

CIVILITY IN THE WORKPLACE

Application: All Executive Branch employees whether covered or non-covered under the Virginia Personnel Act. This includes all teaching, research and administrative faculty, employees of the Governor's Office, the Office of the Lieutenant Governor, and the Office of the Attorney General.

Expectations for appropriate behaviors extend to contract workers, customers, clients, students, volunteers, and other third parties in the workplace.

POLICY

It is the policy of the Commonwealth to foster a culture that demonstrates the principles of civility, diversity, inclusion, and equity. In keeping with this commitment, workplace harassment (including sexual harassment), bullying (including cyber-bullying), and workplace violence of any kind are prohibited in state government agencies.

PURPOSE

The purpose of this policy is to ensure that agencies provide a welcoming, safe, and civil workplace for their employees, customers, clients, contract workers, volunteers, and other third parties and to increase awareness of all employees' responsibility to conduct themselves in a manner that cultivates mutual respect, inclusion, and a healthy work environment. All employees should be trained to recognize, prevent, and report behaviors that constitute harassment, sexual harassment, bullying, cyber-bullying, and threats or violence related to the workplace. Agencies are required to provide avenues for addressing complaints and holding employees accountable and to communicate how employees may access these procedures and participate in related investigations, free of retaliation.

AUTHORITY

The Director of the Department of Human Resource Management (DHRM) issues this policy and is responsible for the official interpretation of this policy pursuant to the authority provided in § 2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy as necessary.

Supersedes Policy 1.80, Workplace Violence, and Policy 2.30 Workplace Harassment

This policy consolidates and supersedes Policy 1.80, Workplace Violence and Policy 2.30, Workplace Harassment.

Agencies may supplement this policy to accommodate specific business needs. Supplemental policies must be consistent with the provisions of DHRM policy and must be communicated to all agency employees.

RELATED POLICIES

Policy 1.60, Standards of Conduct
Policy 1.75, Use of Electronic Communications and Social Media
Policy 1.80, Workplace Violence (Superseded)
Policy 2.05, Equal Employment Opportunity
Policy 2.30, Workplace Harassment (Superseded)

ADMINISTRATIVE PROCEDURES CIVILITY IN THE WORKPLACE

A. Prohibited Conduct

1. **Harassment, Bullying, Workplace Violence:**

The Commonwealth strictly forbids harassment (including sexual harassment), bullying behaviors, and threatening or violent behaviors of employees, applicants for employment, customers, clients, contract workers, volunteers, and other third parties in the workplace. Behaviors that undermine team cohesion, staff morale, individual self-worth, productivity, and safety are not acceptable.

2. **Retaliation:**

The Commonwealth will not tolerate any form of retaliation directed against an employee or third party who, in good faith, either reports these prohibited behaviors or participates in any investigation concerning such behaviors.

B. Complaint Procedures

1. **Timely Reporting:**

Employees and third parties should report incidents of prohibited conduct as soon as possible after the incident occurs.

2. **Recipient of Complaint:**

Under no circumstances shall the individual alleging prohibited conduct be required to file a complaint directly with the individual(s) alleged to have engaged in the prohibited conduct.

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3. Assurance against Retaliation:

Employees and third parties who, in good faith, make complaints of inappropriate workplace conduct or provide information related to such complaints will be protected against retaliation. If retaliation occurs, the complainant(s) should report the retaliation through the appropriate complaint procedure.

4. Discriminatory Prohibited Conduct:

Employees and applicants for employment seeking to remedy workplace harassment **on the basis of an individual's race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, veteran status, or disability** may file a complaint using any of the options noted:

(i) Internal Agency Procedure for Discriminatory Prohibited Conduct

The employee or applicant may report incidents of discriminatory harassment to his or her supervisor(s), the agency human resource director, the agency head, or any individual(s) designated by the agency to receive such reports; **OR**

(ii) State Complaint Procedure for Discriminatory Prohibited Conduct

The employee or applicant may follow the [Commonwealth Employees' Discrimination Complaint Procedure](#), which is administered by DHRM; **OR**

(iii) Grievance Procedure for Discriminatory Prohibited Conduct

Eligible employees also may use the [State Employee Grievance Procedure](#), which is administered by DHRM, to address discriminatory harassment; **OR**

(iv) Federal Complaint Process for Discriminatory Prohibited Conduct

Employees (and applicants for Commonwealth employment) may file a complaint with the [U.S. Equal Employment Opportunity Commission](#).

Those wishing to file a complaint may also contact the [Advice Line](#), administered by DHRM, to discuss concerns and be advised of options and procedures.

5. Non-Discriminatory Prohibited Conduct:

Employees and third parties who have been subjected to or have witnessed non-discriminatory prohibited conduct may report the incident(s) to their supervisor(s), the agency human resource director, the agency head, or any individual(s) designated by the agency to receive such reports. Each agency shall communicate its internal procedure to employees and respond to third parties accordingly.

The procedure shall ensure the safety and anonymity of those reporting threats or violent situations and shall include a mechanism to address such situations

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immediately. This may include prompt notification of appropriate law enforcement or medical authorities.

C. Policy Violations

1. Engaging In Prohibited Conduct:

Any employee who engages in conduct prohibited under this policy or who encourages or ignores such conduct by others shall be subject to corrective action, up to and including termination, under Policy 1.60, Standards of Conduct.

2. Allowing Prohibited Conduct to Continue:

Managers and/or supervisors who allow observed or reported prohibited conduct addressed in this policy to continue upon becoming aware of the behavior may be considered parties to the offense and subject to disciplinary action, up to and including termination, under Policy 1.60, Standards of Conduct.

3. Failure to Respond:

Managers and/or supervisors who fail to take appropriate action upon becoming aware of the behavior shall be subject to disciplinary action, up to and including termination, under Policy 1.60, Standards of Conduct.

4. Violations Outside the Workplace:

Violations occurring outside the workplace may be grounds for disciplinary actions, up to and including termination. In these situations, the agency must demonstrate that the conduct committed has a sufficient nexus to the workplace or the agency's operations, services, or reputation to be addressed by this policy.

D. Agency Responsibilities

1. Complaint Procedures:

Agencies must establish internal complaint procedures, designate recipients of such complaints, and assign responsibilities for investigation and communication of findings.

2. Safety Protocols:

Agencies must establish and communicate protocols for assessing and addressing emergency situations involving threatening or violent behaviors.

3. Communication:

Agencies must communicate this policy to employees and third parties on a periodic basis. Communication must include:

- The agency's commitment to providing a safe work environment; to fostering a culture of civility, diversity, inclusion, and equity; and to immediately addressing prohibited conduct.

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- The requirement that employees participate in training on the *Civility in the Workplace* policy and about the types of behavior that are considered prohibited conduct.
- Directions and procedures established for filing related complaints. Complaint procedures shall be communicated periodically and through multiple media to ensure that employees are aware of their right to report prohibited conduct and are assured that there will be no retaliation for doing so.

4. Agency Management:

Agency managers and supervisors are required to:

- Stop any prohibited conduct of which they are aware, whether or not a complaint has been made;
- Express strong disapproval of all forms of prohibited conduct;
- Intervene when they observe any acts that may be considered prohibited conduct;
- Take immediate action to prevent retaliation towards the reporting party or any participant in an investigation;
- Take immediate action to eliminate any hostile work environment when there has been a complaint of workplace harassment; and
- Take immediate action to address any threats or violent behavior that could endanger the safety of employees and others in the workplace or result in damage to physical structures.

5. Contract Workers/Other Third Parties:

Agencies must ensure that contract workers or other third parties are made aware of this policy and are provided with related training.

E. Department of Human Resource Management (DHRM) Responsibilities

DHRM must:

- Provide online training coursework related to this policy to be accessible to employees;
- Provide policy and training guidance to agencies; and
- Communicate to agency heads and human resource directors the requirement that all employees complete the online training provided by DHRM or comparable training provided by the agency.

GLOSSARY

Prohibited Conduct

Bullying

Disrespectful, intimidating, aggressive and unwanted behavior toward a person that is intended to force the person to do what one wants, or to denigrate or marginalize the targeted person. The behavior may involve a real or perceived power imbalance between the aggressor and the targeted person. The behavior typically is severe or pervasive and persistent, creating a hostile work environment. Behaviors may be discriminatory if they are predicated on the targeted person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class).

Cyber-Bullying

Using technology to intentionally harm others through hostile behavior, threatening, disrespectful, demeaning, or intimidating messages. Bullying that occurs via the Internet, cell phones, or other devices (e-mails, IMs, text messages, blogs, pictures, videos, postings on social media, etc.). Pretending to be the victim or spreading rumors or visual images online in order to denigrate or marginalize the targeted person. Behaviors may be discriminatory if they are predicated on the targeted person's protected class (e.g., using prejudicial stereotyping or references based on the targeted person's characteristics or affiliation with a group, class, or category to which that person belongs, or targeting people because they are in a protected class).

Discriminatory Workplace Harassment [Harassment illegal under equal employment laws]

- **Discriminatory Harassment**
Any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, political affiliation, veteran status, or disabilities, that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.
- **Sexual Harassment**
Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-workers or non-employee (third party).
- **Quid pro quo**
A form of sexual harassment by a manager/supervisor or a person of authority in which an employee's receipt of a job benefit or the imposition of a tangible job detriment is conditioned on the employee's acceptance or rejection of the harassment.
- **Hostile work environment**
A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendos, touching, or other conduct of a sexual nature that creates an intimidating or offensive place for the employees to work.

Non-Discriminatory Workplace Harassment [Harassment not based on protected classes]

Any targeted or directed unwelcome verbal, written, social, or physical conduct that either denigrates or shows hostility or aversion towards a person not predicated on the person's protected class.

Supersedes Policy 1.80, Workplace Violence, and Policy 2.30 Workplace Harassment

Retaliation

Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.

Third Parties

Individuals who are not state employees, but who have business interactions with state employees. Such individuals include, but are not limited to:

- Customers;
- Clients;
- Students;
- Interns;
- Vendors;
- Contractors;
- Volunteers;
- Applicants for state employment or services; and the
- General public.

Workplace

Any location, either permanent or temporary, where an employee performs any work-related duty or is representing the agency in this capacity. This includes, but is not limited to, the buildings and surrounding perimeters, including the parking lots, field locations, alternate work locations, clients' homes or offices, outside meetings, conferences and conventions, and travel to and from work assignments. It also applies to written, verbal, or graphic communications delivered in person, via phone, message, computer, or social media.

Workplace Violence

Any physical assault, threatening behavior, or verbal abuse occurring in the workplace by employees or third parties. Threatening behaviors create a reasonable fear of injury to another person or damage to property or subject another individual to extreme emotional distress.