

Policy 602.32

1 Introduction

1.1 Appalachian State University (the University) is committed to providing a workplace that is free from violence by establishing preventative measures, by holding perpetrators of violence accountable, and by providing assistance and support to victims. A Threat Assessment Team has been established to assess both immediate and potential threats of violence, including threats that could potentially impact the University workplace. Any form of Workplace Violence as defined in this policy may be cause for disciplinary sanctions, up to and including dismissal. Violent acts, whether on-duty or off-duty, affect the ability of all employees to perform their jobs. The University will apply all useful management tools to accomplish the dual purpose of reducing the effects of violence on victims and the University community and holding perpetrators of violence accountable for their actions. The Office of Human Resources, the Office of the Provost, the Office of Student Employment, the University Police, the Office of the Dean of Students, Counseling for Faculty & Staff, and Counseling & Psychological Services are resources for victims of Workplace Violence.

2 Scope

2.1 This policy applies to all University employees regardless of appointment type, including University students who are employees of the University. This policy applies both to employees while they are functioning in the course and scope of their employment, and to employees engaging in off-duty violent conduct that has a potential adverse impact on any University employee's ability to perform his or her assigned duties and responsibilities.

2.2 Acts of violence by vendors, contractors, visitors, and other non-University employees have the potential to negatively affect the University workplace. Although such individuals are not subject to sanctions under this policy, they may be referred to their employer and/or to criminal or civil authorities for appropriate action.

2.3 The University administrative unit responsible for providing guidance to management for each appointment is listed below:

Complaint Against (Employee Appointment)	Consult with (Administrative Unit)
SHRA and EHRA Non-Faculty	Office of Human Resources
Temporary Employees	Office of Human Resources
Faculty	Office of the Provost
Student Employees	Office of Student Employment and Office of Student Conduct

2.4 The Office of General Counsel is responsible for advising all institutional officials regarding the legal interpretation and application of this policy.

3 Definitions

3.1 Bullying

Unwanted offensive and malicious behavior (including but not limited to conduct, and written and verbal communication) 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.

3.2 Domestic Violence

The use of abusive or violent behavior, including threats and intimidation, between family members or between people who have an ongoing or prior intimate or romantic relationship. Such relationships include, but are not limited to, people who are married, people who live together intimately or date, people who share a child in common, and people who have previously been married, lived together intimately, or dated.

3.3 Intimidation

Any act, by any means that places another person in reasonable fear of harm through the use of threatening words and/or other conduct. Includes, but is not limited to, stalking or other behavior intended to frighten, coerce, or induce stress.

3.4 Physical Attack

Unwanted or hostile physical contact such as hitting, fighting, pushing, using a weapon, shoving or throwing objects.

3.5 Property Damage

Intentional damage to property and includes property owned by University employees, students, visitors, or vendors.

3.6 Stalking

Any behaviors or activities occurring on more than one occasion directed at a specific individual that place or are likely to place a reasonable individual in fear or at risk of physical, mental, or emotional harm for themselves or others. Such behaviors or activities may occur directly, indirectly, or through a third party, and may include, but are not limited to, unwelcome communication of any type (e.g., face-to-face, telephone calls, voice messages, electronic mail, written letters or notes); unwanted gifts; pursuing/following; observing/surveillance; or interference with property.

3.7 Threat

The expression, by any means, of intent to cause physical harm, mental harm, or property damage. 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.

3.8 University

Appalachian State University.

3.9 Weapon

Any firearm or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened. For a complete listing see [North Carolina General Statute 14-269.2](#)

3.10 Workplace Violence

Includes, but is not limited to, bullying, domestic or family violence, intimidation, physical attack, property damage, stalking, or threats, that affect the University workplace.

4 Policy and Procedure Statements

4.1 Prohibited Actions

It is a violation of this policy to:

4.1.1 Engage in Workplace Violence as defined in this policy;

4.1.2 Fail to investigate a report of a threat of Workplace Violence or an incident of Workplace Violence as defined in this policy;

4.1.3 Use, possess, or threaten to use a weapon against a member of the University during a time covered by this policy; and

4.1.4 Misuse authority vested in any employee of the University in such a way that it violates this policy.

4.2 Sanctions

4.2.1. Violations of this policy shall be considered unacceptable personal conduct and shall result in discipline, up to and including dismissal, as outlined in the Disciplinary Actions, Suspension, and Dismissal Policy and Faculty Handbook.

4.2.2 An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal. In these situations, the University must demonstrate that the disciplinary action, sanction, suspension, or dismissal is supported by the existence of a rational relationship between the type of violent conduct committed and the potential adverse impact on an employee's ability to perform the assigned duties and responsibilities.

4.2.3 Student employees who are subject to sanctions under this policy also will be referred to the [Office of Student Conduct](#) and may also be subject to discipline pursuant to the Code of Student Conduct.

4.3 Authorized Exceptions to Policy

An employee or student may possess a weapon (NC General Statutes 14-269.2) in the scope of their employment if possession is:

4.3.1 In compliance with North Carolina law;

4.3.2 Used by an employee who is a certified Law Enforcement Officer;

4.3.3 Required as part of the employee's or student's job duties with the State of North Carolina; or

4.3.4 Connected with training received by the employee or student in order to perform the responsibilities of their job with the State of North Carolina.

4.3.5 For students involved with University ROTC and who handle weapons, the Commander of the unit will ensure that all State and University policies are followed for appropriate weapon possession and use.

4.4 Retaliation and False Reports

4.4.1 Employees or students who act in good faith by reporting real or apparent violent behavior or violations of this policy may not be subjected to harassment or other retaliation.

4.4.2 Employees (including student employees) who believe they have been retaliated against for having reported a policy violation or who are the subject of harassment may initiate a grievance through the SHRA Grievance and Appeals Policy. EHRA Non-Faculty employees may initiate a grievance through the EHRA Non-Faculty Grievances Policy. Faculty members may access grievance rights as outlined in the Faculty Handbook. Students may file through the Office of Equity, Diversity, and Compliance and will follow the policy and procedures of the Harassment and Discrimination Policy.

4.4.3 False or misleading claims of violence that have been filed deliberately with the intention to harass or that are frivolous or an abuse of the violence reporting process shall be considered acts of unacceptable personal conduct and may be subject to disciplinary action or sanctions, up to and including dismissal.

4.5 Reporting Responsibilities and Procedures

It is critical to maintaining a safe and effective work environment that all incidents of Workplace Violence are reported and promptly addressed. All University employees are responsible to be alert to the possibility of violence on the part of employees, former employees, students, customers and strangers, and to immediately report any acts or suspected acts of violence as prescribed below:

4.5.1 Any time an imminent threat to the safety of any person is perceived, the University Police Department should be called immediately.

4.5.2 When a University employee or student experiences or has knowledge of Workplace Violence but does not perceive an imminent threat to the safety of any person, the employee or student should immediately inform the appropriate supervisor or department chair. If a supervisor or department chair is not present, or the reporter of the violence is not comfortable reporting the incident to a supervisor or department chair, the reporter should directly contact the appropriate responsible administrative unit (Human Resources, Office of the Provost, Office of Student

Employment, or in cases involving students, the Dean of Students Office).

4.5.3 When a supervisor or department chair receives a report of violence, the supervisor or department chair should immediately inform the appropriate administrative unit of the report, for advice and support with the investigation and resolution of the matter.

4.5.4 The University Police Department is available to assist in response to Workplace Violence and may be contacted by any University employee or student at any time in the process. The University Police Department may be contacted by calling 8000 on campus or if an imminent threat is perceived, by calling **911**.

4.6 Response and Resolution Procedures

The University takes every report of Workplace Violence seriously, maintains effective processes for the timely investigation and resolution of reports, and provides programs to support the people involved.

4.6.1 Upon receipt of a report of Workplace Violence, the responsible administrative unit will assist appropriate departmental leaders in protecting and supporting affected individuals, gathering information necessary to assess the validity of the report, and determine appropriate steps necessary to resolve the case.

4.6.2 If it is determined that a report may involve violence or harassment against someone based on a protected class, the appropriate administrative unit will immediately forward the information to the Office of Equity, Diversity, and Compliance for further investigation.

4.6.3 If a report involves a Clery Act reportable crime (see University Policy 301.4 for list of Clery reportable crimes), the appropriate administrative unit or the Office of Equity, Diversity, and Compliance will inform the University Police in a timely manner.

4.6.4 If a report provides any indication of a threat of additional violence, the appropriate administrative unit will immediately consult with the University Threat Assessment Team, which may be activated to conduct an assessment of the potential threat. The Team is composed of representatives from key University areas and is responsible for receiving threat reports, conducting thorough assessments, determining appropriate responses, tracking and reporting Workplace Violence information, and conducting related training. Depending upon the severity of the threat, a formal investigation may be required. University Police will conduct criminal investigations, if necessary. Threat assessments will consider all details relevant to the threat and will assess the totality of circumstances when determining an appropriate action.

4.6.5 In response to any report of Workplace Violence, the first concern always is to ensure the safety and support of victims. The University will make efforts to protect victims through appropriate and reasonable security measures, as necessary. Victims may also need special accommodations or adjustments to their work schedules, work locations, or working conditions in order to enhance their safety. The University will accommodate these requests and needs whenever appropriate and practicable. The University will work closely with victims to assure that both the needs of the victims and the University are addressed.

4.6.6 The University will offer all available reasonable support to victims of Workplace Violence. This support may include encouragement of the victim to use the services of Counseling for Faculty and Staff, Student Counseling & Psychological Services, or other available employee assistance programs.

4.6.7 In addition, the University will consider whether to grant a victim the use of available paid leave,

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accumulated paid time off, leave without pay, and/or flexible work scheduling for medical, court, or counseling appointments related to trauma and/or victimization. Employees may also use Family & Medical leave if eligible.

4.6.8 The University will also provide appropriate protection and support services to those who report acts of Workplace Violence and those who participate in related investigations. Retaliation against those who report violence and/or participate in investigations is strictly prohibited by this policy and will not be tolerated. During the reporting and investigation processes, all reasonable efforts will be made to maintain confidentiality to the extent possible without compromising the effective investigation and resolution of the case.

4.6.9 Following the investigation of a report of Workplace Violence, the appropriate administrative unit will make recommendations to departmental leaders regarding the resolution most appropriate to the investigative findings. The goals of any resolution are to ensure the continued safety of persons involved, promote safe work and learning environments, and support positive and effective working relationships among employees. Resolutions may include but are not limited to any combination of the following: disciplinary sanctions for perpetrators of violence, up to and including dismissal; recommendations for counseling or other employee assistance services; and/or mediation services to resolve workplace conflicts.

4.6.10 Under the circumstances defined in the North Carolina Workplace Violence Prevention Act, NCGS §95-260 et seq., the University, in its sole discretion, may seek a civil no-contact order on behalf of an employee who has suffered ?unlawful conduct? as defined in the Act. The University must comply with all provisions of that Act, which is available only when the unlawful conduct can reasonably be construed to be carried out, or to have been carried out, in the University workplace.

4.7 Notice of Emergency Non-Isolated Violent Acts on Campus

In the event it is determined that an action covered by the Workplace Violence policy is not isolated and could endanger other faculty, staff, and students, the AppState-Alert System will be activated with appropriate measures taken to ensure the safety of the campus community. Emergency procedures are outlined at this website.

5 Additional References

Occupational Safety and Health Act of 1970, Public Law 91-596, 84 STAT. 1590, 91st Congress, S.2193 (Dec. 29, 1970), as amended.

Violence Against Women Reauthorization Act of 2013, Public Law 113-4, 127 STAT. 54, 113th Congress, S.47 (Mar. 7, 2013) (reauthorizing the Violence Against Women Act of 1994)

Occupational Safety and Health Act of North Carolina, N.C.G.S. § 95-126 et seq.

North Carolina Workplace Violence Prevention law, N.C.G.S. § 95-260 et seq.

North Carolina Domestic Violence law, N.C.G.S. § 50B-1 et seq.

North Carolina Retaliatory Employment Discrimination Act (REDA), N.C.G.S. § 95-240 et seq.

Appalachian State University Emergency Website

Appalachian State University SHRA Grievance and Appeals Policy

[Appalachian State University EHRA Non-Faculty Grievances Policy](#)

[Appalachian State University Faculty Handbook](#)

[Appalachian State University Harassment and Discrimination Policy](#)

[Appalachian State University Code of Student Conduct](#)

[NC General Statutes 14-269.2 Weapons on Campus](#)

[Appalachian State University Disciplinary Actions, Suspension, and Dismissal Policy](#)

[Clery Act Reportable Crimes](#)

6 Authority

[North Carolina Office of Human Resources State Personnel Manual](#)

[Occupational Safety and Health Act of 1970, 29 USC 651, et seq.](#)

[North Carolina Workplace Violence Prevention Act, NCGS §95-260 et seq](#)

7 Contact Information

Director of Human Resources ? 828-262-3187

8 Original Effective Date

April 1, 2014

9 Revision Dates

February 17, 2016