

 <b>ERIE COMMUNITY COLLEGE POLICY</b>	<b>NUMBER</b> <b>VII - A - 5</b>	<b>Human Resources/ Affirmative Action</b>
<b>APPROVED</b> <b>1/04</b>	<b>SUBJECT</b> <b>Violence in the Workplace</b>	

**Purpose**

Erie Community College is committed to providing its employees and students a work/educational environment that is safe, secure, and free of harassment, threats, intimidation and violence. Erie Community College recognizes that workplace violence is a growing problem that should be addressed by the College and therefore adopts this zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment and/or coercion which involve or affect Erie Community College employees/students, or which occur on college property, will not be tolerated. Employees shall refer any questions regarding their rights and obligations under this policy to the Erie Community College Office of Human Resources.

**Mission Statement**

Erie Community College can best perform its mission of teaching, research and public service when faculty, students and staff co-exist in a climate that supports the free exchange of ideas and utilizes constructive methods of conflict resolution. Erie Community College is committed to creating and maintaining an environment that is free from unlawful intimidation, threats and violent acts against its faculty, staff and students by any faculty, staff, student, supervisor, co-worker, vendor, client or any other such person.

**Policy Statement**

**A. Threats or Acts of Violence Defined**

“Threats or acts of violence” include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the conditions of college employment, or to create a hostile, abusive, or intimidating work/educational environment for one or more Erie Community College employee/student.

**B. Definition of Workplace Violence**

Prohibited workplace violence includes, but is not limited to, the following:

1. All threats or acts of violence occurring on college property, regardless of the relationship between the college and the individual involved in the incident.
2. All threats or acts of violence not occurring on college property, but involving someone who

- is acting in the capacity of a representative of Erie Community College.
3. All threats or acts of violence not occurring on college property but involving an employee of Erie Community College if the threats or acts of violence affect the legitimate interests of the college.
  4. Any threats or acts of violence resulting in the conviction of an employee/student or agent of Erie Community College, or of an individual performing services on the college's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the college.

### **C. Examples of Prohibited Conduct**

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under the policy include, but are not limited to, the following:

1. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the College.
4. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee/student to do wrongful acts, as defined by applicable law, administrative rule, policy or work rule, that would affect the business interests of the College.
6. The willful, malicious and repeated following of another person, also known as "stalking," and making a credible threat with intent to place the other person in reasonable fear for his or her safety.
7. Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs.
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on College property.

While some employees of Erie Community College may be required as a condition of their work assignment to possess firearms or other dangerous devices, or permitted to carry them as authorized by law, it is departmental policy that employees are to use them only in accordance with departmental operating procedures and all applicable federal and state laws.

### **D. Application of Prohibition**

The department's prohibition against threats and acts of violence applies to all persons involved in departmental operations, including, but not limited to, Erie Community College's personnel, students, contract and temporary workers, and anyone else on College property. Violations of this policy by any individual will be subject to legal action, as appropriate. Violation of this policy by an Erie Community College employee/student may lead to disciplinary action up to and including termination, in accordance with the applicable law, rule or collective bargaining agreement.

### **E. Warning Signs, Symptoms and Risk Factors**

The following are examples or warning signs, symptoms and risk factors which may indicate an employee's potential for workplace violence:

1. Dropping hints about a knowledge of firearms
2. Making intimidating statements like: "You know what happened at the Post Office," "I'll get even," or "You haven't heard the last from me."
3. Possessing reading material with themes of violence, revenge and harassment
4. Keeping records of other employees the individual believes to have violated departmental policy
5. Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast, profane speech
6. Acting out either verbally or physically
7. Disgruntled employee or ex-employee who is excessively bitter
8. Being a loner
9. Having a romantic obsession with a co-worker who does not share that interest
10. History of interpersonal conflict
11. Intense anger, lack of empathy
12. Domestic problems, unstable/dysfunctional family
13. Brooding, depressed, strange behavior, a "time bomb ready to go off"

Supervisors should be alerted to and be aware of these indicators. If an employee/student exhibits such behavior, the employee/student should be monitored and such behavior should be documented.

#### **F. Protection Against Retaliation**

Erie Community College will not retaliate in any way against an individual who makes a complaint of workplace violence or against any participant in the investigation, nor will it permit any supervisor/manager, employee or student to do so. Retaliation is defined as discriminating against any employee or applicant because he or she opposed an unlawful employment practice, made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing. Retaliation is a serious violation of workplace violence policy and should be reported immediately. Any person found to have retaliated against another individual for reporting any form of workplace violence will be subject to the same disciplinary action described herein.

#### **G. Crisis Management Responsibilities**

In all situations, if violence appears to be imminent, employees should take the precautions necessary to assure their own safety and the safety of others.

The following procedures shall apply in the event of a crisis situation (see also the flowchart attached to this policy):

1. The primary contact person shall be the campus administrator of the affected division of Erie Community College. S/he has authority to assume or delegate the duties required of this policy.
2. If the crisis situation involves an injury that requires immediate medical attention, the employee

discovering the crisis should alert the appropriate medical professional by calling 911, contact campus security and then notify a supervisor. The supervisor should contact the campus administrator. The campus administrator should notify the president and the director of Human Resources.

3. In the event of all other crisis situations, Erie Community College employees should notify their supervisor of the situation. The supervisor should contact campus security and notify the campus administrator. The campus administrator should notify the president.

4. If no supervisor is available, the employee should contact the appropriate campus security authority and notify the campus administrator. The campus administrator should then notify the president.

5. Immediate action will be taken by the campus administrator to ensure the safety of those involved in the crisis situation or affected by the crisis.

6. The campus administrator will notify the president of the college of the facts of the crisis situation as soon as possible. The campus administrator will assume or assign the responsibilities of:

- Liaison with the law enforcement, fire, medical and other community resources offering assistance, if necessary.
- Spokesperson to monitor incoming calls and documents in detail everything done in response to the crisis situation.

7. All communication with the immediate relative(s) and other employees shall be handled by the campus administrator or Department of Human Resources.

8. All communications with the media shall be directed to and handled by the campus administrator or Department of Human Resources.

9. In the event of threats of violence to person(s) or property by means of firearms, fire, explosions, bombs, etc., the campus administrator shall be notified. The campus administrator shall contact campus security and the local police, sheriff or state police. If law enforcement authorities determine that an evacuation is necessary, personnel of the affected areas will be evacuated from the threatened area and the employees will be directed to the appropriate site.

10. If a building evacuation is necessary, it will be conducted in a safe and orderly manner. The campus administrator will insure that staff from each evacuated facility accounts for its personnel and that all persons are evacuated from the building. Until otherwise directed, employees must report to and remain at the evacuation site so that they may be accounted for. Responding emergency service personnel will be notified of persons not accounted for to aid in determining whether the evacuation is complete.

11. Re-entry into the building will be restricted to emergency service and/or authorized personnel until law enforcement authorities determine the crisis is resolved and a safe re-entry can be made.

12. In the event a person causing a crisis situation leaves the building, responsibility for preventing

that person from re-entry shall be left to law enforcement authorities.

#### **H. Reporting Threats or Acts of Violence**

Each employee/student of Erie Community College and every person on college property is highly encouraged to report incidents of threats or acts of physical violence of which s/he is aware. In cases where the reporting campus individual is not a college employee/student, the report should be made to campus security or campus administrators who will notify the president, local police, the sheriff's department or New York State Police Regional Headquarters.

In cases where the reporting individual is an Erie Community College employee or student, the report should be made to the reporting individual's immediate supervisor or a management level supervisory employee if the immediate supervisor is not available. The supervisor shall contact the Department of Human Resources. An employee may also file a report directly with the Erie Community College Department of Human Resources. The Department of Human Resources will notify the applicable campus administrator and Erie Community College president. Any such incident shall be promptly referred by the president to the appropriate management level supervisor, who shall take corrective action in accordance with the applicable law, rule or collective bargaining agreement. Concurrently with the initiation of any investigation leading to a proposed disciplinary action, the Department of Human Resources and the campus administrator shall report any incidents of threats or acts of violence to the local police, sheriff's department or New York State Police headquarters, which shall make a follow-up report to the Erie Community College Department of Human Resources or the campus administrator. (See flowchart attached to this policy.)

#### **I. Fitness-for-Duty Evaluation**

At the discretion of the campus administrator for the applicable department, an employee exhibiting warning signs, symptoms and risk factors including, but not limited to, those set forth herein, may be ordered to submit to a psychological evaluation to determine the employee's fitness for duty. The campus administrator shall contact the Department of Human Resources and identify the nature of the concern. Human Resources will provide a list of health care providers as appropriate for the situation. The health care provider should report the results of the evaluation to the Department of Human Resources which shall then consult with the campus administrator to determine the employee's fitness for duty based on the evaluation. All evaluation records shall be maintained in a confidential file.

#### **J. Training**

Erie Community College shall provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

#### **K. Referral to Employee Assistance Program**

Where a supervisor suspects that an employee has work-related and/or personal problems, the supervisor should recommend that the employee contact the Employee Assistance Program (EAP) for

counseling and support (call Human Resources for service delivery).

The Erie Community College EAP coordinator in the Department of Human Resources should be consulted immediately in the event of a critical incident to arrange with EAP to assist in defusing the situation. EAP should also be consulted (within 24 hours of the incident) for the purpose of conducting a critical incident stress debriefing should a critical incident occur. Examples of critical incidents include:

- Hostage or riot situations
- Serious injury or death of a coworker
- Incidents involving use of force
- Employee/student suicide or death
- Catastrophic accidents
- College negative publicity

**L. Dissemination of Policy**

All employees will be given copies of this policy. All new employees will be given a copy of this policy as part of their orientation.

**M. How to Deal with Disruptive Students**

All employees and students should familiarize themselves with the Policy Governing the Student Code of Conduct (ECC Catalog).