

Chapter: Human Resources

Modification No. 002Subject: **Prevention of Bullying and Workplace Violence**

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- I. Montgomery College is committed to maintaining a working, learning, and social environment in which the rights and dignity of all employees, students, and visitors are respected.
- II. Montgomery College views bullying and/or violent behavior as unwelcome, disruptive, and contrary to the development and maintenance of a safe, productive and supportive work environment. Such behavior is prohibited. Employees who exhibit such behavior will be held accountable. Visitors who exhibit such behaviors will be removed from College premises. Supervisors, in conjunction with the Office of Human Resources and Strategic Talent Management (HRSTM), are responsible for ensuring that the College appropriately investigates allegations of bullying and/or violent behavior. Supervisors, in conjunction with HRSTM, are also responsible for recommending appropriate disciplinary action against individuals found to have violated this policy.
- III. It is the policy of Montgomery College to expressly prohibit bullying and violent behavior or threats of violent behavior against any other employee, student, or visitor on College property (including its leased locations) at any time or while engaged in business with or on behalf of the College. Montgomery College will not condone any behavior that it considers to be bullying or violent, including hostile, aggressive, and intimidating conduct and behavior that impairs another's ability to perform that individual's responsibilities to the College or to participate in curricular and/or extracurricular activities. Furthermore, reprisal or retaliation against a complainant, witness, or anyone with information about behavior in violation of this policy is strictly prohibited.
- IV. Nothing in this policy should be read to impede academic freedom or violate rights to free expression. The prohibition against aggressive, bullying, and/or violent behavior will not constrain commonly accepted workplace management practices (e.g. performance reviews, disciplinary action, changes in employee status, etc.) that are carried out consistent with College Policies.
- V. The President is authorized to develop procedures to implement this policy.

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Board Approval: June 20, 2011; November 13, 2017.

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Modification No. 003Subject: **Prevention of Bullying and Workplace Violence**

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**I. Purpose**

- A. Montgomery College is committed to establishing and maintaining an environment in which the rights and dignity of all employees, students, and visitors are respected and where all members of the Montgomery College community can work and participate in College educational and/or workplace settings free from all forms of bullying and violent behavior.
- B. Bullying and violent behavior, as defined by this policy and procedure, will not be tolerated and the College will consider any violation of 21011/21011CP as an act of misconduct that will result in disciplinary action.
- C. The College has taken steps to prevent and promptly correct behavior not covered by this policy and procedure. Discriminatory conduct is covered by 31006/31006CP-Equal Opportunity and Non-Discrimination Policy and 41002/41002CP-Equal Educational Opportunity and Non-Discrimination Policy. Sexual misconduct, including sexual harassment, sexual assault, intimate partner violence/abuse, sexual exploitation, and sexual intimidation is covered by 21001/21001CP-Sexual Misconduct.

**II. Scope and Applicability**

- A. Employees, students, and visitors are prohibited from engaging in bullying, retaliation, and/or violent behavior, as those terms are defined in this procedure. This prohibition applies regardless of whether the behavior is exhibited toward other employees, students, or visitors.
- B. Individuals found to have violated this policy and procedure will be subject to disciplinary action in accordance with applicable College policies and procedures (such as 34002, 34002CP, 34003, and 34003CP) and/or collective bargaining agreements. Sanctions may include any available disciplinary measure, up to and including, discharge.
- D. In the event a third party (someone who is not a College employee or student) violates this Policy and Procedure against a College student or employee, the College will take appropriate action within its control to address the conduct and prevent its recurrence, including but not limited to, contacting law enforcement, and barring the third party from the College's property.

**III. Definitions**

- A. "Bullying" is abusive conduct that is threatening, unwelcome, aggressive, hostile, intimidating, harassing, and/or unreasonable behavior that demeans, mentally or physically intimidates, or humiliates people either as individuals or as a group. Bullying is typically a repeated course of conduct but may occur as a single incident. Bullying can be conducted by an individual or multiple individuals. Bullying may, but need not, result in physical harm; emotional and/or

psychological harm; economic harm; and/or reputational harm. Bullying is not limited to conduct between individuals with a certain relationship. For example, bullying may be peer to peer, subordinate to supervisor, supervisor to subordinate, and faculty/employee to student, among other relationships. Bullying includes, but is not limited to:

1. Verbal/written bullying, such as ridiculing, insulting, verbally abusing, or maligning a person, either in person or in writing; making abusive, threatening, or derogatory remarks to or about a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities; and
2. Cyberbullying, such as bullying an individual using any electronic form, including, but not limited to, the internet, e-mail, cellular phones, and/or other electronic resources.
3. Conduct that amounts to bullying as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 21011 and 21011CP, or elsewhere in the College's Policies and Procedures.

Bullying does not include the following conduct unless the conduct meets the definition set forth above:

1. A supervisor or any person with supervisory authority reporting and/or documenting an employee's unsatisfactory job performance and the potential consequences of such performance;
  2. A supervisor or any person with supervisory authority administering and/or recommending discipline;
  3. A College employee advising a student of unsatisfactory academic work and the potential for course failure or dismissal from a program; and
  4. A College employee advising a student of inappropriate behavior that may result in disciplinary proceedings.
- B. "Retaliation" is the punishment of or an action taken against an employee or student by a College employee or agent for: (1) reporting bullying and/or violent behavior; or (2) participating in an investigation into bullying and/or violent behavior. Retaliation can include, but is not limited to, demotion, discipline, discharge, salary reduction, and certain job/shift reassignment.
- C. "Violent behavior" includes physical violence toward a person and/or property, as well as threats of violence, whether direct or indirect. Violent behavior includes all forms of physical violence, all stated threats of violence, and behavior that would lead a reasonable person to believe that someone may act violently. Conduct that amounts to violent behavior as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 21011 and 21011CP, or elsewhere in the College's Policies and Procedures. Examples of violent behavior include, but are not limited to:

1. Physically touching another person in a non-consensual manner, such as pushing, punching, shoving, kicking, and/or tripping;
2. Intentionally damaging a person's work area or personal property or College property;
3. Damaging, destroying, interfering with, and/or sabotaging another's work product;
4. Making a credible threat of violence toward another;
5. Making a credible threat to damage and/or destroy another's property or work product, or College property;
6. Directing threatening gestures toward a person;
7. Behaving aggressively or hostilely in a manner that creates an objective reasonable fear of physical injury to another person or property;
8. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
9. Stalking (as defined in 21001-Sexual Misconduct);
10. Possessing a weapon, as defined in 97002-Prohibition of Weapons on Campus, while on College property or while on College business (unless specifically approved as a job-related requirement);
11. Using any object in a threatening or weapon-like manner;
12. Committing an act or acts of violence;
13. Engaging in overt physical intimidation and/or aggression.

- D. A "College educational and/or workplace setting" is defined as any location where an employee performs any work-related duty or student engages in any curricular or extracurricular activity. This setting includes but is not limited to, all College owned and leased premises, rental locations, off-site locations where College activities occur, and locations where College business, curricular, and/or extracurricular activities take place. College educational and/or workplace setting also includes online environments that the College operates and/or provides for employee or student use.

#### IV. Reporting Procedures

##### A. Situations Involving Violent Behavior and Bullying

1. If presented with bullying, violent behavior or the threat of violent behavior, aggressor, if possible, and notify the Office of Public Safety. If at an off-site location, contact 911 then notify the appropriate Office of Public Safety listed in IV, A, 4 below.
2. If a threat of violence is immediate, call 911 and provide all relevant details. After making the request for emergency assistance via 911, call the Office of Public Safety and provide all relevant details, including current location so that a Public Safety Officer can be dispatched to obtain additional information.
3. As soon as practical, employees shall report the incident to their supervisor or to someone in the employee's supervisory chain, and, if the aggressor is an employee, to the Director of Employee and Labor Relations (ELR). Upon notification, the supervisor is responsible for ensuring that ELR is notified.

4. In cases where a student is the reporting party and the aggressor is an employee, the Deputy Director of Public Safety for that campus or the closest campus for off-site locations is responsible for notifying the Director of ELR.

Westfield – TPSS

GBTC – Germantown

Community Engagement Centers – closest public campus

5. In all cases where the behavior rises to the level of a crime, it will be investigated as such. If the aggressor is a student, the incident may be investigated as a crime and as a violation of the Student Code of Conduct.
6. When reporting threats or acts of bullying or violence, employees, students, or visitors will provide as much detailed information as is possible and will, if requested, prepare a written report.

**B. Response to Allegations**

1. Upon receiving an allegation of bullying, violent behavior, or threat of violent behavior, the Director of ELR, or designee, will assess the allegation to determine whether the allegation falls within the scope of this Policy and Procedure and whether the allegation is supported by facts and circumstances.
2. After reviewing all facts and circumstances, the Director of ELR or designee may, where appropriate and with both parties' consent, attempt informal resolution prior to proceeding with the formal complaint process.
3. When informal resolution is inappropriate, the Director of ELR or designee shall recommend disciplinary action or other appropriate administrative action.
4. The Director of ELR, or designee, may place an employee accused of violating this Policy and Procedure on either paid or unpaid leave pending further investigation, depending on the circumstances of the complaint and evidence at hand. If the Director of ELR or designee decides to place an employee on paid or unpaid leave, the Director of ELR or designee shall comply with 34002-Disciplinary Action and Suspension and applicable collective bargaining agreements.

**C. Good Faith Reporting and Non-Retaliation**

The College prohibits retaliation against employees, students, and visitors who, in good faith, bring complaints regarding violations of this Policy and Procedure. An individual found to have knowingly filed a false allegation may be subject to appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation.

**V. Faculty Staff and Assistance Program (FSAP)**

- A. The FSAP Program, which includes counseling and referral services, is available to all employees, and should be used to prevent bullying, violent acts, and situations occurring in the workplace in accordance with section 35002.
- B. Any employee who displays a tendency to engage in bullying and/or violent behavior, or who otherwise engages in behavior that the College deems harassing, threatening, and/or aggressive, may be required to contact the FSAP provider for assessment and referral for appropriate treatment or other services and subject to disciplinary action, up to and including dismissal.
- C. A mandatory referral may be used only when the employee is facing imminent suspension or dismissal. A mandatory referral may only be made by the Office of Human Resources and Strategic Talent Management after consultation with the supervisor. If the employee chooses not to participate in the FSAP program, dismissal proceedings will be initiated. If the employee does choose to participate in FSAP, the employee will be required to sign a written statement, agreeing to an immediate referral to FSAP. Further, the employee will agree to sign a release of information statement allowing the Office of Human Resources, Development, and Engagement access to the following limited information: the employee's attendance, cooperation, and progress as specified by the FSAP provider, after the assessment has been made. If the employee does not cooperate with the recommendations of FSAP, then disciplinary proceedings shall begin.

VI. Education

- A. Education is a key element of this Policy and Procedure. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Prevention of Bullying and Work Place Violence Policy and Procedures. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing educational programs to increase knowledge and share information and resources to prevent bullying and violent behavior, promote safety, and reduce perpetration of the conduct proscribed by this Policy and Procedure. Goals to be achieved through education include: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of prohibited conduct; (c) informing employees, students, and other members of the College community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy and Procedure; (d) preventing issues that this Policy and Procedure addresses, and; (e) identifying the necessary steps for preventing bullying and violent behavior and addressing its effects.
- B. Workplace Bullying and Violent Behavior Advisory Team
  - 1. The College will establish a Workplace Bullying and Violent Behavior Advisory Team and shall include representation from Facilities, Public Safety, Human Resources, General Counsel, the College Ombuds, Equity and Inclusion, and others deemed appropriate by the President or designee. The Deputy Chief of Staff will convene the group quarterly, or as needed, and provide periodic reports to the President as directed.

2. This team will assist in promoting this Policy and Procedure by addressing bullying and violent behavior by reviewing best practices and college protocols. This Team will provide guidance in developing bullying and violent behavior prevention and education tools (such as incident reporting forms, pamphlets, guidelines, trainings and handbooks, etc.) to further assist in recognizing and preventing workplace violence.

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Administrative Approval: July 11, 2012; November 27, 2017; April 19, 2019.