

*Series 4000 – Personnel*

AR 4119.21(a)

*All Personnel*

4219.21

4319.21

## **ANTI-BULLYING**

### **Objective**

The purpose of this policy is to communicate to all employees, including supervisors and managers, that the Sutter County Superintendent of Schools Office (SCSOS) will not *in any instance* tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying is unacceptable behavior because it breaches principles of equality and fairness, as well as the SCSOS Social Contract, and it frequently represents an abuse of power and authority. It has potential consequences for everyone involved.

### **Definition**

SCSOS defines bullying as inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates SCSOS's Professional Standards.

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults (i.e., teasing) exchanged by long-time work colleagues and comments that are meant to be, or are taken as, demeaning (i.e., taunting). While care should be exercised, particularly if a person is reporting alleged bullying as a witness, it is better to be genuinely mistaken than to let actual bullying go unreported.

### **Examples**

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when determining discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important.

The following examples are not examples of bullying in the workplace:

- Requesting that work be completed correctly, timely, or in another format.
- Asking an employee to be accountable for their activities, accept responsibility, and disclose results.
- Expecting an employee to be on time and ready for work at the agreed upon time.
- Having a high standard of ethical, professional behavior through actions and conduct with each other.
- Clearly defining and communicating high expectations and providing feedback.
- Open, honest and nonjudgmental communication appropriate to the audience and setting.

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SCSOS considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.
- **Mobbing:** Mobbing is a particular type of bullying behavior carried out by a group rather than by an individual

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express him(her)self (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

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## **Conflict Resolution**

### **Informal Procedure**

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address an allegation of bullying as informally as possible by means of an agreed informal procedure. The objective of this approach is to resolve the difficulty with the minimum of conflict and stress for the individuals involved.

(a) Any employee who believes he or she is being bullied should explain clearly to the alleged perpetrator(s) that the behavior in question is unacceptable. In circumstances where the complainant finds it difficult to approach the alleged perpetrator(s) directly, he or she should seek help and advice, on a strictly confidential basis, from a contact person. A contact person could, for example, be one of the following:

- any manager in the workplace;
- human resource/personnel officer;
- employee union representative.

In this situation the contact person should listen patiently, be supportive and discuss the various options open to the employee concerned.

(b) Having consulted with the contact person, the complainant may request the assistance of the contact person in raising the issue with the alleged perpetrator(s). In this situation the approach of the contact person should be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal low-key manner.

(c) A complainant may decide, for whatever reason, to bypass the informal procedure. Choosing not to use the informal procedure should not reflect negatively on a complainant in the formal procedure.

### **Formal Procedure**

If an informal approach is inappropriate or if after the informal stage, the bullying persists, the following formal procedures should be invoked:

(a) The complainant should make a formal complaint in writing utilizing the *Uniform Complaint Policy/Procedures* (SP 4144 and AR 4144). The complaint should be confined to precise details of actual incidents of bullying.

(b) The alleged perpetrator(s) should be notified in writing that an allegation of bullying has been made against them. They should be given a copy of the complainant's statement and advised that they shall be afforded a fair opportunity to respond to the allegation(s).

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**Investigation**

(a) The investigation will be conducted in accordance with the Uniform Complaint procedures.

(b) The investigator(s) should meet with the complainant and alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee union representative if so desired.

(c) Both parties should be given the opportunity to comment on the findings before any action is decided upon by management.

(d) The complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.

**Outcome**

(a) Should it be determined that the complaint is well founded; the Superintendent or designee will hold a meeting with the alleged perpetrator(s) to discuss the appropriate course of action. Such action could, for example, involve counselling and/or monitoring or progressing the issue through the disciplinary and grievance procedure of the employment

(b) If either party is dissatisfied with the outcome of the investigation, the issue may be processed through the normal industrial relations mechanisms.

(c) The Sutter County Superintendent prohibits retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of bullying.

**Confidentiality**

All individuals involved in the procedures referred to above should maintain confidentiality on the subject.

*Legal References:*

Government Code:

*3543 Public school employees' rights*  
*53296-53299 Disclosure of confidential information; whistleblower*

Labor Code:

*1102.5-1106 Whistleblower protections*