

WORKPLACE BULLYING

The Board is committed to providing a respectful, safe, and inclusive workplace for employees that is free from bullying conduct. All employees and students in the school unit, as well as parents, or any other individual(s) associated with Scarborough Schools are prohibited from engaging in workplace bullying as defined in this policy, and it is the responsibility of all employees and students of Scarborough Schools to comply with this policy.

DEFINITION

For the purposes of this policy, workplace bullying includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture, or any combination thereof directed at an employee that:

- (1) Has, or a reasonable person would expect it to have, the effect of:
 - (a) Physically harming an employee or damaging an employee's property; or
 - (b) Placing an employee in reasonable fear of physical harm or damage to the employee's property;
- (2) Interferes with the rights of an employee by:
 - (a) Creating an intimidating or hostile work environment for the employee; or
 - (b) Interfering with the employee's performance or ability to participate in, or benefit from, employment activities or privileges; or
- (3) Is based on the employee's actual or perceived characteristics identified in Title 5, section 4602 or 4684-A, or is based on an employee's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics and that has the effect described in subparagraph (1) or (2).

Workplace bullying may include cyberbullying which is defined by 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, or personal digital assistant.

Examples of workplace bullying may include, but are not be limited to:

- Behavior that humiliates or mocks the employee; name-calling; maligning; using insults or spreading rumors about an employee;
- Shunning or isolating an employee 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 types of aggressive or intimidating behavior;
- Targeted practical jokes;
- Damaging or stealing an employee's property;
- Sabotaging an employee's work or purposely 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;

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, and transferring or reassigning employees to another building or position.
- 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 ACAB-R – 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.

REPORTS AND INVESTIGATIONS

Employees who believe they have been bullied in the workplace, and employees or other persons who believe they have witnessed an incident of an employee being bullied in the workplace, shall report the issue to the building administrator.

If the report is about the building administrator, the report should be made to the Superintendent or designee.

The building administrator or Superintendent's designee shall promptly notify the Superintendent of all workplace bullying reports.

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.

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 disciplinary procedures.

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

APPEALS

If dissatisfied with the resolution of the matter, the subject of the alleged workplace bullying or the person alleged to have engaged in workplace bullying may file a written appeal within five (5) business days with the Superintendent stating the reason for the appeal. The Superintendent will review the matter and issue a written decision within ten (10) business days. The Superintendent's decision shall be final. If the person alleged to have engaged in workplace bullying is the Superintendent, the appeal shall be brought to the Board Chair.

If the matter 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.

RETALIATION PROHIBITED

Bullying, harassment, and retaliation for reporting such behavior are prohibited in Scarborough Schools. Employees and students of Scarborough Schools found to have engaged in retaliation shall be subject to disciplinary action.

SUPERINTENDENT'S RESPONSIBILITY

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

Legal References: 20-A MRSA §1001(21); 6554(2)(C)

Cross References: AC – Nondiscrimination, Equal Opportunity and Affirmative Action
ACAB – Harassment/Sexual Harassment of School Employees
ACAB-R – Discrimination/Harassment and title IX /Sexual
Harassment of School Employees

Adopted: November 18, 2021