

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries:	ABA-RB, ACA, ACA-RA, ACF, ACF-RA, ACH, ACI, ACI-RA, BLB, COC-RA, GAA, GBA-RA, GKA-RA, IGT-RA, JHF, JHF-RA
Responsible Offices:	Office of the Chief Operating Officer; Office of Human Resources and Development

Workplace Bullying

I. PURPOSE

To affirm Montgomery County Public Schools' (MCPS's) commitment to an organizational culture of respect

To establish procedures to implement Montgomery County Board of Education Policy ACH, *Workplace Bullying*, which sets forth a framework for preventing, intervening, and correcting workplace bullying with processes to prevent, identify, report, investigate, and resolve instances of bullying, with corrective actions, as needed

II. BACKGROUND

The Board considers workplace bullying to be unacceptable and will not tolerate it under any circumstances. Any bullying is behavior inconsistent with the *Culture of Respect Compact*¹ and diverts organizational energy from the core values of the Board. Employees are expected to conduct themselves in such a way as to contribute to an atmosphere of understanding, respect, and positive interaction among all individuals and groups.

III. DEFINITIONS

- A. A *complainant* is an employee claiming that an action is contrary to that required by applicable laws, Board policies, and MCPS regulations or rules.

¹ *Culture of Respect Compact among Montgomery County Public Schools, Montgomery County Education Association, Service Employees International Union Local 500, and the Montgomery County Association of Administrators and Principals* (referred to hereafter as the *Culture of Respect Compact*).

- B. A *party-in-interest* is the person or persons making the complaint, any person who might be required to take action, or the person or persons against whom action might be taken to resolve the complaint.
- C. *Workplace bullying* means repeated, deliberate, hurtful mistreatment, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more employees against another employee or employees, and that is –
 - 1. motivated by any individual’s actual or perceived personal characteristic, as defined in Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*; or
 - 2. threatening or intimidating; and that occurs at the workplace or in the course of employment; and
 - 3. sufficiently severe or pervasive so as to alter the conditions of the individual’s working environment.

These behaviors may occur in person or via any means of communication, including electronic communication, whether the conduct or communication occurs on or off MCPS property.

Workplace bullying is not limited to supervisor-to-subordinate conduct and may include peer-to-peer or subordinate-to-supervisor conduct. Examples of workplace bullying may include acts of humiliation, intimidation, or sabotage of work performance. Workplace bullying may adversely impact an individual’s physical or psychological well-being or work performance and advancement opportunities.

IV. PROCEDURES

- A. Awareness and Prevention
 - 1. MCPS will increase awareness of the prevalence, causes, and consequences of workplace bullying, harassment, or intimidation. Prevention strategies and informational activities reinforce expectations for professional and collegial conduct in support of the MCPS *Employee Code of Conduct* and the *Culture of Respect Compact*.
 - 2. MCPS will distribute materials to inform employees and the public about identifying, preventing, intervening, and correcting workplace bullying.
 - 3. Workplace bullying prevention information, professional development, and training will be incorporated into systemwide training on workplace

conduct and will include identifying, preventing, intervening, and correcting workplace bullying. Applicable laws and policies regarding workplace bullying will be readily available.

4. Additional guidance will be provided by the Office of Human Resources and Development (OHRD), Department of Compliance and Investigations (DCI).

B. Reporting

1. Any MCPS employee who alleges that they have been subjected to workplace bullying, or any bystander who witnesses workplace bullying, should report the incident(s) promptly to their principal/supervisor or other appropriate work-site administrator. The DCI will develop guidance for staff and supervisors, as needed, to address reporting, investigation, and follow-up procedures specific to workplace bullying.
2. If the subject of the complaint is the complainant's supervisor or is in a position of authority in relation to the complainant, or if the complaint is not resolved at the local level, the employee or bystander may submit the complaint directly to the DCI human resources compliance officer on MCPS Form 230-39, *Complaint of Discrimination or Workplace Bullying*, or the DCI email drop box at DCI@mcpsmd.org.
3. MCPS will maintain the confidentiality of investigations, including claims by employees and third parties, consistent with applicable laws and MCPS's responsibility to investigate and address such complaints.
4. No adverse action will be taken against any individual because that individual, in good faith, makes or participates in making a report of workplace bullying or cooperates with an investigation of an allegation of workplace bullying.

C. Investigation

1. In determining whether the alleged conduct constitutes workplace bullying, consideration will be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incident occurred.
2. At all levels of the procedure, any party-in-interest may be accompanied

and supported by any other individual of their choice.²

3. Within 60 workdays, the human resources compliance officer will –
 - a) Review the complaint to determine if it is reviewable under this regulation and, if so,
 - b) investigate the allegation, render a determination, and notify the parties-in-interest.
4. If, upon review, the compliant does not meet the criteria for investigation, the complaint will be returned to the complainant, without notification to other parties named in the complaint.
5. The human resources compliance officer may extend the time limit for compelling reasons, provided that the parties are given prompt notice of the extended timeline and rationale.

D. Appealing a Workplace Bullying Determination

1. A determination of the human resource compliance officer may be appealed to the chief operating officer following procedures set forth in Regulation ACA-RA, *Nondiscrimination, Equity, and Cultural Proficiency*, section IV.B.4.
2. Allegations of workplace bullying are not subject to the administrative complaint process described in MCPS Regulation GKA-RA, *Administrative Complaint*.

E. Corrective action

1. Corrective and progressive discipline will be determined consistent with the MCPS *Employee Code of Conduct* and applicable collective bargaining agreements or MCPS regulations.
2. Consequences for employees committing acts of workplace bullying or engaging in reprisal or retaliation, and/or employees found to have made intentional false accusations will be subject to disciplinary action. Such action could include but not be limited to written reprimand, professional counseling, reassignment, demotion, suspension, or termination.

² “Any other individual of their choice” includes a representative from an employee’s collective bargaining unit who may accompany and support the employee.

F. Nonemployee bullying

1. Employees are expected to conduct themselves in a professional and helpful manner with members of the public. However, all employees are entitled to civility in all their interactions in the workplace.
2. Employees are encouraged to notify their supervisors when interactions with members of the public rise to the level of workplace bullying. Supervisors are expected to support their employees and assist in seeking resolution of matters that rise to the level of workplace bullying with persons who are not MCPS employees. Supervisors may contact DCI and/or the Office of School Support and Well-being for additional support in handling matters involving interaction with nonemployees.
3. MCPS informs employees about Maryland law as it relates to workplace bullying, and MCPS also provides guidance and resources for incidents involving nonemployees, which may occur in person or via any means of communication, including electronic communication, whether the conduct or communication occurs on or off MCPS property.
4. Procedures found in Maryland law, MCPS Regulation ABA-RB, *School Visitors*, and MCPS Regulation COC-RA, *Trespassing or Willful Disturbance on MCPS Property*, may be used if necessary to address workplace bullying matters with persons who are not MCPS employees.

G. Other Remedies

Nothing contained herein shall preclude or limit any right, remedy, or cause of action provided under any other Board policy; MCPS regulation; or any local, state, or federal law or regulation. Nor does it modify or limit the Board and superintendent of school's full rights, authority, and discretion in the discharge of their duties and responsibility to control, supervise, and manage MCPS under applicable law, rules, and procedures.

Related Sources: *Culture of Respect Compact; Montgomery County Public Schools Employee Code of Conduct; Annotated Code of Maryland, Education Article, §6-901 through §6-906, and §26-101*

Regulation History: New regulation June 29, 2016; non-substantive revisions July 24, 2017; revised March 14, 2023.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.**

For inquiries or complaints about discrimination against MCPS students*	For inquiries or complaints about discrimination against MCPS staff*
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of Academic Officer Resolution and Compliance Unit 850 Hungerford Drive, Room 208, Rockville, MD 20850 240-740-3230 RACU@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

**Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

***This notification complies with the federal Elementary and Secondary Education Act, as amended.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.