

ELIZABETH CITY STATE UNIVERSITY
Workplace Violence Policy

Preamble

Elizabeth City State University (ECSU) is committed to providing a workplace for its employees that is free from violence. This policy establishes ECSU's measures to prevent workplace violence, the approach for holding perpetrators of violence accountable and sets forth the assistance and support available to victims of violence. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform his/her job. In implementing this policy, ECSU is guided by the Office of State Human Resources (Office of State Human Resources) policy on workplace violence and the requirements of the Federal Occupational Safety and Health Act of 1970 obligating 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 utilizes available resources such as an Employee Assistance Program (EAP), law enforcement and applicable personnel policies and procedures. To the extent that any provision of this policy conflicts with the Office of State Human Resources policy statement on workplace violence, the Office of State Human Resources version shall control.

1. Definitions

The following definitions shall apply under this policy:

- A. **Workplace Violence** includes, but is not limited to, intimidation, 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.
- B. **Intimidation** is engaging in actions that includes, but is not limited to, stalking or behavior intended to frighten, coerce, or induce duress.
- C. **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.
- D. **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.

- E. **Threat** is the expression of an 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.
- F. **Physical Attack** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
- G. **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.
- H. **Property Damage** is intentional damage to property and includes property owned by ECSU, students, employees, vendors or visitors.

2. Coverage

This policy applies to all ECSU SHRA full-time and part-time employees with permanent, probationary, trainee, time-limited permanent or temporary appointments as well as all ECSU EHRA employees. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has potential adverse impact on an employee's ability to perform his/her assigned duties and responsibilities.

3. Prohibited Actions and Sanctions

- A. Workplace violence is strictly prohibited at ECSU.
- B. It is a violation of this policy to:
 - i. Engage in workplace violence as defined herein;
 - ii. Use, possess or threaten to use an unauthorized weapon during a time covered by this policy; and
 - iii. Misuse authority vested to any employee of the State of North Carolina in such a way that it violates this policy.
- C. A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action Policy, *Section 7 of the State Human Resources*

Manual for SHRA employees. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including dismissal or discharge for cause. An EHRA employee may be discharged for cause as outlined in ECSU Policy 200.3.4, 200.3.8 or 300.2.1.1.

- D. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal or discharge for cause. In these situations, ECSU must demonstrate that the disciplinary action, suspension, dismissal or discharge for cause is supported by the existence of a rational nexus between the type of violent conduct committed and potential adverse impact on an employee's ability to perform the assigned duties, responsibilities and/or requirements of his/her employment.
- E. When a threat has been reported or management determines that a potential for violence exists, the respective senior administrative officer, in collaboration with the Chief Human Resources Officer and the Director of Public Safety, may require an employee to undergo an assessment to determine the risk of danger.

4. Authorized Exception to Policy

An employee may possess a weapon if possession is:

- a. In compliance with North Carolina law; and
- b. Authorized by the Chancellor or his designee; and
- c. Used by an employee who is a certified law enforcement officer;
- d. Required as part of the employee's job duties with the State of North Carolina; or
- e. Connected with training received by the employee in order to perform the responsibilities of their job with the State of North Carolina.

5. Support and Protections

- A. ECSU 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. ECSU shall accommodate these requests and needs whenever possible and appropriate. ECSU shall work closely with victims to ensure that both the needs of the victims and ECSU are addressed.
- B. 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 the State Employees' Assistance Program. 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:

- i. Flex Scheduling
- ii. Vacation Leave
- iii. Sick Leave
- iv. Bonus Leave
- v. Leave without Pay

6. 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.

7. 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.

8. Workplace Violence Prevention and Management Program

A. Coordinators

The Chief Human Resources Officer serves as the ECSU Coordinator for the overall implementation of the Workplace Violence Prevention and Management Program. The Chief Human Resources Officer has the primary responsibility for the review and management of the workplace violence plan, serves as a central contact to receive reports of threats or acts of violence, assists in implementing the investigation and recommendation process and maintains documentation of reports and investigations. Assistance may be provided by a representative from the Employee Assistance Program as may become necessary in cases where specific counseling is needed. The Chief Human Resources Officer shall also ensure that training of all employees is provided to ensure that an environment of safety and health is fostered at ECSU. The Director of Public Safety (Chief of University Police) serves as the Assistant Coordinator with primary responsibility for serving as the central contact to receive reports of threats and acts of violence, ensuring that all reports are investigated to determine the validity and severity of the incident.

B. Workplace Violence Prevention and Management Plan

The ECSU Workplace Violence Policy statement is disseminated to new employees as a part of New Employee Orientation. The policy is also included in the ECSU Policy and Procedures Manual, located on the university's website.

9. Training

ECSU employees are required to complete Workplace Violence and Awareness training annually as determined by Human Resources.

The training provides the following:

- A. How to recognize signs and symptoms of the potential for workplace violence;
- B. Preventing and managing workplace violence by utilizing resources and the steps for reporting policy violations; and
- C. Provisions for helping employees to understand their legal obligation to report acts of violence or threats of violence.