

# OLYMPIC COLLEGE POLICY

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**TITLE: Olympic College Bullying by Employees and Volunteers Policy**

**POLICY NUMBER: OCP 400-15**

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**REFERENCE:** Commitment to Civility and Academic Freedom (OCP 100-14); Discrimination and Harassment Grievance Procedure (OCPR 200-30); Workplace Violence Prevention Policy (OCP 400-12); Procedure for Reporting and Resolving Bullying by Employees and Volunteers (OCPR 400-16)

- A. **PURPOSE:** Olympic College is committed to fostering the inclusion, engagement, and success of all members of the campus community by maintaining learning, working, and living environments characterized by civility and respect. Bullying by employees and volunteers is antithetical to this commitment. This policy outlines the prohibition against bullying by employees and volunteers in the course of their service to the College, and OCPR 400-16 provides the process for reporting, responding to, and resolving allegations of bullying by employees and volunteers. This Policy is not intended to limit freedom of speech or academic freedom.
- B. **POLICY:** Under this Policy, bullying by faculty, staff, administrators, student employees in the performance of their employment duties, and volunteers in the performance of their voluntary service to the College, is prohibited. This policy applies to conduct that occurs on College property or during the course of any College-sponsored program or activity.

Managers and supervisors who observe or receive a report of bullying by an employee or volunteer are required to address such behavior and to notify the EEO Coordinator immediately.

Retaliation against an individual, who has, in good faith, reported bullying and/or assisted in any process under this policy, or attempted to do so, is prohibited.

The College will respond promptly to reports of bullying by employees and volunteers and will take action to prevent, stop, remedy, and impose discipline for violations of this policy, up to and including termination.

<i>Recommended by VP for Equity &amp; Inclusion/Title IX Coordinator</i>	<i>October 17, 2021</i>
<i>Recommended by the Executive Director of Human Resources</i>	<i>October 17, 2021</i>
<i>Submitted to President's Executive Team for Review</i>	<i>October 18, 2021</i>
<i>Approved by President</i>	<i>October 18, 2021</i>
<i>Submitted to Board of Trustees</i>	<i>October 19, 2021</i>
<i>Approved by the Board of Trustees</i>	<i>October 19, 2021</i>

# OLYMPIC COLLEGE POLICY

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**TITLE: OLYMPIC COLLEGE PROCEDURE FOR REPORTING BULLYING BY EMPLOYEES AND VOLUNTEERS**

**PROCEDURE NUMBER: OCPR 400-16**

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## **A. PURPOSE**

The following procedure is established to implement OCP 400-15 Olympic College Bullying by Employees and Volunteers Policy. Olympic College recognizes its responsibility to maintain learning, working, and living environments characterized by civility and respect and, therefore, to prohibit bullying by employees and volunteers. This procedure outlines the process for receiving, responding to, and resolving reports by employees, students, volunteers, and contractors alleging violations of OCP 400-15 by College employees and volunteers in the performance of their duties and/or service on behalf of the College.

## **B. DEFINITIONS**

1. **Bullying.** Bullying is defined as any non-discriminatory conduct directed at another that is sufficiently severe, persistent, or pervasive and objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the College's educational and/or social programs and/or student housing. Bullying may be top-down, perpetuated by someone with greater positional power towards another with lesser positional power; bottom-up, perpetuated by someone with lesser positional power towards someone with greater positional power; or peer-to-peer.

Examples of bullying by employees or volunteers may include, but are not limited to:

- Publicly humiliating another
- Subjecting an employee under one's supervision to excessive monitoring, micro-managing, or unrealistic deadlines
- Engaging in derogatory joking, ridicule, or mockery
- Undermining or sabotaging another person's work
- Mobbing, a form of bullying involving multiple perpetrators engaged in bullying activity against one or more targets
- Unwarranted systematic exclusion or isolation of a person or group

Bullying is not the same as:

- Discriminatory harassment, which targets another on the basis of their membership in one, or more than one, protected class

- Interpersonal conflicts or differences of opinion
  - Petty slights and annoyances, and isolated incidents of incivility and disrespect (unless extremely serious)
  - Rude or inconsiderate behavior that is not severe, persistent, or pervasive
  - Work-, instruction-, or coaching-related direction, guidance, oversight, and constructive feedback
  - Reasonable action taken to manage an employee's performance including, but not limited to, corrective action and/or disciplinary action
2. **Complainant.** A College employee, student, volunteer, or contractor who alleges they are the target of bullying by one, or more than one, employee or volunteer of the College
  3. **Complaint.** A description of facts that allege a violation of the College's policy against bullying by employees and volunteers in the performance of their duties and/or service on behalf of the College
  4. **Employee.** Faculty, staff, administrators, student employees, in the performance of their employment duties
  5. **Protected Class.** Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal
  6. **Respondent:** A College employee or volunteer who is alleged to have engaged in bullying against another person or persons
  7. **Volunteers:** College volunteers in the performance of their duties and/or service on behalf of the College

### C. WHO MAY RAISE A COMPLAINT

Any College employee, student, volunteer, or contractor can file a written complaint of bullying by an employee or volunteer in the performance of their voluntary service to the College under this procedure. Upon receiving a written complaint alleging employee or volunteer bullying, the EEO Coordinator or their designee will assess the allegation to determine if the alleged misconduct falls within the scope of the Bullying by Employees and Volunteers Policy (OCP 400-15) and is sufficiently supported by credible and specific facts to warrant the initiation of complaint resolution procedures.

Alleged abusive behavior that is directed at an individual or group based on their membership in a protected class may qualify as discriminatory harassment and be subject to action under the College's Discrimination and Harassment Grievance Procedures (OCPR 200-30). Alleged abusive behavior that involves physical contact or verbal or physical threats of violence may be subject to action under the College's Workplace Violence Prevention Policy (400-12).

#### **D. WHERE TO RAISE A COMPLAINT**

Alleged violations of the Bullying by Employees and Volunteers Policy (OCP 400-15) may be reported to the College's EEO Coordinator. If the report is against the EEO Coordinator, it should be made to the President's Office for referral to an alternate designee.

#### **E. HOW TO RAISE A COMPLAINT**

Reports must be submitted in writing by the complainant to [EEOCoordinator@olympic.edu](mailto:EEOCoordinator@olympic.edu). The report must describe the alleged bullying behavior in detail, including a description of the alleged bullying, the names of any witnesses, and the date, time, and locations of the alleged conduct. The College encourages timely reporting of bullying complaints, not to exceed 180 calendar days since the last instance of the alleged conduct. Reports should be made in good faith. Filing an intentionally false report is grounds for discipline up to and including termination.

#### **F. CONFIDENTIALITY AND THE RIGHT TO PRIVACY**

Olympic College will seek to protect the privacy of the parties to the extent possible under the law and consistent with the College's obligation to investigate and take appropriate remedial and/or disciplinary action. The College cannot guarantee complete confidentiality. Determinations regarding how to handle requests for confidentiality will be made by the EEO Coordinator or their designee.

#### **G. RESOLUTION**

The resolution of a bullying complaint under this procedure may involve an informal or formal investigation, as determined and coordinated by the EEO Coordinator or their designee. The investigator may be a College staff member trained in workplace investigations or an outside investigator selected by the EEO Coordinator or their designee. If the complaint requires investigation and is against the President, a Vice President, an Executive Director, or a manager within Human Resources, the college will secure a third-party investigator, who does not have a prior employment relationship with the College, to investigate the complaint. At the conclusion of any formal investigation, the EEO Coordinator or their designee will provide each party and the supervising administrator with a written report that includes the issues investigated and any findings of fact, as determined by a preponderance of evidence standard. Parties to the investigation may request an update on the status of the investigation from the EEO Coordinator or their designee not more than once per 30 calendar days. The EEO coordinator will provide an update to the complainant within 60 calendar of the complaint. This update is limited to the status of the investigation. The EEO Coordinator will attempt to conclude investigations within 180-days barring extenuating circumstances

#### **H. REQUEST FOR RECONSIDERATION**

Either the complainant or the respondent may seek reconsideration of the investigation findings. Requests for reconsideration shall be submitted in writing to the EEO Coordinator or their designee within 14 calendar days of receiving the investigation report. Requests must specify which portion of the findings should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within 14 calendar days, the findings become final. If a request for reconsideration is received, the EEO Coordinator or their designee shall either deny the request, or, if they determine that the request for reconsideration has merit, issue amended findings. Any amended findings are final, and no further reconsideration is available. Requests for reconsideration

are limited to the investigation's original scope and identified issues and may not raise new allegations of bullying not included in the original complaint.

**I. CORRECTIVE ACTION**

Findings of bullying, inappropriate workplace behavior, or misconduct may result in disciplinary action up to and including termination. Imposition of any disciplinary action will comply with all laws and provisions of any applicable collective bargaining agreement.

*Recommended by VP for Equity & Inclusion/Title IX Coordinator January 11, 2022*

*Recommended by the Executive Director of Human Resources January 11, 2022*

*Submitted to President's Executive Team for Review January 18, 2022*

*Approved by President January 18, 2022*

*Submitted to Board of Trustees January 18, 2022*

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