

Workplace Violence

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Purpose

It is the intent of the State Human Resources Commission to provide a workplace for State employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job. In implementing this policy, the State 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 an Employee Assistance Program (EAP), law enforcement, and applicable personnel policies and procedures.

Definitions

Workplace Violence includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack, domestic violence or property damage and includes acts of violence committed by State employees, clients, customers, relatives, acquaintances or strangers against State employees in the workplace.

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

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Bullying is 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, intimidate 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, alarming the recipient or causing them distress and may involve violence or the fear of violence.

Threat is 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 is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated.

Property Damage is intentional damage to property and includes property owned by the State, employees, visitors or vendors.

Coverage

This policy applies to SPA full-time and part-time employees with permanent, probationary, trainee, time-limited permanent or temporary-appointments. This policy applies to the conduct of an employee while functioning in the course and scope of

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employment as well as off-duty violent conduct that has a potential adverse impact on a State employee's ability to perform the assigned duties and responsibilities.

Prohibited Actions and Sanctions

It is a violation of this policy to:

- Engage in workplace violence as defined herein;
- Use, possess or threaten to use an unauthorized weapon during a time covered by this policy, and
- Misuse authority vested to any employee of the State of North Carolina in such a way that it violates this policy.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy. Acts of violence, as defined herein, 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 agency must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a State employee's ability to perform the assigned duties and responsibilities.

Advisory Note: When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. An Employee Assistance Program (EAP) can assist agencies by facilitating a referral to an appropriate resource for this assessment.

Authorized Exceptions to Policy

An employee may possess a weapon if possession is:

- In compliance with North Carolina law,

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- Authorized by the agency/university head or his/her designee,
 - Used by an employee who is a certified law enforcement officer,
 - Required as a part of the employee's job duties with the state of North Carolina, or
 - Connected with training received by the employee in order to perform the responsibilities of their job with the State of North Carolina.
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Support and Protections

The agency shall make efforts to protect victims of workplace violence by offering all available security measures. Victims may also need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The agency shall accommodate these requests and needs whenever possible and appropriate. The agency shall work closely with victims to ensure that both the needs of the victims and the agency are addressed.

Management is expected to offer support to victims of workplace violence, which includes domestic violence. This support should include encouragement of the victim to use the services of an Employee Assistance Program (EAP), if available. In addition, management shall use their discretion to grant a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization.

The following options should be considered:

- Flex Scheduling
 - Vacation Leave
 - Sick Leave
 - Leave without pay
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Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

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Reporting Responsibilities

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence. All reports of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

Agency Responsibilities

The agency head or university chancellor shall create and maintain a workplace designed to prevent and manage workplace violence. This shall be done by developing a comprehensive workplace violence prevention and management program. Each workplace violence program shall, at a minimum, include:

- Developing a policy statement establishing that workplace violence is prohibited,
- Designating a coordinator to be responsible for the overall implementation of a workplace violence prevention and management program. The coordinator may choose to establish a crisis management team approach or develop their own system that identifies and mobilizes appropriate consultative resources,
- Developing and implementing a written workplace violence prevention and management plan including:
 - ✓ A process for disseminating the agency's workplace violence policy to new and existing employees,
 - ✓ A procedure for employees and supervisors to report violations of the agency's workplace violence policy,
 - ✓ A procedure for investigating a report of a violation of this policy including a description of agency preparedness and precautionary measures to be taken in responding to acts or threats of violence,

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- ✓ A procedure for providing instruction to all employees regarding proper response to acts or threats of violence,
 - ✓ A procedure for reporting, collecting and maintaining information regarding incidents of workplace violence, and
 - ✓ A procedure for facilitating critical incident stress debriefings for employees who have been affected by an event related to trauma and victimization.
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