

 <p><b>The College at Brockport State University of New York</b></p> <p><b>Category:</b> Human Resources</p> <p><b>Responsible Office:</b> Office of Human Resources</p>	<p><b>Policy Title:</b> Workplace Violence Prevention Policy</p> <p><b>Date:</b> Revised February 2011</p>
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**Policy:**

The College at Brockport, State University of New York is committed to providing a work environment free from threatening behavior and acts of violence. **The College** will not tolerate violence or threatening behavior of any type, from any source. Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the College community.

It is the policy of **The College** that each of our employees has the right to a workplace free from violence. Threats, acts of violence and acts of aggression by employees or against employees by coworkers, members of the public, or others will be responded to promptly. For purposes of this policy, violence is defined as any physical assault, actual threat, or threatening behavior occurring in the work setting. This includes actions of employees, supervisors, visitors, vendors or any other person. As an institution of higher education, **The College at Brockport** encourages robust discussions among members of the College community. This policy does not cover speech or expressive activity which is protected by the United States Constitution and the Constitution of the State of New York.

Employees who commit a violent act or threaten to commit a violent act may be subject to corrective or disciplinary action, up to and including termination, in accordance with existing collective bargaining unit agreements and shall be prosecuted to the full extent of the criminal laws. Any individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on College property shall be subject to removal from the premises as quickly as safety permits. An investigation will subsequently be conducted as promptly as possible. The unlawful possession or use on campus of firearms, knives (except non-spring pocket knives), or other weapons, explosives, or fireworks is prohibited.

Workplace violence should be reported promptly to the appropriate College official (see below). Additionally, all members of the College community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment.

## **PROCEDURES**

### **Reporting Procedures**

Incidents of workplace violence, threats of workplace violence or observations of workplace violence are not to be ignored by any member of the College. Workplace violence or threats of workplace violence must be promptly reported to the appropriate College official as noted in the following reporting procedures

- A. Any person subjected to, or witnessing a violation of the Workplace Violence Prevention Policy should immediately contact the University Police Department at 395-2222 or dial 911.
- B. Any person subjected to, or witnessing a threat involving violence in the workplace should immediately contact the University Police Department at 395-2222, report the incident to The Office of Human Resources at 395-2126 and his or her supervisor.
- C. Any person suspecting a violation of the Workplace Violence Prevention Policy should report the suspicion to Human Resources, his or her supervisor or contact the University Police Department at 395-2222.

### **Responsibilities**

#### **1. College**

- A. The College will disseminate to all employees a statement against all acts of violence, including domestic violence. This statement will be posted in prominent locations accessible to College community members.
- B. The College will provide information to all employees about services available through the EAP program, including those designed to help employees deal with any issues related to workplace or family violence.
- C. The College will regularly review the workplace environment and minimize wherever possible environmental factors which may expose our employees or other members of the College community to violent acts.
- D. Employees with questions or complaints about workplace behaviors which fall under this policy may discuss them with their supervisor, a member of management, or with a representative from The Office of Human Resources. Concerns will be investigated and appropriate action will be taken. This may include corrective or disciplinary action for an employee, in accordance with respective bargaining agreements.
- E. The College will provide workplace violence prevention training to all employees at the time of hire and then annually thereafter.
- F. The College will develop a written workplace violence prevention program, which will be accessible to all employees, upon request. The Workplace Violence Prevention Program will be maintained in the Office of Human Resources and the University Police Department.
- G. The College at Brockport will provide counseling services or referrals for employees, as appropriate.

## **2. Employee**

- A. All employees are responsible for helping to maintain a safe work and educational environment and are urged to take reasonable precautions to prevent violence and other unsafe conditions in the workplace and report indicators of increased risk of violent behavior.
- B. Employees are expected to notify the University Police Department whenever an Order of Protection is granted which mentions College property, involves a College employee, or a person working at the College. A copy of the Order shall be provided to the University Police Department. Confidentiality will be maintained to the extent possible. Employees should also notify their supervisor.
- C. Victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their supervisor, and University Police Department. Confidentiality will be maintained to the extent possible.
- D. All employees have an obligation to report any incidents of violence or threats of workplace violence to the University Police Department and his or her supervisor immediately. If an employee believes that imminent danger exists, they must contact the University Police Department immediately by calling at 395-2222 or 911 immediately.
- E. Any employee or representative of employees who believes that a violation of a Workplace Violence Protection Policy exists shall bring such matter to the attention of a supervisor in the form a written notice. If, after following a written notice, the matter has not been resolved and the employee or representative still believes that a violation of a Workplace Violence Prevention Policy remains, or that an imminent danger exists, the employee or representative should contact one of the following:
  - University Police Department (if imminent danger exists) 395-2222 or 911
  - Department Head of the area in which the employee reports
  - Provost or Vice President
  - Director of Human Resources 395-5116

## **3. Supervisor's Responsibilities**

- A. Each dean, director, department chairperson, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy.
- B. Supervisors are required to contact the University Police Department immediately in the event of imminent or actual violence.
- C. Supervisors are expected to:
  1. Report to the University Police Department any complaint of workplace violence made to him/her and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist.
  2. Inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to the University Police Department and immediate supervisor, the supervisor should keep it confidential and disclose it only as necessary during the investigation process and/or subsequent proceedings.
  3. Report any knowledge of workplace violence to Human Resources immediately.

4. Failure of a supervisor to initiate appropriate action may result in corrective action including potential disciplinary action up to and including termination in accordance with existing collective bargaining unit agreements.

#### **4. University Police Department**

- A. The University Police Department is responsible for
  1. responding to;
  2. intervening; and
  3. documenting incidents of violence in the workplace.
- B. The University Police Department will immediately log all incidents of workplace violence and will notify the respective supervisor of an incident with his/her employee(s).
- C. The University Police Department will maintain an internal tracking system of all threats and incidents of violence. Annual reports will be submitted to the President or designee detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy, training issues, or security procedures that were or should be implemented to maintain a safe working and learning environment.
- D. The University Police officers will be trained in workplace violence awareness and prevention, non-violent crisis intervention, conflict management, and dispute resolution.
- E. When informed, the University Police Department will maintain a record of any Orders of Protection.

#### **5. Office of Human Resources**

- A. The Office of Human Resources is responsible for:
  1. assisting the Chief of Police and supervisors in responding to workplace violence;
  2. facilitating appropriate responses to reported incidents of workplace violence;
  3. notifying the University Police Department of workplace violence incidents reported to HR; and consulting with, as necessary, counseling services to secure professional intervention.
- B. The Office of Human Resources is responsible for providing new employees with a copy of the Workplace Violence Prevention Policy and insuring that employees receive appropriate training pursuant to NYS Labor Law §27b.
- C. The Office of Human Resources will also be responsible for annually disseminating this policy to all employees, as well as posting the policy throughout the campus and on the College's website, as appropriate. Every employee must sign for receipt of this policy and procedure upon publication or at orientation. Signed receipt will be placed in each employee's personnel file.

#### **Education and Prevention**

In compliance with NYS Labor Law §27b, and in keeping with the College's interest in making a safe living, working, and learning environment, training will be provided to each new member of the organization as part of the orientation process. Employee training will include a comprehensive review of the Workplace Violence Prevention Policy, details about the written Workplace Violence Prevention Program, and information about methods to protect themselves from potential risks.

#### **No Retaliation Clause**

Retaliation against anyone acting in good faith that has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting,

investigating, or responding to workplace violence is in violation of this policy and will not be tolerated. The College at Brockport will take appropriate formal corrective or disciplinary action, which can include penalties up to, and including termination of employment in accordance with existing collective bargaining unit agreements for those found responsible for retaliatory action.

### **Employee Assistance Program**

Every employee has the right to seek assistance through the Employee Assistance Program (EAP) to deal with any issues of violence, wherever they happen, including outside of the workplace. The College's EAP offers a professional and confidential source of help for people who need assistance with personal problems or concerns. This service is available to employees and to their families. The program recognizes that employees are people first, and are subject to stress and pressures that affect their ability to be effective at work. A campus EAP coordinator can be contacted confidentially--(see contact information below).

- Gary Metz - 395-5117 or [gmetz@brockport.edu](mailto:gmetz@brockport.edu)
- Patti Follansbee - 395-5483 or [pfollans@brockport.edu](mailto:pfollans@brockport.edu)
- Barbara Tschiderer - 327-4032 or [tshider@brockport.edu](mailto:tshider@brockport.edu)

In addition to EAP, NYS Balance is available to employees who need assistance to cope with stressful situations. Employees are encouraged to contact NYS Balance at 1-800-320-4760 or to seek professional counseling services for assistance. NYS Balance can also be accessed at <http://www.worklife.state.ny.us/>.

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### **Resources:**

NYS Labor Law:

[http://www.labor.ny.gov/workerprotection/safetyhealth/PDFs/Workplace\\_Violence\\_Final\\_Regs\\_May09.pdf](http://www.labor.ny.gov/workerprotection/safetyhealth/PDFs/Workplace_Violence_Final_Regs_May09.pdf).

EAP website: <http://www.brockport.edu/hr/eap/>

NYS Balance website: <http://www.worklife.state.ny.us/>