

RSU 63

- a. **NEPN/NSBA Code:** **GBGBA**
- b. **Title:** **Workplace Bullying**
- c. **Author:**
- d. **Replaces Policy:**
- e. **Date Approved:** **01/30/2023 RSU #63**
- f. **Previously Approved:** **11/29/2021**
- g. **Policy Expiration:** **Review as Needed**
- h. **Responsible for Review:** **Superintendent and Policy Committee**
- i. **Date Reviewed:** **01/17/2023 Superintendent**
01/17/2023 Policy Committee
- j. **References:** **20-A MRSA § 1001(21); 6544(2)(C)**
Cross Reference: Policy AC – Nondiscrimination, Equal Opportunity and Affirmative Action
Policy ACAB – Harassment/Sexual Harassment of School Employees
Policy ACAB-R – Discrimination/Harassment and title IX/Sexual Harassment of School Employees
- k. **Narrative:**

The RSU #63 Board of Directors (the Board) is committed to providing a respectful, safe, and inclusive workplace for employees, one that is free from bullying conduct. All employees and students in RSU #63 (the District), as well as parents, community members, and others involved with the schools are prohibited from engaging in workplace bullying as defined in this policy.

I. Definition

For the purpose 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 bullying include, but may not be limited to:

- A. Humiliating, mocking, name-calling, insulting, maligning, or spreading rumors about an employee;
- B. Shunning or isolating an employee or encouraging others to do so;
- C. Screaming or swearing at an employee, slamming doors or tables, aggressively invading an employee’s personal space; placing an employee in reasonable fear or physical harm; or other types of aggressive or intimidating behavior;
- D. Targeted practical jokes;
- E. Damaging or stealing an employee’s property;
- F. 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);
- G. Harassing and/or retaliating against an employee for reporting workplace bullying;
- H. 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, or personal digital assistant.

II. Exclusions

Workplace bullying does not include the following:

- A. 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;
- B. 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.
- C. 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 will be addressed under ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure.
- D. Disrespectful conduct by students directed at school employees that can be addressed through enforcement of classroom rules, school rules, and applicable Board policies.

III. Reports and Investigations

- A. Employees who believe they have been bullied in the workplace, and other persons who believe they have witnessed an incident of an employee being bullied in the workplace, are expected to report the issue to the building administrator with whom they feel most comfortable.
- B. If the report is about the building administrator, the report should be made to the Superintendent and the Director of Special Services.
- C. The building administrator will promptly notify the Superintendent of all workplace bullying reports.
- D. Any workplace bullying report about the Superintendent should be made to the Board Chair.
- E. All reports of workplace bullying will 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.
- F. Administrators must treat all reports and investigations with confidentiality.

IV. Disciplinary Action

- A. Any employee who is found to have engaged in workplace bullying will be subject to disciplinary action up to and including termination of employment.
- B. Students who are found to have engaged in bullying of an employee will be subject to disciplinary action in accordance with applicable student discipline procedures.
- C. 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.

V. Appeals

- A. 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.

- B. 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.
- C. If the matter involves individuals or employees not covered by a collective bargaining agreement, the parties may appeal the Superintendent's decision to the Board. An appeal must be filed in writing within 14 business days of receiving the determination stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline-will not be considered.
 - 1. Appeals must be filed with the Chair of the Board, and the Board will consider the appeal.
 - 2. The Chair of the Board will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
 - 3. The Board will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.
 - 4. The Board will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

VI. Retaliation Prohibited

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

VII. Superintendent's Responsibility

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