

SUNY College at Old Westbury Policy Regarding Workplace Violence Policy/Procedure

August 2006

In 2006, the NYS Legislature mandated that all public employers develop and implement programs to prevent workplace violence. This document is published in response to that mandate:

POLICY

Statement

The persons covered by this policy are: employees of the SUNY College at Old Westbury (the “College”), independent contractors, vendors, and other visitors who have been retained by the College with respect to the business or operation of the College. Students (who are not also employees of the College) and their guests are not covered by this policy; acts of violence alleged to have been committed by students are addressed in the Code of Student Conduct and elsewhere. This policy shall apply to students who also serve as employees of the College, during such times as they are acting in their capacity as employees.

Any and all forms of violence, threatening behavior or harassment which involve or affect the College or which occur on the College’s campus are prohibited by this policy. For purposes of this policy, “the campus” is collectively defined as the College’s premises and any off-campus location where an employee is on official duty or travel status. This includes threatening behavior, violent actions, and harassment by College employees directed against supervisors, by employees directed against other employees, by employees directed against students, or visitors, and by visitors directed against College employees or students.

The College will actively work to prevent and eliminate violence, threatening behavior, and harassment on campus. The College will respond promptly and decisively to violence, threatening behavior, and harassment on campus. This response may include termination of employees and will include timely involvement of law enforcement agencies, when appropriate. The College’s response may also include removal of third party vendors from campus or termination of contracts with such vendors.

Engaging in violence, threatening behavior or harassment has been and is considered a serious form of employee misconduct.

“Violence, Threatening Behavior, and Harassment” Defined

Violence, threatening behavior, and harassment include conduct against persons or property that is offensive, intimidating, hostile, injury-producing, or abusive.

General Examples of Prohibited Conduct

1. All threats or acts of violence occurring on the campus, regardless of the relationship between the College and the parties involved.
2. All threats or acts of violence not occurring on the campus but involving someone who is acting in the capacity of a representative of the College.

3. All threats or acts of violence not occurring on campus involving an employee of the College if the threats or acts of violence affect the interests of the College, employees, and/or students (i.e. while on official travel).
4. Any threats or acts of violence resulting in the conviction of an employee or agent of the 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 and goals of the College.
5. Any form of retaliation against any employee or student who complains about threatening behavior, violence, or harassment.

Specific Examples of Prohibited Conduct

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

1. Slapping, hitting, punching, grabbing, or shoving an individual.
2. Causing physical injury to another person.
3. Raping an individual.
4. Kidnapping an individual.
5. Murdering an individual.
6. Making threatening remarks.
7. Threatening to harm an individual or his/her family, friends, associates, or their property.
8. Intentionally damaging or destroying or threatening to damage or destroy property owned, operated, or controlled by the College or property of another employee.
9. Making or sending harassing or threatening telephone calls, letters or messages (electronic, print or other method) to any employee, student, or visitor to campus.
10. Intimidating or attempting to coerce an employee or student to do wrongful acts that would affect the interests of the College.
11. The willful, malicious, and repeated following of another person which results in that person reasonably fearing for his/her safety (also known as "stalking").
12. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
13. Verbally abusing or harassing an individual.
14. Committing acts motivated by, or related to, sexual harassment or domestic violence.
15. Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate".
16. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on the campus. While certain employees of the College may be required as a condition of their work assignment to possess firearms, weapons, or dangerous devices on campus, or are permitted to carry them as authorized by law, such employees are to use such firearms, weapons, and dangerous devices in accordance with campus operating procedures and all applicable state and federal laws.

Warning Signs of Violence

Verbal

- Talking about weapons
- Using an angry or threatening tone
- Shouting, screaming, cursing

- Making threats or sexual comments
- Challenging rules or authority
- Making unreasonable demands
- Talking irrationally

Physical Signs

- Having a weapon
- Nervous pacing, restlessness
- Clenching fists or jaw, tightly gripping objects
- Violent gestures, including pounding on or breaking objects
- Angry looks or staring
- Staggering, slurred speech

Risk Evaluations

Examples of workplaces that might place employees at risk:

1. Working in a public setting (e.g. Social Services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, healthcare workers and service workers.
2. Working late night or early morning hours.
3. Exchanging money with the public.
4. Working alone or in small numbers.
5. Uncontrolled access to the workplace.
6. Areas of previous security problems.

Possible Steps to Minimize Risk

1. Making high risk areas more visible to more people.
2. Installing good electrical lighting.
3. Using drop safes to minimize cash on hand.
4. Signs stating limited cash on hand.
5. Training in conflict resolution and non-violent self defense.
6. Reporting systems for incidents of aggressive behavior.

Application of Policy

1. The College's prohibition against threatening behavior, acts of violence, and harassment applies to all persons involved in the operation of the College, including but not limited to all College employees, third party vendors, and anyone else on campus.
2. Violations of this policy will be treated seriously by the College. Reports of such acts will be promptly investigated and action will be taken, as necessary, to appropriately address each incident. The College will seek severe disciplinary penalties, up to and

- including termination, against employees of the College who are involved in the commission of threatening behavior, violence, and/or harassment.
3. The College is committed to quickly dealing with threatening behavior, violence, and harassment. Managers and supervisors are specifically empowered by this policy to take immediate action to resolve or stabilize violent situations on campus and to protect people from harm. They will ensure that, when a threat is made or a violent incident occurs, appropriate personnel are immediately notified.
 4. The College is further committed to supporting the continuation of a good working relationship with University Police and local law enforcement, employing legal remedies that address issues of workplace violence (i.e., restraining orders), and creating and maintaining the highest practical level of physical security on campus.
 5. The College may support criminal prosecution of those who threaten or commit violence or engage in harassment against its employees, students, and visitors to its campus.

Employee Obligations

All potentially dangerous situations must be reported immediately. If an employee, student, or visitor believes he/she or others are in immediate danger, University Police should be contacted immediately at Ext. 3333 (on-campus) or (516) 876-3333 (off-campus).

Reports of violence, threatening behavior or harassment should be made to any of the following persons/organizations:

- Immediate supervisor
- Supervisory employee (if the report cannot be made to the immediate supervisor)
- Human Resources
- University Police

Each person to whom such a report is made shall immediately refer the report to the Office of Human Resources.