

## **BULLYING POLICY:**

### **SECTION I : PURPOSE:**

The purpose of this policy is to ensure all employees a safe and productive work environment. The Town of Windham will not, in any instance, tolerate bullying behavior. This policy does not supersede the Town of Windham's Sexual Harassment Policy.

### **SECTION II : SCOPE:**

This policy covers all employees of the Town of Windham.

### **SECTION III : DEFINITIONS:**

*Bullying* - Means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another employee which:

1. Physically harms an employee or damages the employee's property;
2. Causes emotional distress to a employee;
3. Interferes with a employee's educational opportunities;
4. Creates a hostile work environment; or
5. Disrupts the orderly operation of the employee's department.

*Cyberbullying* - Means conduct as identified in the definition of Bullying which is undertaken through the use of electronic devices or social media.

*Department Head* - A Supervisor or equivalent to the head of the department.

*Designee* - A person selected or designated to carry out a duty or role in place of someone else.

*Electronic devices* - Include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

*Social Media* - Websites and applications used for social networking.

*Verbal* - Slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**SECTION IV : PROCEDURE**

Bullying may be intentional or unintentional. Every complaint will be promptly and thoroughly investigated by the Department Head or designee, and as needed coordinated with the Windham Police Department. At a minimum, any physical acts of bullying or verbal threats of physical acts shall be reported to the Windham Police Department. If the Department Head is a party in the complaint, the matter shall be directed to the Town Administrator for investigation. The Town Administrator, or if the complaint involves him/her the Board of Selectmen will verify whether a violation has occurred. If the allegations are verified, prompt and appropriate corrective action and disciplinary measures, up to and including dismissal, will be implemented.

**SECTION V: ACTIONS:**

The complaint shall be written and shall include the following information:

- A. A description of the action, policy, practice or procedure upon which the complaint is based;
- B. If the complaint is based on an action, the date(s) thereof;
- C. If the complaint is based on an action, the name of the respondent;
- D. The nature of the alleged bullying;
- E. Whether or not the complainant has informally discussed the matter with the respondent or his/her supervisor; and if so, the results of the discussion(s); and
- F. Whether or not the complainant has filed a separate grievance through the Town of Windham's personnel policy process.

Nothing in this policy shall prohibit a supervisor from counseling or disciplining an employee in the normal course of business, which is outlined in the Personnel Policy and collective bargaining agreement. Nothing in this policy shall infringe on any employees exercising their right of freedom of speech as guaranteed by the NH and the US Constitutions.

**SECTION VI : WAIVERS:**

The Board of Selectmen may vote to waive any portion of this policy for good cause shown.

**SECTION VII : AMENDMENTS:**

This policy may from time to time be amended by the vote of the Board at a regularly scheduled Board Meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which must be the Town Hall, at least 14 days before the date of the meeting.

**SECTION VIII : EFFECTIVE DATE:**

This policy shall be effective upon a vote of the Board.

**Adopted By Board of Selectmen – Date: February 24, 2014**

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**Phil LoChiatto, Chairman**

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**Kathleen DiFruscia**

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**Roger Hohenberger**

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**Ross McLeod**

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**Al Letizio, Jr.**  
Board of Selectmen