



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 2.35 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.

PURPOSE:

It is the policy of the Commonwealth to foster a culture that demonstrates the principles of civility, diversity, equity, and inclusion. 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.

POLICY SUMMARY:

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 receive training from either the agency EEO Officer or the Diversity, Equity, and Inclusion Unit in the Department of Human Resource Management to assist them in recognizing, preventing, and reporting 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; to communicate how employees may access these procedures and participate in related investigations, free of retaliation; and to hold employees accountable for violations of this policy.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

Policy 1.60, Standards of Conduct

Policy 1.75, Use of Electronic Communications and Social Media

Policy 2.05, Equal Employment Opportunity

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
01-01-19	Policy established. This policy replaces Policy 1.80, Workplace Violence and Policy 2.30, Workplace Harassment.
05-01-20	Policy re-formatted, link for Policy Guide.
07-01-20	Policy revised per changes in Code of Virginia § 2.2-3901, 2.2-3903.



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ADMINISTRATIVE PROCEDURES

PROCEDURES

Prohibited Conduct

General Provisions	Application
Harassment, Bullying, Workplace Violence Refer to the Policy Guide on Prohibited Conduct/Behaviors for more information.	<ul style="list-style-type: none">• 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.
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.

Complaint Procedures

General Provisions	Application
Timely Reporting	Employees and third parties should report incidents of prohibited conduct as soon as possible after the incident occurs.
Recipient of Complaint	<ul style="list-style-type: none">• 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.• Under no circumstances shall the individual alleged to have engaged in prohibited conduct be allowed to investigate the complaint that he/she is alleged to have engaged in.
Assurance against Retaliation	<ul style="list-style-type: none">• 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.
Discriminatory Prohibited Conduct	Employees and applicants for employment seeking to remedy workplace harassment on the basis of an individual's race (to

General Provisions	Application
	<p>include traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists); sex; color; national origin; religion; sexual orientation; gender identity or expression; age; political affiliation; genetic information; veteran status; pregnancy, childbirth or related medical conditions; or disability may file a complaint using any of the options noted:</p> <ul style="list-style-type: none"> • Internal Agency Procedure for Discriminatory Prohibited Conduct: The employee or applicant may report incidents of discriminatory harassment to his/her supervisor(s), the agency human resource director, the agency head, or any individual(s) designated by the agency to receive such reports; OR • State Complaint Procedure for Discriminatory Prohibited Conduct: The employee or applicant may follow the complaint procedure as administered by the DHRM; OR • 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 • 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 grievance may contact the Advice Line, administered by Office of Employee Dispute Resolution to discuss concerns and be advised of options and procedures. • Those wishing to file a discriminatory complaint may contact the 800 number administered by the Diversity, Equity, and Inclusion Unit.
Non-Discriminatory Prohibited Conduct	<ul style="list-style-type: none"> • Employees and third parties who have been subjected to or have witnessed nondiscriminatory 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 immediately. • This may include prompt notification of appropriate law enforcement or medical authorities.

Policy Violations

General Provisions	Application
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.
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.
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.
Violations Outside the Workplace	<ul style="list-style-type: none"> • 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.

Agency Responsibilities

General Provisions	Application
Complaint Procedures	Agencies must establish internal complaint procedures, designate recipients of such complaints, and assign responsibilities for investigation and communication of findings.
Safety Protocols	Agencies must establish and communicate protocols for assessing and addressing emergency situations involving threatening or violent behaviors.
Communication	<p>Agencies must communicate this policy to employees and third parties on a periodic basis. Communication must include:</p> <ul style="list-style-type: none"> • The agency's commitment to providing a safe work environment; to fostering a culture of civility, diversity, and equity inclusion.; and to immediately addressing prohibited conduct. • 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.

General Provisions	Application
Agency Management	Agency managers and supervisors are required to: <ul style="list-style-type: none"> • 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. • 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.
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.

Department of Human Resource Management Responsibilities

General Provisions	Application
DHRM Responsibilities	<ul style="list-style-type: none"> • Provide online training coursework related to this policy to be accessible to employees. • Provide policy and training guidance to agencies. • 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

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; traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists; sex; color; national origin; genetic information; religion; sexual orientation; gender identity or expression; age; political affiliation; veteran status; pregnancy, childbirth or related medical conditions; 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.

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	<p>Individuals who are not state employees, but who have business interactions with state employees. Such individuals include, but are not limited to:</p> <ul style="list-style-type: none"> • 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.