conflict between employees that can be resolved through traditional conflict resolution techniques or managerial interventions;
- Respectful coaching and counseling; and
- Legitimate applications of progressive discipline.

For an employee to allege that workplace bullying has occurred in violation of Board Policy 4035 or Administrative Regulation 4035, the targeted employee must describe the conduct of another which meets the definition of “workplace bullying,” and must also demonstrate that, due to the alleged bullying activity, he/she has actually suffered a negative consequence that substantially affects his/her ability to perform his/her job duties.

Workplace bullying should be identified early and the parties involved should attempt to resolve the issue at the earliest possible stage. If such attempts have been reasonably made and the dispute has not been resolved, a targeted employee or witness should file a complaint regarding the alleged workplace bullying with the Director of Human Resources or any other available administrator in the Human Resources Department. Upon notification, the Human Resources Department shall investigate and process the complaint in a timely manner and shall present written factual findings to the parties directly involved. Factual findings may be appealed to the Superintendent first, and then to the Board of Education, whose decision shall be final. The Board’s decision shall be based upon the record of evidence gathered at lower levels in the process. The written factual findings of investigation shall not, in-and-of itself, constitute disciplinary action against any employee, but may be used as evidence upon which disciplinary action may be based. No employee shall be subjected to retaliation for submitting a good-faith complaint of workplace bullying under this Regulation, or for his/her good-faith cooperation in an investigation of workplace bullying.

If a complaining employee is abusing the process set forth in this Regulation, such abuse itself shall constitute a violation of Board Policy 4035 and Administrative Regulation 4035. Abuse of the Regulation is defined as two unconfirmed complaints of workplace bullying (formal complaints which do not result in a finding of prohibited workplace bullying) filed by an employee against the same individual, or three unconfirmed complaints filed by an employee against any number of persons in a three-year period. Abuse of the process set forth in this Regulation may result in disciplinary action, up to and including dismissal.

Board Policy 4035 and Administrative Regulation 4035 do not replace the District’s Non-Discrimination In Employment Policy, which should be followed if workplace bullying is alleged to be evidence of prohibited employment discrimination. Employee protections in Board Policy 4035 and Administrative Regulation 4035 do not supersede the terms of any enforceable collective bargaining agreement.