Workplace Violence

Policy 602.32

1 Introduction

1.1 Appalachian State University ("the University") is committed to providing a safe workplace for employees that is free from violence by establishing preventative measures, providing assistance and support to victims, and holding perpetrators of violence accountable.

2 Scope

2.1 This policy applies to all University employees regardless of appointment type (i.e. faculty, staff, student employees, and non-student temporary employees). 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 a University employee's ability to perform the assigned duties and responsibilities.

3 Definitions

3.1 Workplace Violence. Workplace Violence includes, but is not limited to, intimidation, bullying, cyber-bullying, stalking, threats, physical attacks, domestic violence, or property damage and includes acts of violence committed by State employees, clients, customers, relatives, acquaintances, or strangers against University employees in the workplace.

3.2 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. The behavior typically is severe or pervasive and persistent, creating a hostile work environment. Behaviors may be considered discriminatory if they are predicated on the targeted person's protected class.

3.3 Cyber-Bullying: uses technology to intentionally harm others through hostile behavior, as well as threatening, disrespectful, demeaning, or intimidating messages. This is bullying that occurs via the Internet, cell phones, or other electronic devices (e-mails, IMs, text messages, blogs, pictures, videos, postings on social media, etc.).

3.4 Domestic Violence: the use of 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, divorced, separated, living or lived together, or currently or previously dated.

3.5 Intimidation: engaging in actions that include but are not limited to behavior intended to frighten, coerce, or induce duress.

3.6 Physical Attack: unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

3.7 Property Damage: intentional damage to property and includes property owned by the State, University, employees, visitors, or vendors.

3.8 Reasonable Suspicion: a degree of knowledge enough to induce the belief that the circumstances being presented are more likely to be true than not. Reasonable Suspicion must be based on an articulable, specific and objective basis and may include direct observation and/or information received from a source believed to be reliable.

3.9 Stalking: involves harassing or pestering an individual, whether in person, in writing, by telephone, or through an 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.

3.10 Threat: the expression of 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.

3.11 Weapon: a device, instrument, material or substance used to or capable of causing death, bodily injury, or damage to property. Weapons include but are not limited to: an explosive; a device principally designed, made or adapted for delivering or shooting an explosive, chemical, biological, or radiological weapon; a firearm such as a machine gun, rifle, shotgun, or handgun; a firearm silencer; sharp object such as a knife or other blade; or any other device used for the infliction of or threat of bodily injury, damage to property, or death.
4 Policy and procedure statements

4.1 Prohibited Actions The following conduct is prohibited:

1. Engaging in Workplace Violence as defined herein;
2. Using, possessing, or threatening to use an unauthorized weapon during a time covered by this policy;
3. Misusing authority vested in any employee of the University as further described herein.

4.2 Sanctions

4.2.1. Violations of this policy shall be considered unacceptable personal conduct and may be grounds for disciplinary action, up to and including dismissal pursuant to applicable policies.

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 is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a University employee’s ability to perform the assigned duties and responsibilities.

4.2.3 Student employees subject to sanctions under this policy will also be referred to the Office of Student Conduct and may 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 on the campus of the University only if the possession meets all the following requirements:

1. In compliance with North Carolina law (i.e. NCGS § 14-269.2);
2. Authorized by the University head, or their designee;
3. Used by an employee who is a certified Law Enforcement Officer;
4. Required as part of the employee’s or student’s job duties with the University; or
5. Connected with training received by the employee or student to perform their job responsibilities with the University.

4.3.1 If Students are involved with University ROTC and responsible for handling weapons, the Commander of such unit shall ensure that all applicable state and federal laws, regulations, and State/University policies are followed for appropriate weapon possession and use.

4.4 Retaliation and False Reports

4.4.1 Any individual who reports behavior that may violate this policy, including concerns about a threat or act of violence, in good faith shall not be subjected to retaliation.

4.4.2 Any employee who believes they have been retaliated against for having reported an alleged policy violation should immediately report such retaliatory behavior to the Office of Access and Equity through their online reporting process.

4.5 Reporting Responsibilities

4.5.1 All University employees must immediately report any incident or potential incident of Workplace Violence, including new or existing protective orders, to their supervisor or Human Resources as soon as it is safe to do so.

4.5.2 If the incident presents a risk to the lives or safety of University employees, volunteers, interns, and visitors or threatens property, the employee should contact the Appalachian Police Department immediately. Employees may contact the Appalachian Police Department by calling 28000 from a campus phone or (828) 262-8000 from any phone.

4.5.3 When a University employee experiences or has knowledge of Workplace Violence but does not perceive an imminent threat to the safety of any person, the employee should immediately report to their supervisor and the Office of Access & Equity: Equal Opportunity (EO).

4.5.4 Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

4.6 Response

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

4.6.2 The University’s Office of Access & Equity: Equal Opportunity (“EO”) reviews reports of Workplace Violence and utilizes resolution procedures to address and remedy the alleged prohibited conduct. Resolution procedures shall be governed and
administered by EO to ensure fair and equitable resolutions, which shall include due process protections for complainants and respondents. Such applicable procedures shall be made readily available through EO.

4.6.3 If a report indicates a threat of additional violence, EO will immediately consult with Human Resources and Appalachian Police Department. The University Threat Assessment Team may be activated to assess the potential threat. The team comprises representatives from key University areas and is responsible for receiving threat reports, conducting thorough assessments, and determining appropriate responses.

4.6.4 EO shall conduct an internal investigation as circumstances warrant. Human Resources or Academic Affairs shall determine if disciplinary action is warranted and ensure that any disciplinary action is consistent with applicable employment policies.

4.6.5 Additional documentation may be necessary if there is a workers’ compensation claim, OSHA recordable injury, or the incident qualifies as workplace harassment. All reports regarding incidents in the workplace that result in injury must be reported to Human Resources and EHS&EM through the University’s Initial Notification of Incident form.

4.7 Support and Protections

4.7.1 In response to any report of Workplace Violence, the University will prioritize the safety and support of victims and make efforts to protect victims through appropriate and reasonable security measures, as necessary. Victims may also need individualized adjustments to their work schedules, locations, or working conditions to enhance their safety. The University will accommodate these requests and needs whenever appropriate and possible. The University will work closely with victims to ensure that the needs of the victims and the University are addressed.

4.7.2 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.

4.7.3 The University will also consider whether to grant a victim the use of available annual or personal leave, sick leave, leave without pay, and/or flexible work scheduling for medical, court, or counseling appointments related to trauma and/or victimization. Employees may also apply for Family & Medical Leave, if eligible.

4.7.4 Under the circumstances defined in the North Carolina Workplace Violence Prevention Act, 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.

4.8 Notice of Emergency Non-Isolated Violent Acts on Campus

If 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 additionally outlined on the App State-Alert System website.

5 Authority

Appalachian State Faculty Handbook
Occupational Safety and Health Act of 1970, 29 USC 651, et seq.
North Carolina Workplace Violence Prevention Act, NCGS §95-260 et seq

6 Contact Information

Office of Access and Equity – (828) 262-2144

7 Issued

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