

# PTA Counter Proposal X1.1

## Complaints of Hostile Work Environment

*Presented by PTA on Wednesday, April 30, 2025*

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The Pembroke Teachers Association makes the following proposal for all units, as a new article:

### ARTICLE \_\_\_\_ : SAFE WORK ENVIRONMENT

The School Committee and the Association agree that mutual respect between and among all employees in Pembroke Schools is essential to our shared mission to educate students. No Member shall be subjected to harassment, bullying, intimidation, reprisal, or discrimination by their supervisor or any other member of the administration. Behaviors that contribute to a hostile, humiliating, or intimidating work environment, including abusive language or behavior, are unacceptable and shall not be tolerated.

**It is understood that workplace bullying does not include when supervisors set reasonable performance goals, provide reasonable and respectful verbal and written counseling, direction, or feedback, or make personnel decisions designed to meet the operational or financial needs of the school or students.**

To guarantee the protection of Members from such treatment, the following measures shall apply:

#### 1. Formal Complaint

- a. When a Member believes that they are being treated by their supervisor or a member of the administration in a manner that is either intimidating, harassing, bullying, humiliating, or vengeful, the Member shall have the right to take their concern directly to the Manager of Human Resources, the Superintendent, or the School Committee.
- b. Such complaint shall be in writing and may be submitted either as a hard copy or electronically via email.
- c. Within one (1) school day of the complaint being submitted, **the Manager of Human Resources/district representative shall acknowledge receipt and schedule** an emergency meeting ~~shall be scheduled~~ with the Member and their designated Association Representative.
- d. Within ~~two (2)~~ **three (3)** calendar days of the meeting, the Member shall be notified, in writing, of the District's plan of action to address the Member's concerns and protect the Member from additional harm going forward.

#### 2. Right to Representation **and Support**

- a. Members shall have the right to have Association representation **and any building-based support Member(s) of their choosing with them** in any meeting to discuss their formal complaint.
- b. Members shall have the right to Association representation in any meeting where they and the supervisor or administrator who is the subject of the complaint will be present.

- c. Members shall have the right to refuse to meet with the supervisor or administrator against whom they have an open or unresolved complaint.
- 3. Access to Information
  - a. Members and the Association shall be included in all internal **written** communications about their complaint.
  - b. Members and the Association shall have the right to request and receive information about any prior complaints filed against the same supervisor or administrator.
- 4. Investigation of Formal Complaints
  - a. At any time following the receipt of the plan of action (outlined in item 1(d)) the Member may request an impartial investigation of their complaint by a neutral third party.
  - b. The District shall then engage an ombudsman through the International Ombuds Association to conduct the investigation.
  - c. The results of the investigation shall be shared in writing with the Member, the Association, the District Administration, and the School Committee.
  - d. If the ombudsman recommends changes to workplace practices, the School Committee and the Association shall meet to negotiate on the basis of those recommendations.
- 5. Employee Assistance
  - a. Members who ~~have a legitimate file a~~ complaint of harassment, bullying, intimidation, reprisal, or discrimination by their supervisor or any other member of the administration shall **be informed of the Employee Assistance Program and related supports.** **Members shall** have the right to access five (5) days of paid leave without a medical note to allow them time and space to deal with the conditions under which they have been working.
  - ~~b. If the Member requests therapeutic support for the stress and anxiety caused by their experience of workplace harassment, bullying, intimidation, reprisal, or discrimination by their supervisor or any other member of the administration, the District shall pay for such treatment for up to one (1) year.~~
  - b. Members who request transfer to another building as a result of harassment, bullying, intimidation, reprisal, or discrimination by their supervisor or any other member of the administration shall be granted such a transfer provided they are properly certified and/or qualified to work at the transfer work site. No other Member shall be displaced as a result of such a transfer.
- 6. Compensation for Harm
  - a. If the investigation affirms the real workplace harm, the Member shall have the right to request and receive compensation up to ~~ten-eight~~ thousand dollars (~~\$10,000~~**\$8,000**), but no less than one thousand dollars (\$1,000) without waiving any further right to sue for damages.

- b. In the event the terms of this article are filed in a Level IV Arbitration grievance, the Arbitrator may also award such damages.