



BOSTON CITY COUNCIL

Committee on Rules & Administration

Ed Flynn, *Chair*

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REPORT OF COMMITTEE CHAIR

November 15, 2023

Dear Councilors:

The Committee on Rules and Administration was referred the following docket for consideration:

Docket #0944, Order implementing an Anti-Bullying Policy for Boston City Council.

This matter was sponsored by Council President Ed Flynn and referred to the Committee on May 17, 2023.

Summary of Legislation

Docket #0944 is an order that the City Council adopt an anti-bullying policy for Councilors and staff. Such policy is meant to affirm that the Boston City Council does not condone bullying and sets expectations for workplace conduct that all employees treat one another with respect and dignity.

Information Gathered at Working Sessions and Summary of Amendments

The Committee on Rules and Administration held three working sessions on this docket: on August 10, September 8, and November 14, 2023.

At the August 10 working session the Chair provided background on the filing, noting the intent to hold multiple working sessions on the draft policy prior to bringing the docket to a vote, in order to provide an opportunity for all councilors to provide input. Councilors in attendance provided opening remarks expressing support for the concept of a code of professional conduct and setting standards for the body, and the importance of mental health and support resources for staff. Concerns raised about the docket included the extent of content, how to design a specific process and determine and apply consequences, concerns about interactions, should issues arise, between councilors and other councilors' staff, whether application of a policy would apply outside City Hall, for example on social media or in the press or at civic association meetings, and how to separate verbal and written criticism of councilors from that of staff. Councilors and staff shared experiences with being bullied.

The working session proceeded through the draft policy section by section for discussion and input.

Regarding the Introduction, discussion included whether the policy would be able to include an enforcement mechanism, particularly for electeds, or whether it would serve as more of a values statement. Councilors stated that in order for the City Council to be effective the environment needs to be safe. Councilors opined on how the Council environment has changed over time, how to get to a place where the environment is safe and comfortable for all employees, the ability to have heated debate without personal implications, the negative effect Covid-19 had on the workplace, feelings of toxicity and fear of coming to work, and how to weigh the fact that much of the Council's work is done outside the building and how politics and toxicity can spillover into social media, particularly when supporters may get involved. Councilors acknowledged that enforcement is a critical issue.

Regarding the Policy Statement, discussion included possible difficulties with enforcement, given that each Council office operates somewhat independently, whether the Council should opt into usage of the City's central Human Resources, and standards for progressive discipline. The unique structure of Council HR was explained. Inquiries were raised about how other city councils handle their HR; other possible resources noted included the National League of Cities and Massachusetts Municipal Association. It was agreed that formal steps and decision makers would have to be decided upon. It was noted that for Central Staff, disciplinary matters have traditionally gone through the Committee of the Whole; it was further noted that a policy may have to distinguish certain policies and procedures for Central Staff as distinct from Council Office Staff. Further discussion focused on needing to define expectations. It was noted that HR does not have the same jurisdiction over elected officials as it would with other employees. It was stressed that a policy would need to have specific definitions that all Councilors can agree on. Concerns were raised about inadvertently creating a policy that would police cultural differences or how people express themselves. The difficulty of the political climate, particular difficulties for people of color, the high degree of disagreement and angst that can manifest in the Council, and the fact that many people feel bullied in the Chamber was acknowledged. Discussion considered how the Council can work to change how people see, respect, and value each other. The Committee noted that the Councilors are public figures and that staff is not.

Regarding the Definition of Bullying Behavior, recommended changes and areas of discussion included:

- Extending the policy to cover behavior inside and outside the workplace
- Including a list of actions that are unacceptable or a list of decorum rules that specify inappropriate behavior while preserving the ability to disagree and debate
- Adding slander, comments that damage one's reputation to the list of examples
- Providing a procedural mechanism for how bullying could be addressed in real time (for example, during a Council Meeting), and how to balance political motivations
- Clarifying the structural procedure for conflict and discipline between Council offices, such that a Councilor cannot confront another Councilor's staffer
- Needing a definition for "reasonable person" in the first paragraph
- Acknowledging the difference between disagreeing/being passionate and bullying; how to separate policy discussion, deliberations, and political posturing from bullying;
 - Suggestions included a separate list of rules of engagement for public deliberation, saving deliberations for hearings and working sessions (as opposed to at Council Meetings), encouraging Councilors to reach out to one another directly prior to Council Meetings with issues or anticipated disagreements/concerns
 - Considerations raised included that signing onto a matter can signal support for someone's right to bring a matter to the floor even if there is disagreement about the content
- Acknowledging cultural differences in interpretation of certain behaviors, and how to respect them without each person having to share what accommodations they may need; again focusing on a procedure or mechanism for addressing possible interpretations and misunderstandings
- Including restorative justice principles into any process
- National issues with social media abuse and racial tensions, reckoning with how to allow difficult conversations and listen without reacting, and how to adjust for and appreciate cultural differences in not just how people express themselves, but learning styles, meeting facilitation, etc.
- Importance of separating out manager-employee expectations and managerial prerogative from bullying; noting that each Council office will have different needs and expectations, based on the Councilor, the district, and/or whether a Councilor is at-large
- Issues of quiet quitting and negative work climate; emotional bullying; suggestions of ensuring better understanding of work expectations for employees

It was agreed that Councilors would need to buy-in to any rules and procedures put forward.

Regarding Notification and Complaints Procedures, discussion included whether there should be a designated point person, the importance of including the Council President, and ensuring that the policy does not create unintended consequences. It was noted that both sections would need further work and discussion.

At the September 8 working session, the Chair reviewed the minutes from the August 10th working session and highlighted its main points. The focus of this working session was enforcement. Councilors discussed the different levels of staff and expectations, as well as the difference between City Council office staff and Central Staff. Councilors discussed that each Council Office runs separately. Councilors discussed the role of the Council President versus other Councilors. Councilors also discussed the separation of the City Council and the City's Office of Human Resources and how to address that separation since the City's Human Resources Department does not have jurisdiction over City Council rules and personnel matters. Councilors discussed having effective consequences and using restorative justice processes. Councilors discussed repairing the harm that has been done regarding racial relations and racial tensions in the City. Councilors agreed that deliberating on the City Council is acceptable and should not be part of the policy.

Councilors discussed how to address complaints. Discussion included starting in house, reaching out to Human Resources/involvement of Human Resources, conducting investigations, having independent mediation, the 2018 City Council Harassment and Discrimination Policy, the difference between elected officials and staff, and the difference with how Councilors interact with each other and how Councilors interact with their staff and other Council staff. Councilors noted that this is an important discussion relating to how the City Council functions as a body. Councilors discussed the importance of having constructive policies and other tools that could be available such as mediation with restorative justice processes and partnering with an independent facilitator.

At the November 14 working session, Councilors discussed points from the previous working sessions and reviewed suggested changes to the policy. The Chair provided an overview of some of the main issues discussed which included difficulties with enforcement of a potential anti-bullying policy, the fact that the City Council is a unique entity composed of elected officials and their offices where each Councilor makes decisions on hiring and termination for their own office, and the fact that the City of Boston's Human Resources department does not have direct jurisdiction over the Boston City Council in the same way it does other departments. The Chair reviewed suggested changes made to the docket which included removing complaint procedures and notification requirements, and explained that this new draft also incorporated suggestions from colleagues from the two previous working sessions, adding clarifying sentences and removing potentially confusing ones. All employees would need to sign and acknowledge that workplace bullying is not tolerated. The Chair clarified that future Councils would be able to use this policy as a starting point to expand upon.

Councilors reviewed the amended docket section by section and made language suggestions to clarify definitions of bullying, examples of bullying, intent, and applicability. Councilors discussed the definition of bullying behavior and reviewed the examples of what could be considered bullying behavior. Councilors discussed human resources policies and the possibility of incorporating such policies by reference, as well as the overlap between some bullying behaviors and other legal causes of action. Councilors discussed the impact of bullying on staff and the importance of staff and Councilor access to mental health resources and support services.

Councilors agreed that language about promoting the integrity of the City Council as a body and language regarding having respect for the institution of the City Council be included in the introduction section. Councilors discussed the implementation of the policy including the acknowledgement forms and trainings so that employees are aware of the policy. Councilors discussed including information about

outside complaint mechanisms such as MCAD and EEOC, and ensuring staff awareness or access to resources.

Based on the information gathered at the three working sessions, the order was simplified by removing various sections and bullets, to clarify intent and remove places of possible contention or confusion. The end result is meant to be a value statement for the City Council that serves as a first step in addressing bullying in our workplace.

Committee Chair Recommended Action

As Chair of the Committee on Rules and Administration I recommend moving the listed docket from the Committee to the full Council for discussion and formal action. At this time, my recommendation to the full Council will be that this matter **OUGHT TO PASS IN A NEW DRAFT.**

A handwritten signature in black ink that reads "Ed Flynn" with a stylized, wavy line extending from the end of the name.

Ed Flynn, Chair
Committee on Rules & Administration