

ADMINISTRATIVE PROCEDURE

WORKPLACE BULLYING

4185
Procedure No.

January 19, 2023

Date

- I. **PURPOSE:** To establish a framework for preventing, addressing and resolving instances of workplace bullying, with corrective actions, as needed.

- II. **POLICY:** The Prince George’s County Board of Education (“Board”) affirms its belief that any workplace bullying behavior is unacceptable and diverts organizational energy from the core mission of Prince George’s County Public Schools (“PGCPS”). The prevention of workplace bullying, as well as the prevention of retaliation against individuals who report acts of workplace bullying, require a system-wide effort involving prevention, intervention, reporting, investigation and resolution. (Board Policy 4185)

III. **DEFINITIONS:**

The following definitions apply to this administrative procedure:

- A. Employee – A person employed by the Board PGCPS for wages or salary, without regard or consideration to collective bargaining unit status.

- B. Complainant – An employee who has alleged that another employee subjected them to workplace bullying, humiliation, intimidation, retaliation, or threat.

- C. Good faith – Conduct that is honest or sincere based on information available at the time a report is submitted under this administrative procedure.

- D. Humiliation – Conduct that causes an employee a painful loss of pride, self-respect or dignity.

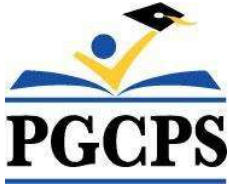
- E. Intimidation – Conduct that forces an employee into or deters an employee from some action by inducing fear.

- F. Peer-to-peer conduct – Actions between employees who do not have managerial or supervisory authority over one another.

- G. Respondent – The employee against whom a Complainant has lodged a complaint.

- H. Retaliation – The act of taking revenge or getting back at an employee for exercising his or her rights under this administrative procedure or Board Policy 4185.

- I. Subordinate-to-supervisor conduct – Actions by an employee against his/her manager or supervisor.



ADMINISTRATIVE PROCEDURE

WORKPLACE BULLYING

4185
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- J. Supervisor-to-subordinate conduct – Actions by an employee against another employee over whom he/she has managerial or supervisory authority.
- K. Threat – A statement or indication of an intent to harm or injure another employee.
- L. Workplace bullying – Repeated, deliberate, hurtful mistreatment, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more employees against another employee or employees.

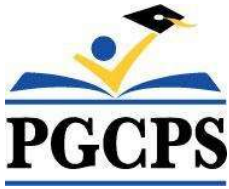
IV. PROCEDURES:

A. Prohibited Conduct

- 1. Members of the PGCPS community are expected to treat each other with civility and mutual respect, in recognition of the rich diversity that makes up our community.
- 2. Workplace bullying will not be tolerated in PGCPS. Workplace bullying may include conduct that is:
 - a. Threatening or intimidating, occurring at the workplace and/or in the course of employment via any means of communication, including electronic communication, social media (*e.g.*, Facebook, Instagram, Snapchat, etc.), on or off district premises;
 - b. Severe or pervasive alterations to the conditions of an individual’s working environment or work assignment;
 - c. Supervisor-to-subordinate, peer-to-peer or subordinate-to-supervisor conduct; or
 - d. Acts of humiliation, intimidation, sabotage of work performance and related conduct, such as the use of derogatory remarks or failure to use the pronouns or honorifics consistent with a person’s identity that adversely impacts an individual’s physical or psychological well-being, or work performance and advancement opportunities.

B. Complaint Procedures

- 1. Filing a Complaint



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WORKPLACE BULLYING

4185
Procedure No.

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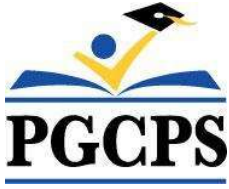
- a. A complaint may be filed directly with the Equity Assurance Office by any current employee of PGCPS who believes they have experienced the conduct outlined in this administrative procedure (“Complainant”). A complaint must be filed within 90 calendar days of the alleged conduct.
- b. Any employee who files a complaint must utilize the Workplace Bullying Incident Reporting form (Administrative Procedure 4185 Appendix A). In the event that a principal/designee or supervisor receives an oral complaint of workplace bullying from an employee, the principal/designee or supervisor must reduce it to writing utilizing the Workplace Bullying Incident Reporting form within three (3) business days of receipt of the oral complaint. The Workplace Bullying Incident Reporting form must be signed by the employee submitting the form in order to verify the accuracy of the complaint, and submitted by the employee to the Equity Assurance Office.

2. Receipt of Complaint and Initial Assessment

Upon receipt of a complaint, the Equity Assurance Office will first assess the allegations to determine whether interim measures pending resolution of the matter are appropriate. Interim measures may include, but are not limited to, recommendations of temporary removal of the Respondent from the workplace or academic program, if warranted, and other workplace and/or academic accommodations. In making this assessment, the Equity Assurance Office will consider the totality of the circumstances, the nature and severity of the allegations, and whether the allegations implicate a potential ongoing safety threat to the Complainant or the community. The Equity Assurance Office may consult with PGCPS administrators and the Employee and Labor Relations Office (ELRO), as appropriate.

3. Evaluation of Complaint

- a. Following the receipt of a complaint, the Equity Assurance Office shall determine whether the complaint states a potential violation of this administrative procedure.
- b. Determination of Allegations
 - 1) Insufficient Evidence and Case Closure



ADMINISTRATIVE PROCEDURE

WORKPLACE BULLYING

4185
Procedure No.

January 19, 2023

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- a) If it is determined that the Complainant’s allegations, if true, do not state a violation of this administrative procedure:
 - i. A written notice of this decision shall be provided to the Complainant explaining why the complaint does not state a violation and may refer the matter to the employee’s supervisor(s) for follow-up with the Complainant.
 - ii. The Equity Assurance Office will refer that matter to EL R O via the Employee Incident Tracking System (“EITS”) for implication of potentially concerning behaviors or violations of other PGCPS administrative procedures or Board policies, as warranted

2) Insufficient Information to Make a Determination

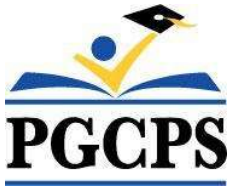
If the written complaint lacks sufficient information to make a determination, the Equity Assurance Office will contact the Complainant to gather additional information.

3) Sufficient Evidence to Open Investigation

- a) Upon determination that the allegations of the complaint state a potential violation, the Equity Assurance Office:
 - i. Will issue a Notice of Workplace Bullying Investigation to the Complainant and Respondent, in writing.
 - ii. May also meet with the Complainant and/or Respondent in person or virtually to gather additional specific factual allegations upon which the complaint is based and discuss the Equity Assurance Office’s complaint procedures.

4. Investigation of Complaints

- a. Notice of Investigation: As soon as practicable, notice will be provided to the Complainant and the Respondent(s), simultaneously and in writing, of the commencement of the investigation. Such notice will: (1) name the Complainant and the Respondent; (2) specify the nature of the alleged conduct; (3) explain that the complaint will be investigated in accordance with these procedures; and (4) explain PGCPS’ prohibition against retaliation as well as the confidentiality of the investigation.



ADMINISTRATIVE PROCEDURE

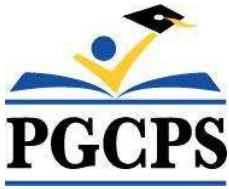
WORKPLACE BULLYING

4185
Procedure No.

January 19, 2023

Date

- b. Investigation Overview: The Equity Assurance Office may conduct a formal interview of the Complainant and will conduct a formal interview of the Respondent(s). During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to each other or to any witness. The investigator will notify and seek to meet separately with the Complainant, the Respondent, and third-party witnesses, consider those questions submitted by either party and will gather other relevant and available evidence and information, including electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party). The investigation may further include, but is not limited to:
- 1) Interviewing material witnesses;
 - 2) Reviewing relevant files and records;
 - 3) Comparing the treatment of the Complainant to that of others similarly situated in the department or unit;
 - 4) Reviewing applicable policies and procedures; and/or
 - 5) Following-up with the parties as new evidence is collected, as appropriate, and permitting the parties to provide additional information to the record.
- c. Timeframe for Investigation: The investigation shall normally be concluded within 90 calendar days from the date of notice to the parties that the complaint has been accepted for investigation. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to account for PGCPS breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate business reasons.
5. Decision and Notice of Outcome to the Parties
- a. At the conclusion of the investigation, the Complainant and Respondent will be advised of the investigation's outcome, in writing.



ADMINISTRATIVE PROCEDURE

WORKPLACE BULLYING

4185
Procedure No.

January 19, 2023

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b. Substantiated Finding:

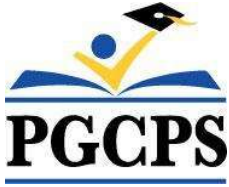
- 1) For investigations that result in a substantiated finding, the Equity Assurance Office will submit an EITS referral with the Investigative Report to ELRO for review and to determine any recommendations for disciplinary action. The ELRO Director/designee will communicate the EITS outcome in writing to the Respondent.
- 2) Upon receipt of the EITS referral and investigative report, the ELRO Director/designee will review the Investigative Report, accept or reject the recommended findings and the recommended action items and, if applicable, determine sanctions in accordance with the appropriate disciplinary procedures, collective bargaining agreement and other due process considerations. The sanctions may include, but are not limited to, verbal counseling, letter of professional counseling, letter of reprimand, suspension, and termination. The ELRO Director/designee will communicate the EITS outcome with the Respondent based on established protocols.
- 3) If either party is recommended for subsequent training related to this finding, the need for training will be referred to and managed by the appropriate PGCPS office and/or the employee's supervisor.
- 4) PGCPS may not take or refuse to take any personnel action as retaliation against an employee who in good faith files or provides information relating to a workplace bullying report in accordance with this administrative procedure.

c. Unsubstantiated Finding

For investigations that result in an unsubstantiated finding, the Equity Assurance Office may notify the Respondent's Supervisor and/or Division Chief to recommend professional development training.

6. Obligation to Provide Truthful Information

Individuals filing or responding to complaints or serving as a witness are expected to provide truthful information in connection with any report made under this administrative procedure. Submitting or providing false or misleading information in bad faith or with a view to personal gain or to intentionally harm another in



ADMINISTRATIVE PROCEDURE

WORKPLACE BULLYING

4185
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connection with a complaint under this administrative procedure is prohibited and subject to disciplinary action, up to and including termination. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

7. Training

- a. The PGCPS Human Resources Office will develop and implement protocols for annual training and periodic professional development designed to increase understanding and awareness of the prevalence, causes, and consequences of workplace bullying.
- b. Training will include guidance for supervisors and coworkers to identify workplace bullying, encourage reporting concerns to the appropriate authorities and to support affected employees.

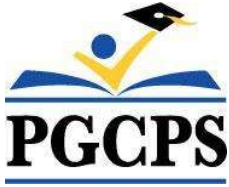
V. MONITORING AND COMPLIANCE:

- A. All PGCPS staff shall be encouraged to complete annual training on the prevention of workplace bullying. Staff completion rates may be tracked under the SafeSchools program.
- B. Principals, department and office managers shall review a copy of this administrative procedure with staff at least once a year and maintain for three (3) years a list of the date, time and attendees when the administrative procedure is reviewed.
- C. The Equity Assurance Office shall provide an annual report by the end of the school year to the CEO and Chief Human Resources Officer on the number of workplace bullying reports received; the number of reports resolved; trends or patterns among the reports, if any; and recommendations on policy, procedure or practice changes to better address workplace bullying, if any.

VI. RELATED PROCEDURES:

- Administrative Procedure 4170, Discrimination and Harassment
- Administrative Procedure 4176, Employee Dispute Resolution
- Employee Code of Conduct

VII. LEGAL REFERENCE: None.



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WORKPLACE BULLYING

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- VIII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** This administrative procedure originates with the Equity Assurance Office and will be updated as needed.
- IX. **CANCELLATIONS AND SUPERSEDURES:** Supersedes prior Administrative Procedure 4185, which was effective August 28, 2020.
- X. **EFFECTIVE DATE:** January 19, 2023

Attachment: Workplace Bullying Incident Reporting form