

RUTGERS UNIVERSITY POLICY

Section: ~~60.1.13~~

Section Title: ~~Universitywide Human Resources Policies and Procedures~~

Policy Name: ~~Workplace Violence Policy~~

Formerly Book: ~~6.4.16~~

Approval Authority: ~~Senior Vice President for Administration~~

Responsible Executive: ~~Senior Vice President for Administration~~

Responsible Office: ~~University Human Resources~~

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Errors or Changes? ~~Contact: policies@hr.rutgers.edu~~

1.

<u>Policy Name:</u>	Policy Prohibiting Workplace Violence				
<u>Section #:</u>	60.1.13	<u>Section Title:</u>	Universitywide Human Resources Policies and Procedures	<u>Formerly Book:</u>	6.4.16
<u>Approval Authority:</u>	Senior Vice President for Human Resources and Organizational Effectiveness		<u>Adopted:</u>	4/7/2001	<u>Reviewed:</u> 7/5/2016
<u>Responsible Executive:</u>	Senior Vice President for Human Resources and Organizational Effectiveness		<u>Revised:</u>	8/1/2006; 7/24/2008; 7/1/2013; 10/10/2013; 11/6/2013; 7/5/16	
<u>Responsible Office:</u>	University Human Resources		<u>Contact:</u>	policies@hr.rutgers.edu	

1. Policy Statement

Rutgers University prohibits workplace violence or threats of violence.

2. ~~2.~~ Reason for Policy

To address the issue of workplace violence in our community.

3. ~~3.~~ Who Should Read this Policy

All members of the Rutgers University community.

4. Related Documents

~~Resources~~ University Code of Student Conduct

5. Contacts

4. a. ~~University Human~~

- Discrimination, Harassment, Workplace Violence, Sexual Misconduct, and Retaliation Complaint Process: Complaints Against University Employees and Third Parties
- Policy 60.1.12, Policy Prohibiting Discrimination and Harassment
- Policy 60.1.16, Conscientious Employee Protection Policy
- Policy 60.1.28, Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties
- Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties Resources Supplement
- Office of Employment Equity Formal Complaint Form

- Policy 10.3.12, Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct
- Policy 10.2.11, Code of Student Conduct
- RBHS Students Rights, Responsibilities and Disciplinary Procedures
- Student Life Policy Against Verbal Assault, Harassment, Intimidation, Bullying and Defamation

- University Human Resources: ~~Resources:~~ 848-932-3020

b. ~~Office of Labor Relations 848-932-3914~~

~~Rutgers University Police Departments:~~

- ~~e.~~ Office of Employment Equity: 848-932-3973; employmentequity@hr.rutgers.edu

- Office of Student Conduct
 - New Brunswick: 848-932-9414, conduct@rci.rutgers.edu
 - Newark: 973-353-2772
 - Camden: 856-225-6050, deanofstudents@camden.rutgers.edu

- Rutgers University Police Departments:
 - New Brunswick: 732-932-7211

 - ~~d.~~ Newark: 973-353-5581

 - ~~e.~~ Camden: 856-225-6009

 - ~~f.~~ Health Sciences-Newark: 973-972-4491

5. Definitions

Workplace violence is defined as any actual or threatening behavior of a violent nature, as understood by a reasonable person, exhibited by faculty, staff, student employees, or others within the scope of this Policy. Examples of workplace violence include, but are not limited to:

1. Intentional physical contact for the purpose of causing harm (such as slapping, punching, striking, shoving, or otherwise physically attacking a person).
2. Menacing or threatening behavior (such as throwing objects, waving fists, damaging property, stalking, or otherwise acting in an aggressive manner; or, using oral or written statements or behavior specifically intended to frighten, coerce, or cause distress) where such behavior would be interpreted by a reasonable person as being evidence of intent to cause physical harm to individuals or property or coerce behavior from individuals.
3. Possessing any firearm, imitation firearm,¹⁶ or any components which can readily be assembled into a firearm or other weapon, as defined by the laws of New Jersey, without specific written authorization from the Department of Public Safety, irrespective of whether the individual possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

4.6. The Policy

~~60.1.13~~ **WORKPLACE VIOLENCE POLICY**

A. **Preamble**

Rutgers University is committed to fostering an academic, work, and living environment that promotes the achievement of its mission of teaching, research, and service. To accomplish this goal, student employees, faculty, and staff are expected to behave in a fashion that promotes a community free from violence, threats of violence, harassment, intimidation, and disruptive behavior of a violent or intimidating nature. In a national culture that is becoming increasingly more violent, the issue of workplace violence has received attention across the country. While this type of conduct is not pervasive at the University, no workplace is immune. This policy, therefore, was written to address the issue of workplace violence in our community.

B. **Policy**

Rutgers University prohibits workplace violence. Specifically, the University will respond promptly and in accordance with this policy to violence, threats of violence, harassment, intimidation, or disruptive behavior of a threatening nature towards people or property. Complaints involving workplace violence will be given the serious attention they deserve. Individuals who violate this policy may be removed from Rutgers property and are subject to disciplinary and/or ~~personnel~~ legal action up to, and including, termination of employment and/or criminal prosecution.²

C. **Scope**

This Policy applies to all areas of University operations and programs and to University facilities and off-campus locations where University business is conducted. It applies to all University employees, including student employees, with respect to conduct that arises out of their employment status, as well as to the conduct of all vendors, contractors, subcontractors, consultants, and others who do business with the University. It also applies to other persons not affiliated with the University such as former employees, customers, and visitors. Complaints of

¹ The artistic or pedagogical use of a weapon may be permitted by requesting permission from the Division of Public Safety.

² The review and imposition of discipline; in this Policy; will continue to be in accordance with University policies, practices, and collectively negotiated agreements.

workplace violence committed by employees or others covered by this Policy will be addressed in accordance with this Policy.³

~~D. Definition~~

~~D~~

~~Workplace violence is defined as any actual or threatening behavior of a violent nature, as understood by a reasonable person, exhibited by faculty, staff, student employees, or others within the scope of this Policy. Examples of workplace violence include, but are not limited to:~~

- ~~1. Intentional physical contact for the purpose of causing harm (such as slapping, punching, striking, shoving, or otherwise physically attacking a person).~~
- ~~2. Menacing or threatening behavior (such as throwing objects, waving fists, damaging property, stalking, or otherwise acting in an aggressive manner; or, using oral or written statements or behavior specifically intended to frighten, coerce, or cause distress) where such behavior would be interpreted by a reasonable person as being evidence of intent to cause physical harm to individuals or property or coerce behavior from individuals.~~
- ~~3. Possessing any firearm, imitation firearm,⁴ or any components which can readily be assembled into a firearm or other weapon, as defined by the Laws of New Jersey, without specific written authorization from the Division of Public Safety, irrespective of whether the individual possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.~~

E. Reporting Workplace Violence

1. General Reporting Responsibilities

Any member of the University community who has been subject to workplace violence or threats of violence or who has witnessed workplace violence should promptly notify the appropriate university official (see section ~~E~~D.3). Additionally, employees are encouraged to report behavior that they reasonably believe poses a potential for workplace violence as defined above. It is imperative that all University employees take this responsibility seriously.

2. Reporting Imminent or Actual Violence

Any person experiencing or witnessing imminent or actual violence involving weapons or potential injuries should call the Rutgers University Police Department (~~(“RUPD”)~~) emergency number or the appropriate law enforcement agency.

3. Reporting Acts of Violence Not Involving Weapons or Injuries to Persons

Any person who is the subject of, or witness to, a suspected violation of this policy should report the incident to his or her supervisor⁵ ~~or, in lieu thereof, to the appropriate~~

³ Complaints about the behavior of students that do not arise out of their employment status are adjudicated through the University Code of Student Conduct.

⁴ ~~The artistic or pedagogical use of a weapon may be permitted by requesting permission from the Division of Public Safety.~~

⁵ ~~The term “supervisor” in this Policy, means the person to whom a faculty member, staff member, or student employee reports. This could be an immediate supervisor, department supervisor, department head, or chairperson.~~

~~Designated University Representative listed below:~~⁶ to the Office of Labor Relations, or to the Office of Employment Equity.

- ~~• Camden Vice Chancellor for Administration and Finance~~
- ~~• Newark: Executive Vice Chancellor~~
- ~~• New Brunswick: Office of Labor Relations~~
- ~~• Rutgers Biomedical Health Sciences Newark: Compliance Hotline, 973-972-8093~~

4. Law Enforcement Agencies

All individuals who believe a crime has been committed against them have the right, and are encouraged, to report the incident to the appropriate law enforcement agency.

5. False Reports

~~Employees who intentionally file false reports pertaining to workplace violence will be subject to disciplinary action up to, and including, termination.~~

~~knowingly making a material misstatement of fact may subject the complainant to discipline. Anyone who believes that he or she has been the subject of a false complaint may meet with the Director of the Office of Employment Equity to discuss the allegations. The filing of a complaint that does not result in a finding of prohibited conduct is not alone evidence of the intent to file a false complaint.~~

E. Responsibilities of Members of the University Community

1. ~~1. Designated~~ Designation of University Representatives Offices and Employees

Throughout this Policy, the University office and/or employee(s) who will typically perform certain roles or duties are identified. However, the University may designate other University offices or employees to perform any roles or duties described in this Policy where necessary to effectuate this Policy.

2. Office of Labor Relations (“OLR”)

The

Designated University Representatives are Office of Labor Relations is responsible for assisting supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the RUPD if necessary; and consulting as necessary with the Faculty and Staff Assistance Program and/or Occupational Health Department to secure professional intervention.

3. Office of Employment Equity (“OEE”)

The Office of Employment Equity is responsible for assisting supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying the RUPD and Workplace Violence Consultation Team (WVCT described below); if necessary; and consulting as necessary with the Faculty and Staff Assistance Program and/or Occupational Health Department to secure professional intervention. Additionally, the Office of Employment Equity is responsible for investigating

⁶ The term “supervisor” in this Policy, means the person to whom a faculty member, staff member, or student employee reports. This could be an immediate supervisor, department supervisor, department head, or chairperson.

and/or supervising the investigation of complaints of workplace violence; notifying the appropriate supervisor of the outcome of any workplace violence investigation; and maintaining records of reports of workplace violence.

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4. Employees

- a. Employees should report workplace violence, as defined above, regardless of the relationship of the employee to the person believed to have engaged in workplace violence, to their supervisor. ~~Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily, or violence that is, or has been, perpetrated by the employee's supervisor, should be brought to the attention of the Designated University Representative as defined in section E.3., to the Office of Labor Relations, or to the Office of Employment Equity.~~
- b. Employees who have obtained restraining orders are expected to notify their supervisors and the RUPD of any orders that list Rutgers locations as protected areas.
- e. ~~c.~~ Victims of domestic violence ~~victims~~ who believe the violence may extend into the workplace, or employees who believe they may be subjected to violence extending into the workplace, are encouraged to notify their supervisor, or the RUPD. Confidentiality will be maintained to the extent possible.

35. Supervisors

- a. All Rutgers supervisors and department heads, including department chairs, deans, program directors, and managers, who are notified of a suspected violation of this policy, are required to ~~respond in accordance with this policy~~ report the suspected violation to the Office of Labor Relations or the Office of Employment Equity in a fair and timely manner. Further, supervisors are required to ~~report the suspected violation to the appropriate Designated University Representative~~ inform victims of workplace violence about their opportunity to file an incident report form under the Policy Prohibiting Workplace Violence.
- b. Supervisors are required to contact the RUPD in the event of imminent or actual violence involving weapons or potential injuries.
- c. Supervisors are expected to inform their immediate supervisor promptly about any acts or threats of violence even if the situation has been addressed and resolved.

46. Students

- a. Students who witness violence or learn of threats of violence by employees should report the incident directly to the RUPD. If there is no imminent danger, students should report threatening incidents by employees or others to the ~~dean of their college~~ Office of Labor Relations, the Office of Employment Equity, a dean of students, and/or to the RUPD.
- b. Students who also serve in the capacity of an employee should follow the procedures outlined in section ~~F.2E.4~~ F.2E.4 of this Policy.

57. Rutgers University Police Department (“RUPD”)

The RUPD will provide an immediate response and implement all appropriate emergency procedures as warranted by the situation, including notifying the ~~Designated University Representative~~ Office of Labor Relations or Office of Employment Equity. When appropriate, other law enforcement agencies will be notified.

68. Workplace Violence Consultation Team (WVCT)⁷

Convened, as necessary, by the ~~Designated University Representative~~ Office of Labor Relations, the WVCT is ~~responsible for coordinating University resources and providing supervision for implementation of this policy. The WVCT also is available, as needed,~~ for workplace violence prevention, crisis intervention, and post-incident debriefing.

79. University Communications

University announcements to both the University community and outside agencies pertaining to incidents of workplace violence will be made through the Department of University Communications and Marketing or its designated representative(s).

GE. **Confidentiality**

The University shall maintain the confidentiality of investigations to the extent possible within the requirements of conducting reasonable investigations while ensuring the safety of members of the University community. The University will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this Policy and that the safety and well-being of members of the University community would be served by such action.

HG. **Retaliation**

Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in the reporting of, investigating or responding to workplace violence is a violation of this Policy Prohibiting Workplace Violence ~~Policy~~. It is also a violation of this Policy to take adverse action against an employee solely on account of his/her being an actual or potential victim of workplace violence. Those found responsible for retaliatory action will be subject to discipline up to, and including, termination.

⁷ The WVCT may include representatives from the following offices: Office of Employment Equity; Office of Labor Relations; ~~Division~~; Department of Public Safety; Rutgers Environmental Health and Safety; Department of Risk Management and Insurance; Office of the Senior Vice President and General Counsel; ~~campus human resources office~~; Academic Affairs; the Human Resources Office at Rutgers University–New Brunswick, Rutgers Biomedical and Health Sciences, Rutgers University–Newark, or Rutgers University–Camden; Faculty and Staff Assistance Program; Occupational Health Department; and others as needed, depending on the situation, as deemed appropriate by the ~~Designated University Representative~~ Office of Labor Relations.

I. ~~Education~~

2. ~~1. Workplace Violence Education Committee~~

~~The Designated University Representatives will establish a Workplace Violence Education Committee to develop and implement training sessions to inform employees of the University's Workplace Violence Policy and to raise awareness about workplace violence.~~

2. ~~Professional Development~~

~~Professional Development opportunities are available at Rutgers and elsewhere concerning conflict and stress management, communication skills, and related topics. Employees are encouraged to take advantage of these opportunities to learn effective ways to prevent and respond to workplace violence.~~