

BUDGET BLUES GOT PEOPLE MISBEHAVIN'?

By Kristine Fertel

As classes, programs and personal income decrease while workload, meetings and mental stress increase, the atmosphere is ripe for some serious misbehavior: workplace bullying and harassment.

Are you being bullied or harassed? Or are your colleagues and managers simply passionately advocating for their programs or policies? If you are being singled out and victimized, how can you empower yourself before it takes its toll? At the recent CFT Convention, I had the opportunity to attend an informative workshop entitled "Workplace Bullying" presented by Jeff Boxer, Esq. and Barry Kirschen of the Greater Santa Cruz Federation of Teachers.

Boxer and Kirschen both suggested that a good place to start is by defining bullying and harassment. Since 2003, when AB 1582, the "Healthy Workplace Bill," was first introduced in California, there has been a growing movement in academe to identify, explore and prevent bullying behavior. Although that bill was defeated in California, the movement has spread, passing legislation in some states and pending passage in others, and has spawned many other bills, nine of which are currently in the California legislature. One in particular, AB 620 (Block), is a group specific (LGBT) anti-bullying bill in the works for higher education. Such actions, along with blogs, websites and research studies, have



made "workplace bullying" a hot topic for management and labor alike.

In two very recent publications in FACCCTS, The Journal of the Faculty Association of the California Community Colleges, three community college faculty members define harassment and bullying. According to Arismendi-Pardi, Crawford and Kennedy in "Bullying, Academic Freedom and Labor Relations" (2010):

Bullying is behavior that consists of repetitive and offensive intentional conduct targeted at an individual or group of individuals. Bullying creates an intimidating and/or threatening environment which produces a risk of psychological and/or physical harm. Harassment, on the other hand, differs from bullying in that it is an illegal discrimination that is offensive—an unwelcome conduct that occurs because of a person's protected class status and, furthermore, such actions can be imputed to the employer.

As defined, harassment is illegal discrimination against someone in a protected class. If you are being harassed by anyone within the workplace, record everything you can and quickly let LRCFT officers and LRCCD administrators know as this is clearly covered in Article 18 of your LRCFT contract in the "Non-Discrimination" article and in District policies and regulations. There are numerous laws that protect workers from harassment. Moreover, the District is mutually committed to immediately and seriously investigating and addressing such claims once they are brought to their attention.

Bullying is not so simple As mentioned above, the "Healthy Workplace Bill" was introduced, but not passed in California. Currently, there are no laws against workplace bullying in our state and it is not in your LRCFT contract. In fact, it is not in most contracts. For these reasons, it is not easy to grieve, and it is not something that can easily be decided in arbitration if it does manage to go that route. Why? Well, it's tricky. Bullying can be faculty on faculty as well as management on faculty. If faculty are bullying faculty, the union has a conflict with representation. Moreover, if it were to be included in the disciplinary process of the contract, that contract language would have the potential of being injurious to members if misused to attack academic freedom or freedom of speech. At least those have been the traditional arguments. Some unions are getting creative and finding ways to develop contract language that is similar to what is currently used for harassment. For example, recently there has been a case in which two unions negotiated a "Mutual Respect" clause in their contract with the Commonwealth of Massachusetts to address bullying along with other kinds of misbehavior. This is indicative of the controversy surrounding how to deal with bullying; however, it is generally agreed that bullying does hurt labor and does cost institutions a lot of money in administration time, training and mentoring staff and EAP programs for victims, as a few examples. Bullying is a serious concern in the workplace. So what should you do if you are bullied?

—First, establish that you are being bullied. As the aforementioned definition states, bullying is repetitive

behavior targeting a specific individual or individuals. A good starting point is www.workplacebullying.org If someone is generally domineering to all, this is not bullying. This is something that can be brought up in an evaluation or via LRCFT to HR. Bullying is also not just repeatedly pointing out what is wrong with something. Bullying threatens the mental and/or physical health of those who are bullied. It's important to carefully consider the weight of such a term and the reality.

—Determine how you are being bullied and record all communication as evidence. Arismendi-Pardi, Crawford and Kennedy categorize bullying into many different types. How you are being bullied helps sharpen your defense. For example, "cyber bullying" is against the District's policies and regulations for computer use. "Physical bullying" is illegal under civilian laws, "academic mobbing" is potentially a "hostile work environment" complaint and "sexual and racial bullying" may also be harassment. Finally, "verbal and emotional bullying" violate many policies and regulations regarding appropriate behavior. In other words, the more specific proof you collect and the better you can communicate how you've been bullied, the better the outcome.

—Empower yourself by involving others. Bullying does not go away when it is ignored. If you can, tell the bully that his/her behavior is unacceptable. Inform LRCFT so we can help you do so. In addition, let your immediate dean know so that he/she can also investigate and mediate. If management is the problem, let HR know. In response to the 2008 Employee Satisfaction Survey, the LRCCD created a "Workplace Bullying Hotline" (916-286-3600) to allow employees to report bullying anonymously. Sometimes simply being put on record that others are monitoring their actions modifies the actions of bullies. Effective actions to curtail bullying can be taken informally, or even formally if the actions constitute unprofessional behavior.

As a final note, it is important that we all educate ourselves on and be conscious of misbehavior in the workplace. As Martin Luther King, Jr. said, "We must learn to live together as brothers or we are going to perish together as fools." Misbehavior costs us all; exemplary behavior empowers us all.

If you have any questions about this article or would like links to the resources referenced within it, please contact fertelkd@arc.losrios.edu. ■