1. Policy Purpose Statement

The State of Delaware (State) promotes an environment of mutual respect, diversity, and dignity for all people who are employed or encounter the State, its programs, and its services. The State is committed to quality service and seeks to build and maintain a safe, secure, and positive workplace that is respectful and professional. The standards set forth here are to assure a professional workplace free of bullying and disrespectful behavior for all employees, contractors, and clients.

The State celebrates the value of inclusiveness to build trust, harmony, understanding, and compassion among all who are employed by or encounter the State, its programs, and its services. This policy is intended to provide guidance regarding what is expected of employees to help assure a work environment of mutual respect.

The State is committed to the equal enforcement of all employment practices in this policy as specified by State and Federal laws, regulations, and policies.

2. Scope

This policy applies to all employees of Executive Branch agencies including all appointed, executive, exempt, non-exempt, merit, casual/seasonal, contracted staff, apprentices, temporary agency staff, volunteer, full-time and part-time employees, paid and unpaid interns, joint employees, officers, and officials.

The State respects employees’ right to speech, and this policy balances an employee's right to speech as well as the States’ interest in conducting state business in a safe, respectful, and professional manner. Speech that uses obscene, vulgar, or abusive language or that ridicules or disparages will not be tolerated. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, including but not limited to business trips, business meetings, and business-related social events. Additionally, engaging in conduct, such as bullying or behavior that negatively impacts the workplace environment or relationships, outside of the workplace, such as on social media, that can undermine or impede an agency’s performance or the attainment of its goals and objectives, violates the State’s standards of conduct and is unacceptable.
This policy addresses communications and conduct that do not involve protected class status. Communications and behavior, such as harassment, intimidation, discrimination, and retaliation based on protected class status are addressed specifically in the State of Delaware Respectful Workplace and Anti-Discrimination Policy which is the policy to be used when protected class(es) are involved and with which all State employees must also comply.

The terms of this policy supersede any statewide or related Executive Branch Agency policy and procedure.

3. Definitions and Acronyms

- **Bullying** – The repeated mistreatment and/or intentional act(s) that cause harm to one or more persons, that is not based on a protected class, by one or more perpetrators in person, by email, by text, or via social media account.
- **Disrespectful Behavior** – Conduct and/or communication in person, by email, by text, or via social media account which a reasonable person would deem inappropriate, demeaning, derogatory, and/or otherwise offensive.
- **Employee/s** – Anyone working for the Executive Branch, including all appointed, executive, exempt, non-exempt, merit, casual/seasonal, contracted staff, apprentices, temporary agency staff, volunteer, full-time and part-time employees, paid and unpaid interns, joint employees, officers, and officials.
- **Professional Boundaries** – Limits in the relationship that the employee is responsible for establishing and maintaining. Professional boundaries define effective and appropriate interactions between employees and between employees and the public, including clients or service recipients; in person, by email, by text, or via social media account.
- **Professionalism** – Displaying good judgment and proper behavior that is reasonably expected in the workplace.
- **Protected Class** – A person’s race, color, national origin, gender, age, sex, creed, pregnancy, marital status, family responsibilities, sexual orientation, gender identity or expression, veteran’s status, religion, genetic information, disability, status as a victim of domestic violence, sexual assault and/or stalking, or any other category protected by applicable state and/or federal laws.
- **Respect** – Behavior that values diversity, inclusion, dignity, courteous conduct, fairness, equity, and equality that promotes positive communication and collaborative working relationships in a manner that a reasonable person would find appropriate.
- **Social Media** – Includes all means of communicating or posting information or content of any sort on the Internet, including to one’s own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the State, as well as any other form of electronic communication.
- **Trauma-Informed Care** – An intentional approach to understanding and interacting with people who have experienced or may be experiencing trauma. It assumes that most people are likely to have at least one traumatic event at some point in their lives and that, for some, this impacts the way they perceive the world and engage with others.
4. **Policy**

a. The State strives toward continuous improvement of the workplace by employing these essentials: responsibility, accountability, respect, trust, and professional courtesy. Achieving excellence in human relations is a matter of respecting individuals and their differences. The State respects diversity in its employees, clients, and constituents. In valuing people, there are diverse views, abilities, and strengths when working with one another, and through openness, awareness, compassion and sensitivity, we can begin to understand how words and actions are perceived by others. Accordingly, employees and individuals covered by this policy have the responsibility to build and maintain a safe, secure, respectful, professional, bias-free, harassment-free, discrimination-free, and retaliation-free work environment. Therefore, disrespectful and unprofessional communications or behavior in person, by email, by text, or via social media account is not acceptable and will not be tolerated as it can disrupt the proper functioning of work units and undermine the State’s mission.

b. The State prohibits retaliation and will take prompt and effective action in response to alleged violations of this policy. No tangible hardship, loss, or penalty may be imposed on an employee in response to:
   - Filing or responding to a complaint;
   - Appearing as a witness in the investigation of a complaint; or
   - Serving as an investigator of a complaint.

c. **Standards of Conduct**

Employees and individuals covered by this policy must adhere, at a minimum, to the following standards of conduct. These standards of conduct are not to be construed as an all-inclusive list. All employees and individuals covered by this policy shall:

1) Conduct themselves in a manner that upholds public trust and preserves public confidence, avoid conduct which violates, or creates the suspicion of violating the public’s trust, which may reflect unfavorably upon the State and its government. Employees are not to engage in conduct unbecoming in our outside of the workplace, such as on social media, that can undermine or impede an agency’s performance or the attainment of its goals and objectives. Conduct unbecoming includes bullying or behavior that negatively impacts the workplace environment or relationships.

2) Maintain appropriate, professional boundaries, and professionalism with State staff and/or individuals not directly connected to the State, including clients, service recipients, and constituents.

3) Not bully or engage in repeated disrespectful behaviors that can be perceived as bullying, such as use of unwanted attention, aggression, use of threats, shouting, sabotage, etc. in person, by email, by text, or via social media.

4) Not use derogatory language, slurs, and negative stereotyping in written, verbal or non-verbal communication to or about staff and/or individuals not directly connected to the

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1. 29 Del. C. Chapter 5806
State, including clients, service recipients, and constituents in person, by email, by text, or via social media.

5) Report to work in a condition necessary to perform and maintain job responsibilities in a professional, safe, and satisfactory manner.

6) Comply with the State of Delaware Drug-Free Workplace Policy and uphold that the State is a drug and alcohol-free workplace. The possession, manufacture, transfer, distribution, dispensing, sale, or use of prohibited substances or alcoholic beverages is strictly prohibited while on State premises, during any working hours, while driving State-owned or leased motor vehicles, or while driving personal motor vehicles while conducting State business.

7) Comply with the State of Delaware Workplace Violence Policy and not initiate acts and/or threats of harm and/or violence to persons and/or State property. In accordance with this policy, State employees are not to be in possession of a weapon while on State property or while conducting State business (unless specifically approved by the Cabinet Secretary/Agency Head as a job-related requirement).

8) Comply with the State of Delaware Acceptable Use Policy and safeguard and appropriately utilize all State-issued property, equipment, and software. Employees must give notice of loss or damage, and return the property when requested, such as office furniture, equipment, electronic systems, cell phones, computers, devices, and keys. Employees shall refrain from unauthorized use of State property.

9) Comply with the State of Delaware Social Media Policy and protect the confidentiality of State information.

10) Not falsify State records and not make any verbal or written report or misrepresent any material fact with the intent to mislead any person, panel, board, and/or tribunal, associated or not with the State.

11) Not engage in behaviors which offend or demean others in the workplace including slurs, negative comments or jokes that reflect negatively on any group or individual. Employees shall not display any printed materials and/or pictures that belittle, ridicule, or show hostility toward another individual or group.

12) Demonstrate trauma-awareness by actively moving past cultural stereotypes and biases by building emotional intelligence, showing empathy in communication, and encouraging self-care and resiliency for individuals in our organization.

13) Be a responsible and honest steward of State of Delaware resources by following internal and external controls and policies, including but not limited to time, pay, leave, credit card use, purchase and allocation of resources, and grant-funded initiatives. No full-time employee of the State whose salary is paid by the State shall receive any additional stipend for the purchase of food, be supplied with food or reimbursed for food that was consumed during normal working hours within the State.

14) Assure punctual attendance and adherence to relevant attendance and/or leave policies, procedures, and protocols. Attendance reliability is an essential function of every job. Employees are required to report to work on time each day, ready to work by their scheduled start time and work through their end time.

15) Safeguard confidential, private, and personal information of employees, clients, service recipients, and individuals covered by this policy and refrain from gossip and slander.

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29 Del. C. Chapter 5112 (a)
16) Shall limit interactions with clients or service recipients to work-related activities. No employee shall engage in a social relationship wherein it could compromise the employee’s ability to exercise official authority appropriately or when there is risk of a potential exploitation or harm, whether such contact is consensual or forced.

17) Not accept other employment, compensation, gifts, or anything of monetary value if it may result in: (a) impaired judgment; (b) preferential treatment; (c) official decisions, outside official channels; or (d) any adverse effect on the publics’ confidence in its government.

18) Not engage in any outside employment or other outside activity incompatible with the proper discharge of the responsibilities of his or her position. An employee in the classified service shall not have a personal interest in any business transaction within his/her area of influence in State government nor shall s/he have any business relationship that may conflict with his/her public duties.

**d. Management Principles**

1) In addition to the responsibilities of employees as described above, agency heads, managers, and supervisors are also expected to understand that employees are participants – not bystanders – in their work environment. Employees' active involvement enhances the quality of service to clients and service recipients, the productivity of the Agency, and their own professional and personal development. Therefore, agency heads, managers, and supervisors shall:

   - Maintain open communication practices such as open-door policies, active listening, inclusive information sharing, and respect for differing opinions.
   - Encourage employees to take initiative and make decisions within appropriate boundaries, if the safety and well-being of employees, clients, service recipients, and other individuals covered by this policy are protected and the sound reputation of the State is assured.
   - Appreciate employees for their many contributions and where possible, reward individuals and groups in an appropriate, timely, and specific manner.
   - Provide learning opportunities that meet employees’ assessed needs to enable personal and professional growth.
   - Encourage employees to understand and practice trauma-informed approaches per Executive Order 24.

2) Managers and supervisors are responsible for building and maintaining a work environment which embodies diversity, mutual respect, professionalism, and dignity for all employees, customers, and clients that is free from intimidation, harassment, discrimination, and retaliation. Therefore, all managers and supervisors are responsible for addressing behavior which may violate the State’s Standards of Conduct and have a direct effect on the workplace. Managers and supervisors, with assistance from Human Resources (HR), are required to take definitive action (e.g. report, investigate, intervene) when there is a violation of this policy and/or a policy violation is alleged while adhering to any relevant

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3. 29 Del. C. Chapter 5805 (b)
4. Merit Rule 15.2.1
5. Merit Rule 15.2.2
statute, Merit Rule, Collective Bargaining Agreement (CBA), or State Agency operational procedures. Any manager or supervisor who receives a complaint or has reason to believe a violation of this policy has occurred will either intervene and/or abide by the protocols set forth in the complaint procedures outline.

3) Disrespectful and/or unprofessional behavior may or may not be intentional but may still violate this policy. Context is important in understanding the difference between respectful and/or professional behavior and disrespectful and/or unprofessional behavior. For example, the following would not be considered disrespectful and/or unprofessional behavior:

- The normal exercise of supervisory or managerial rights and responsibilities, including but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful and professional manner.
- Disagreements, misunderstandings, miscommunication, or conflict situations where the behavior remains professional and respectful.

e. Human Resources representatives are responsible for assisting management and employees in fostering a respectful work environment that is free of discrimination and harassment of any kind.

f. Filing a false or malicious complaint is an abuse of this policy and will be treated as a violation and may result in a disciplinary action.

g. This process shall not serve as an appeal following the disposition of an administrative decision (grievances pursuant to Merit Rules or a Collective Bargaining Agreement (CBA), discrimination charges filed at the Delaware Department of Labor (DDOL), or Equal Employment Opportunity Commission (EEOC)).

h. Through the enforcement of this policy and orientation of employees, the State seeks to prevent, correct, and eliminate conduct that violates this policy. The State prohibits acting against any employee for reporting a possible violation from this policy or for cooperating in its investigation.

i. Any disciplinary action is administered in accordance with any relevant statute, Merit Rule, CBA, State Agency operational procedure. Based on the seriousness of the offense, disciplinary action may include, but not be limited to, verbal reprimand, written reprimand, suspension, or termination of employment.

5. Procedures

a. Informal Complaint Process:

- Employees may choose to immediately communicate in a respectful and professional manner to the individual engaging in behavior that is believed to violate this policy, explaining why their behavior is offensive, and asking them to stop. Often, communicating with the individual is effective because the person may not know that the behavior is inappropriate or offensive.
b. **Formal Complaint Process:**

- If an employee is uncomfortable with the informal process and/or the behavior continues after it has been informally addressed, the matter is to be reported in writing to a supervisor and/or manager or the employee’s HR representative. In consultation with agency HR, the supervisor and/or manager will then review, investigate, and attempt to resolve the complaint through appropriate and proportionate action, including but not limited to mediating a resolution. If attempts at resolving the complaint with the employee(s), etc. are not successful, the supervisor and/or manager shall forward the matter to the agency’s HR representative who will determine how to move forward.

- An employee may obtain information from their supervisor, manager, or their agency’s HR representative about filing a formal complaint. If the prohibited behavior or communication is coming from the supervisor, employees are encouraged to go to their next-level manager and/or agency HR representative.

- If the complaint or a concern regarding an alleged violation of this policy is brought to the agency’s HR representative, a staff member will be assigned to begin an inquiry to determine whether there is a reasonable basis for moving forward with an investigation and/or alternative course of action. If there is a reasonable basis to move forward, an agency representative will take appropriate and proportionate action to resolve the matter while adhering to any relevant statute, Merit Rule, or State Agency operational procedures.

- During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant will be protected to as great a degree as is reasonably possible. **During and after the review and resolution of the complaint, all parties, including witnesses when applicable, will be required to maintain strict confidentiality, unless otherwise authorized by law.** In addition, any notes or documents written by or received by the person overseeing the matter will be kept confidential. Employees are required to cooperate with State investigations when requested, to participate fully and in good faith by providing forthright, accurate, complete, and timely information, including statements, testimony, evidence, etc., and to maintain the confidentiality of what is discussed as directed. The failure to cooperate in good faith may result in disciplinary action.

6. **Exclusions or Exceptions**

   a. The Legislative and Judicial Branches, and Offices of Elected Officials are excluded, but are encouraged to adopt the Standards of Conduct Policy and Procedure.

   b. If a complaint is filed against an employee in a law enforcement position whose classification is covered by the Law Enforcement Officers’ Bill of Rights (LEOBR), agencies are to follow LEOBR investigative procedures.
c. The Delaware Department of Correction maintains a separate investigative process which shall be conducted according to Agency procedures.

d. The Delaware Department of Homeland Security, Division of Delaware State Police maintains an investigative process conducted by the Office of Professional Regulation for employees in the Division of State Police.

7. Dissemination and Training

Agency Human Resources shall provide employees with a review of the Standards of Conduct Policy and Procedure within 60 days of the effective date or upon hire with their respective agency. Agencies are to regularly review this policy with employees.

8. Data Reporting

All agencies are required to keep records of complaints alleging violation of this policy.

9. Associated Policy/Regulations/Information

- Acceptable Use Policy
- Drug-Free Workplace Policy
- Executive Order No. 24
- Respectful Workplace and Anti-Discrimination Policy
- Social Media Policy
- State of Delaware Merit Rules
- State of Delaware Public Integrity Commission Code of Conduct
- Workplace Violence Policy

10. Appendices and Forms Associated with this Policy

- Standards of Conduct Acknowledgment Form

11. Policy Owner

- Division Name: Division of Personnel (Talent) Management
- Policy Administrator: Employee Relations Administrator
- Website: DHR - Employee Relations (delaware.gov)

This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.