



WORKPLACE VIOLENCE POLICY AND PROTOCOL

Authority:	Chancellor
History:	Revised August 2018; revised August 7, 2007; effective August 15, 2005
Sources of Authority:	State Human Resources Manual, Section 8, page 15 (April 1, 2008); N.C.G.S. § 14-269.2.
Related Links:	State Human Resources Manual, Workplace Violence Policy; Policy 08.420 Employee Assistance Program
Responsible Offices:	Human Resources, University Police Department, Office of the Dean of Students

I. Policy

The university is committed to providing a workplace for its employees and students that is safe, secure and respectful -- an environment that is free from violence. Behaviors and actions that inappropriately represent violence are potentially damaging to university employees, students and property. Violent behavior is a violation of university policy and will not be tolerated in the university community. It will be addressed promptly by the university administration.

II. Scope

This Policy applies to all SHRA and EHRA employees, including those who are in assignments that are full-time, part-time, probationary, non-career status, adjunct, and temporary. 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 a potential adverse impact on an employee's ability to perform the assigned duties and responsibilities. The Policy, in addition to relevant provisions of the Code of Student Life, also applies to students.

III. Definition of Workplace Violence

A. 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, students, clients, customers, relatives, acquaintances or strangers against anyone on any University-owned or -controlled property. Such actions could be communicated by any means. For purposes of investigating or disciplining prohibited conduct, the definitions in Policy 02.205

Unlawful Discrimination, Harassment, and Sexual Misconduct, or 04.130 Student Gender-Based/Sexual Misconduct, as applicable, shall be used.

1. Intimidation: Engaging in actions that includes but is not limited to behavior intended to frighten, coerce, or induce duress.
 2. 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, intimidate or demean the recipient.
 3. Stalking: 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.
 4. Threat: 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.
 5. Physical Attack: Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
 6. Property Damage: Intentional damage to property and includes property owned by the State, employees, students, visitors or vendors.
 7. Domestic Violence: 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, date, have been married, lived together, or have dated.
- 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; or (iii) misuse authority vested to an employee in such a way that it violates this Policy.
1. By law, weapons are prohibited on campus except (i) for authorized law enforcement, military, or other personnel carrying out their official duties or related training, (ii) for ceremonial or educational uses specifically authorized by the chancellor, if in compliance with North Carolina law, or (iii) as may otherwise be permitted by North Carolina law. At all times, employees' authorized possession of weapons must comply with North Carolina law.
 2. A violation of this policy by SHRA employees shall be considered unacceptable personal conduct as provided in Policy 08.510, SHRA Disciplinary Action, Suspension and Dismissal. Acts of violence by any employee, as defined herein, may be grounds for disciplinary action, up to and including dismissal.

3. Employees may be referred to the UNCW Employee Assistance Program (EAP) in accordance with Policy 08.420.

IV. Responsibilities and Appointments

A. General

It is the responsibility of all employees and students in the university to conduct themselves in such a way as to contribute to an environment that is free of violence. All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, students and visitors. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence in accordance with procedures detailed in Section IV.

University administrators and supervisors have a special responsibility to create and maintain a violence-free environment. Should an administrator or supervisor have knowledge of conduct that creates violence or receives a complaint of violence under his or her administrative functions, immediate steps must be taken to address the matter appropriately. Taking positive steps to educate and sensitize employees and students with respect to this issue is also a responsibility of university administrators.

B. Responsible Institutional Officer

The Associate Vice Chancellor of Human Resources will serve as coordinator and have overall responsibility for implementation of policies and procedures related to workplace violence. The maintenance of records and preparation of requested reports on workplace violence shall be the responsibility of the coordinator, except as otherwise specified in Section VI.

C. Workplace Violence Education and Awareness

The coordinator will have the responsibility for coordinating the design and presentation of annual training and education of supervisors regarding the signs of potential workplace violence. Advice and assistance will be solicited from other university resources on the contents of the training and education programs, to assess the effectiveness of the programs, and to determine revisions as necessary to this Policy.

V. Procedures

- A. To address incidents of workplace violence in employee work areas and to ensure speedy and effective resolution of these incidents, the university has established the following process:
 1. The University Police Department should be contacted if someone is or may be in imminent danger or if the incident in question resulted in anyone being physically harmed. The police department may also be contacted by any university employee, student, or other individual at any time in the process.

2. When a university employee or student experiences or has knowledge of workplace violence that does not involve imminent danger, the first action is to inform immediately a representative from the Office of Human Resources or Office of the Dean of Students, as may be appropriate. The appropriate office will investigate the situation, with caution and safety as first concerns, or seek assistance from the Office of Title IX and Clery Compliance for gender-based or sexual misconduct.
 3. The University Police, the Coordinator, Office of Human Resources, Dean of Students, or Office of Title IX and Clery Compliance shall notify the Threat Assessment Team as soon as practicable upon learning of critical incidents and/or life threatening situations.
 4. If it is determined that students subjected to workplace violence need assistance beyond intervention at the scene, they may be referred to the University Counseling Center. Staff and faculty members may be referred to Human Resources, which will manage referrals to outside health care providers.
- B. The Threat Assessment Team will contact the Office of University Relations (OUR) when the situation precipitates mass communications or media contact, and otherwise comply with Policy 05.505 Crime Reporting, Timely Warning, and Emergency Response Procedures. Inquiries from the media about any incident of workplace violence should be directed to OUR, which will coordinate all responses.

VI. Threat Assessment Team

- A. Although there may be little if any warning of pending violence, there is a team of individuals assigned the task of assessing the threat of violence when concerns are reported. The Threat Assessment Team consists of representatives from:
1. For Employees – Human Resources, University Police, General Counsel, the University Counseling Center, an immediate supervisor, and, if warranted, the Office of Title IX and Clery Compliance, CARE office (Collaboration for Assault Response and Education), D.C. Virgo Preparatory Academy, and other offices.
 2. For Students – Dean of Students, University Police, University Counseling Center, General Counsel, and, if warranted, the Office of Title IX and Clery Compliance, CARE office, D.C. Virgo Preparatory Academy, and other offices.
- B. The Threat Assessment Team should document a summary of the incident or concern and any relevant, prior actions of the person in question. The Team should utilize an established protocol to assess the potential for threats of violence.
- C. A determination that no threat has been established shall not prevent the Threat Assessment Team from reconvening to assess the same or a different incident involving the same individuals upon further development.

D. The Threat Assessment Team meets quarterly at a minimum, even in the absence of immediate workplace violence concerns.

E. Threat Assessment Team record retention responsibilities are as follows:

1. Office of Human Resources (for employee matters)
2. Office of the Dean of Students (for student matters)
3. University Police Department (for incidents involving non-university members)

VII. Remedial Action

Remedial actions will depend on the severity and the nature of the incident. University authorities may direct a faculty member or a staff member who violates this policy to a management referral for fitness for duty, or may refer the matter for disciplinary action in accordance with University procedures applicable to the individual's status as student, or to the employee's category of employment. Disciplinary action may include discharge from employment or expulsion of a student.

VIII. Retaliation Prohibited

This Policy prohibits retaliation against employees and students who, in good faith, report violent behavior, threats of violence, or other violations of this Policy. The University will make every effort to protect the safety and anonymity of any employee or student who reports real or implied violent behavior or violations of this policy. Retaliation against any such person is in violation of this Policy and is grounds for appropriate disciplinary action.