



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. III-WORKPLACE SAFETY 1.0

WORKPLACE VIOLENCE

ADMINISTRATIVE POLICY

I. PURPOSE

It is the intent of North Carolina Agricultural and Technical University (hereafter A&T) to provide a workplace for its employees that is free from violence by establishing preventive measures, holding perpetrators of violence accountable, and providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to influence an employee's ability to perform his/her job. In implementing this policy, the University is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the effects of violence on victims and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as the Employee Assistance Program (EAP), law enforcement, and applicable personnel policies and procedures.

II. DEFINITIONS

Workplace Violence includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence in the workplace, or property damage and includes acts of violence committed by university employees, students, customers, relatives, acquaintances or strangers against University employees in the workplace. Workplace violence also includes the use, possession, or threat to use a weapon contrary to law; and a misuse of authority vested in any employee of the State of North Carolina in such a way that it violates this policy. A supervisor managing subordinate employees' job performance is not bullying or intimidating.

Intimidation

Is engaging in action that includes, but is not limited to, behavior intended to frighten, coerce or induce duress.

Bullying

Unwanted offensive and malicious behavior, which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate or demean the recipient.

Stalking

Involves harassing or pestering an individual, in person, in writing, by telephone or electronic format. Stalking also involves following an individual, spying on them, causing them distress and may involve violence or the fear of violence.

Threat

The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical Attack

Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, swinging or throwing objects.

Domestic Violence

The use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior romantic intimate relationship. This could include people who are married, living together or dating, or who have been married, lived together or dated.

Property Damage

Intentional damage to property that includes property owned by the State, employees, visitors or vendors.

“Workplace violence” also includes:

- Threatening, intimidating, coercing, harassing, or assaulting an employee or the public.
- Sexually harassing an employee or the public.
- Allowing unauthorized persons access to buildings without management permission.
- Using, duplicating, or possessing keys to buildings or offices within the building without authorization.
- Damaging, or attempting to damage, property of, an employee, or the public.
- Carrying weapons (concealed or exposed) on NC A&T State University property unless the employee’s possession of a weapon:
 - ♦ Is in compliance with North Carolina law; and is authorized by NC A&T State University; or

- ◆ Is by an employee who is a certified law enforcement officer; or
- ◆ Is required as a part of the employee's job duties with NC A&T State University; or
- ◆ Is connected with training received by the employee in order to perform the responsibilities of their job with NC A&T State University.

III. SCOPE AND APPLICABILITY

A&T recognizes that workplace violence is an occupational hazard. A&T supports a proactive approach in preventing workplace violence.

This policy provides guidelines for managing workplace violence at A&T. It includes provisions for management and employee training, a discussion of the A&T crisis management team, outlines prohibited behavior, and provides reporting and investigation requirements. This policy also sets out confidentiality, discipline, and retaliation requirements and conditions.

This policy details the responsibilities for managers, supervisors, employees, and the crisis management team, as established hereafter within the University.

IV. POLICY

It is the policy of A&T to provide a place of employment that is reasonably free from recognized hazards that cause or are likely to cause death or serious physical harm to employees or the public. Therefore, A&T is committed to maintaining a safe, healthy, and efficient working environment where employees and the public are reasonably free from the threat of workplace violence. When workplace violence hazards are recognized and identified, then proper training and appropriate security measures will be implemented.

V. PROHIBITED ACTIONS AND SANCTIONS

It is a violation of this policy to engage in workplace violence as defined herein. A violation of this policy shall be considered unacceptable personal conduct, and may be grounds for disciplinary action up to and including dismissal.

An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal. In these situations, the university must demonstrate that the disciplinary action, suspension or dismissal is supported by existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

In situations considered to be potentially volatile or where fitness for duty concerns exist, management has the option to consider the use of a management directed referral to the Employee Assistance Program.

VI. GENERAL RESPONSIBILITIES

It is the responsibility of each manager, supervisor, and employee to ensure implementation of the policy. It is also the responsibility of each University employee to report immediately any workplace violence to his or her supervisor.

VII. IMPLEMENTATION

This section establishes general provisions, and identifies specific responsibilities required by the University policy on Workplace Violence.

General Provisions

The provisions adopted by the University are:

- Training
- Crisis Management/Eminent Danger Team
- Prohibited Behavior
- Reporting and Investigation
- Confidentiality
- Discipline
- Retaliation
- Counseling

Training

All employees, including supervisors and managers, will be informed of their responsibilities and of the measures they can take to protect themselves and their co-workers/subordinates from workplace violence, procedures for reporting and investigating threats, violent acts, and workplace violence.

Crisis Management Team

A crisis management team will be appointed by the Chancellor or his/her designee to assess the university's areas of vulnerability. This will be accomplished by reviewing existing policies and procedures, evaluating the effectiveness of current security measures, investigating past occurrences of threats and violent acts, and surveying employees to identify their safety concerns.

The membership of the crisis management team will include individuals with backgrounds in:

- Human Resources
- Safety, health and/or medical
- Management
- Investigation procedures
- Law enforcement and/or Legal

- Counseling
- Workplace violence

The crisis management team will determine what proactive measures can be taken to effectively address these weaknesses (e.g. enhancing physical security systems, training employees on communication and conflict resolution, hosting stress reduction programs, offering assistance to employees experiencing personal problems, etc.).

The team will also consider what reactive measures the University will take in the event that workplace violence does occur. The team's involvement in violence prevention will not stop at the planning stages. Its responsibilities also include evaluating reported threats and concerns to determine the type of follow-up action or intervention that is necessary. In some cases, disciplinary action may sufficiently address the problem. In more extreme cases, law enforcement intervention may be required.

Quarterly, the team will review its strategies to identify what revisions, if any, are necessary to correct deficiencies or reflect changing conditions. During this review, the team may find it helpful to actively solicit comments and suggestions from the workforce.

Reporting and Investigation

Any employee (including a supervisor or manager) who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of any threats or violent acts, is to report workplace violence immediately to their supervisor or the Division of Human Resources.

Each report will be timely evaluated and investigated by the Crisis Management Team to determine what follow-up actions are necessary. The Crisis Management Team has the authority to request law enforcement intervention if it is thought to be necessary.

Confidentiality

Information about an incident or threat will be disclosed on a need-to-know basis only. Additionally, NC A&T State University will make every effort to ensure the safety and privacy of the individuals involved.

Discipline

An employee who engages in prohibited behavior will be subject to appropriate disciplinary action, as determined by investigatory findings. Such discipline may include warnings, demotion, suspension, or immediate dismissal. In addition, certain actions may cause the employee to be held legally liable under state and/or federal law.

Retaliation

Episodes of workplace violence can only be eliminated if employees are willing and able to report threats, violent acts and other unsafe conditions. To encourage employees to come forward without the fear of retaliation, NC A&T State University commits to promptly investigate all complaints of retaliation and impose appropriate disciplinary action, up to and including dismissal, when warranted.

Counseling

Follow-up counseling services can be provided and arranged by employee's supervisors as requested for affected employees. The Employee Assistance program can provide counseling for employees as well as family members if needed. In all instances, confidentiality is assured, unless the EAP is conducting a management requested fitness for duty exam in which situation the report will be shared with management.

Responsibilities

Supervisors and managers will be responsible for providing support to the Crisis Management Team in any of its investigations. They will also be responsible for identifying the vulnerable locations and work activities most susceptible to workplace violence. Managers will obtain and coordinate the required training for employees. Managers will also ensure compliance with this policy.

Employees

Employees shall be responsible for reporting any acts of violence or threatening behaviors to their supervisor, a member of the Crisis Management Team, or the Division of Human Resources.

Division of Human Resources

The Division of Human Resources will develop and provide training to A&T employees on workplace violence. Additionally, Human Resources will provide assistance to ensure effective implementation of this policy.

VIII. REFERENCE

This policy is established in accordance with the Occupational Safety and Health Standards for General Industry.

Approved by the Chancellor

Date Original is Effective: Upon approval

First approved: March 18, 2013

Revised:

Harold L. Martin, Sr.
Chancellor

Linda R. McAbee
Vice Chancellor for Human Resources