

INDEPENDENT SCHOOL DISTRICT 271
Bloomington, Minnesota


REQUEST FOR SCHOOL BOARD ACTION

DATE OF BOARD MEETING: January 28, 2019

SUBJECT: Revised Policy 457, Respectful and Professional Workplace

ORIGINATING DEPARTMENTS: Human Resources
Community Relations

APPROVAL OF ADMINISTRATIVE CABINET MEMBERS: Mary E. Burroughs ^{NS}
Executive Director, Human Resources

Rick Kaufman 
Executive Director, Community Relations

RESOLUTION FOR BOARD TO ADOPT:

RESOLVED, that the School Board of Independent School District 271 approves revised Policy 457, Respectful and Professional Workplace.

RECOMMENDATION OF SUPERINTENDENT:

Approve. 

DETAILED BACKGROUND:

Policy 457 ensures employees are not subjected to disrespectful and unprofessional behavior, threats or acts of physical or verbal harassment, violence or harm, or disruptive conduct that causes others to feel unsafe from co-workers, parents/guardians, students, intimate partners of staff (employee or non-employee), or people doing work in the District. The revision includes language that addresses workplace violence. The revised accompanying regulation includes language regarding threat management and protection protocols.

The School Board's Policy Committee reviewed the revised policy at its meeting of January 15, 2019, and recommends approval. The accompanying revised regulation is presented for information.

District Legal Counsel, David Holman, has reviewed the proposed policy revisions.

Adopted: February 27, 2017
Revised: January 28, 2019 [Language Addition]
Contact Person: Executive Director of Human Resources

POLICY 457 RESPECTFUL AND PROFESSIONAL WORKPLACE

I. PURPOSE

To ensure employees are not subjected to disrespectful and unprofessional behavior, threats or acts of physical or verbal harassment, violence or harm, or disruptive conduct that causes others to feel unsafe from co-workers, parents/guardians, students, intimate partners of staff (employee or non-employee), or people doing work in the District.

II. GENERAL STATEMENT OF POLICY

The District is committed to providing a positive environment in which all staff, members of the public and others doing business with the District are treated with professionalism and respect. Staff shall not engage in unprofessional or disrespectful behavior, or any verbal or physical conduct, or be subjected to unprofessional or disrespectful behavior from co-workers, students, intimate partners of staff (employee or non-employee), parents/guardians, or people doing business with the District that threatens property or personal safety or that reasonably could be interpreted as a purposeful intent to cause harm or injury. No staff of the District shall permit, condone, or tolerate unprofessional or disrespectful behavior, or acts associated with workplace violence.

Adopted: February 27, 2017
Revised: January 28, 2019 [Language Addition]
Contact Person: Executive Director of Human Resources

REGULATION 457 RESPECTFUL AND PROFESSIONAL WORKPLACE

I. DEFINITIONS

- A. Disrespectful and Unprofessional Behavior is not limited to but includes chronic and continuous badgering and verbal abuse, offensive or inappropriate behavior, an act of bullying, or any act that a reasonable person would find inappropriate. Also defined as interference by a coworker, student, spouse/intimate partner, parent/guardian or people doing work in the District in the staff's performance of his/her duties and/or to comply with District Policy.
- B. Workplace Violence (WPV) is any verbal or physical conduct that threatens property or personal safety, or that reasonably could be interpreted as a purposeful intent to cause harm or injury.
- C. Retaliation - Includes but is not limited to any form of intimidation, interference, coercion, discrimination, penalty, censure, reprisal or harassment.
- D. School Staff - School Board members, school staff, agents, volunteers and contractors subject to the supervision and control of the District.
- E. Verbal Abuse - Abusive language, screaming, yelling, insults, threats, and profanity.
- F. Threats/Threatening Behavior - Incidents that include:
- Intimidating, belligerent, harassing, bullying or aggressive behavior, hostile gestures, or posturing without physical contact.
 - Direct or veiled threats of harm.
 - Injurious aggression, such as slapping, pushing, shoving, punching, kicking and wrestling.
 - Brandishing or use of any convention or improvised weapon, or incendiary device.

II. RESPONSIBILITIES

- A. Staff and all those interacting in the school environment are expected to:
1. Conduct themselves in a manner that demonstrates professionalism and respect for others in the school environment;
 2. Use informal means to address issues with the individual(s) involved whenever possible; and
 3. Staff are encouraged to use their personal or professional judgment regarding interactions that may pose a concern for personal safety, and report incidents that may violate this Policy consistent with the procedures outlined in this Policy.
 4. Staff must report to their supervisor any restraining or no-contact orders covering the workplace. It is also strongly encouraged that employees report estrangement or safety concerns related to intimate partner violence without fear, retaliation or negative job consequences.
- B. In addition to their responsibilities as staff as described above, managers and supervisors are also expected to:
1. Inform staff of the expectations of this Policy, including the responsibility to report threatening remarks or behavior;
 2. Achieve and maintain compliance with this Policy; and
 3. Take timely and appropriate action to evaluate and investigate when an incident is reported or a complaint is made alleging violation of this Policy, as outlined.

III. RESPECTFUL AND/OR PROFESSIONAL BEHAVIOR

Context is important in understanding the difference between respectful and/or professional behavior and disrespectful and/or unprofessional behavior. Individuals may experience stress or discomfort in the school environment that is not related to disrespectful and/or unprofessional behavior. For example, disrespectful and/or unprofessional behavior does **not** include the following:

- The normal exercise of supervisory or managerial responsibilities, including, but not limited to granting or denying requests of employees, responding to emails, performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
- Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

IV. PROCEDURES FOR DISRESPECTFUL/UNPROFESSIONAL INCIDENTS

- A. Employees or third parties are encouraged to informally resolve concerns whenever possible by having a conversation with the individual who they feel was disrespectful and/or unprofessional. If guidance on how to have that conversion is desired, the Executive Director of Human Resources (EDHR), supervisor, union representative, or Employee Assistance Program representative are all possible sources of guidance.
- B. If a direct informal approach is not possible or does not resolve the concern, a formal complaint should be made. The individual should report that conduct to their supervisor or the Executive Director of Human Resources (EDHR) within three calendar days of the incident, or within three calendar days of the last informal resolution process. While written reports are encouraged, a complaint may be made orally.
- C. In the case of a concern or complaint against a School Board member, the complaining party should make the oral or written report to the School Board chair, or if the complaint is made to a supervisor or EDHR, the School Board chair shall be advised of the complaint in order to begin the investigation. If the complaint is against the School Board chair, the vice chair will be notified of the complaint and begin the investigation. All complaints against School Board members will be investigated and outcome determined by the School Board.
- D. Investigation of a report of disrespectful behavior will be completed promptly. All reports of disrespectful behavior will be overseen by the EDHR. If a supervisor receives a report of disrespectful behavior, they will develop and implement an investigation plan in collaboration with the EDHR.
- E. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation of follow-up. The Superintendent shall be copied on the correspondence and consulted in advance of the written response when appropriate. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provision of Minnesota Statutes, 13 (Minnesota Government Data Practices Act) or other law.

V. THREAT MANAGEMENT AND PROTECTION PROTOCOLS

There is no proven formula for managing threatening situations that will work every time. Threat management requires making prudent judgment, and weighing options in an ever-changing, fear-inducing environment. Personal safety is paramount. Staff must consider their personal or professional position, surroundings and circumstances when determining how best to respond to an incident.

Workplace Violence (WPV) protection protocols to address threats of or actual workplace violence that may occur onsite or offsite during work-related activities are provided to staff, and are available in the Office of Human Resources.

- A. All incidents, including potential incidents, of workplace violence shall be reported within 24 hours or as soon as possible following the occurrence. A Workplace Violence Incident Report Form must be completed by the victim, or the victim's supervisor if the victim is unavailable, for all incidents. The supervisor is to ensure that the employee completes other reports, such as a worker's compensation claim if applicable.
- B. When appropriate, the Bloomington Police Department shall be notified.
- C. The completed Workplace Violence Incident Report Form shall be sent by the supervisor to the Office of Human Resources. EDHR shall coordinate a review of the incident with the supervisor and any witnesses to the incident. This after-incident debriefing shall assess staff awareness and response to protocols. Recommendations for revisions to protocols shall be forwarded to the District Assessment and Response Team (DART).
- D. Where there is a reasonable basis to believe that an employee involved with a workplace incident may be subject to disciplinary action, a copy of the Workplace Violence Incident Report Form shall be provided to the appropriate Labor Unit Leader or steward.
- E. Staff exposed to a threatening or violent incident will be provided with access to Employee Assistance Program services.
- F. WPV incident and after-incident debrief reports shall be maintained by the Office of Human Resources and kept in accordance with the State of Minnesota record retention guidelines. Reports of injuries shall be maintained in accordance with applicable laws and regulations, including Minnesota State Department of Labor and Federal OSHA laws and regulations.
- G. WPV incident and after-incident debrief reports shall be provided to DART for review. DART is responsible for making recommendations to the WPV Plan, including response protocols and whether measures should be implemented to prevent or lessen the impact of a similar incident. Cabinet shall be advised of the results of this review.
- H. Any District action taken pursuant to this Policy will be consistent with requirements of applicable collective bargaining agreements, contracts, Minnesota Statutes, and District policies. The District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or termination to end and prevent any further occurrences of disrespectful behavior. The District reserves the right to determine whether any type of behavior is disrespectful and injurious to the morale of the organization.

- I. Complaints that fall under school District Policy 413: Harassment and Violence should be filed pursuant to that policy.

Retaliation against any person who makes a good faith report under this Policy, or against any person who is included in investigatory interviews regarding a report under this policy is strictly prohibited. The District will take appropriate action with staff that retaliates against anyone, up to and including termination.

VI. DISTRICT ASSESSMENT AND RESPONSE TEAM (DART)

The DART shall consist of the following personnel:

- Executive Director of Human Resources (Lead)
- Assistant Superintendent
- Executive Director of Community Relations and Emergency Management
- Director of Office of Educational Equity
- Learning Supports Manager
- School Psychologist
- Executive Director of Special Education or Mental Health Professional
- Department Supervisor or School Principal (where incident occurred)

DART has the authority to seek additional assistance from licensed professionals with the Bloomington Public Health Department and Bloomington Police Department.