

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

9.1.3

### WORKPLACE VIOLENCE POLICY

08/31/2016

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN EMPLOYEES AND THE COLLEGE OF CHARLESTON. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHT OR ENTITLEMENTS. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY IN WHOLE OR IN PART, AT ANY TIME. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH, CREATE ANY CONTRACT OF EMPLOYMENT.**

## POLICY STATEMENT

### **Policy**

The College of Charleston ("College") is committed to creating and maintaining a working and learning environment that is free from violence. Violent behavior, threats of violence, or physical intimidation will not be tolerated. If such conduct, occurs, it should be promptly reported to the proper authority and investigated. The College will take appropriate action in response to such conduct. Employees found to have violated this policy will be subject to disciplinary action consistent with a zero tolerance policy regarding acts or threats of violence in the workplace, which may result in immediate termination of employment. In addition, arrest and criminal prosecution may result if federal, state or local laws are violated.

### **A. Prohibited Conduct**

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on College property or at College-sponsored events, programs or activities, wherever located, shall be subject to removal from the premises or College-sponsored event, program or activity, immediately and as safety permits, in addition to disciplinary action up to, and including, termination. Further, convictions and Court Orders involving acts of violence may also result in disciplinary action up to, and including, termination, if such conduct is deemed to pose a reasonable threat to faculty, staff, and students. For the purposes of this policy, workplace violence includes, but is not limited to, the following:

1. **PHYSICAL ABUSE:** Any act that is physically abusive, or inflicts harm or intentional physical damage. Such acts may include, but are not necessarily

limited to hitting, punching, slapping, pinching, kicking, shoving, grabbing, or restricting the physical movement of another;

2. **THREATS:** Any threat made by gestures, verbal, written, physical, or electronic means, including behavior or action that does or is interpreted by a reasonable person to carry the potential to:
  - a. harm or endanger the safety of others,
  - b. result in an act that is aggressive, or
  - c. intentionally destroy or damage property.
3. **VERBAL HARASSMENT:** Engaging in any of the following abusive/harassing conduct by any means, whether direct, via e-mail, telephonic, social media, written, or otherwise communicated. This conduct may include, but not necessarily be limited to, the following:
  - a. Using vulgar, profane, or obscene language towards others;
  - b. Engaging in name-calling, badgering, threats, or other acts of verbal intimidation;
  - c. Using derogatory language or engaging in offensive flirtations or propositions.

In assessing whether conduct constitutes verbal abuse and/or harassment, the facts will be considered using a reasonable person standard, in light of all the surrounding circumstances.

4. **OTHER PHYSICAL HARASSMENT (STALKING):** Engaging in the intentional harassing surveillance and following of another, which is repeated, willful, malicious, imposes a threat, and that would place a reasonable person experiencing such conduct by another to be in fear of their personal well-being and safety.
5. **DOMESTIC VIOLENCE:** In accordance with South Carolina Code of Laws §1-1-1410, the College does not tolerate acts or threats of domestic violence in the workplace including, but not limited to, offices, facilities, work sites, vehicles, or other locations where College business is conducted. In accordance with state law and for purposes of this policy, “criminal domestic violence” is defined as: 1) causing physical harm or injury to a person’s own household member, or 2) an offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability under circumstances reasonably creating fear of imminent peril. Additionally, in accordance with state law and for purposes of this policy, a “household member” is defined as a spouse, former spouse, people who have a child in common, or people who are cohabiting or formerly have cohabited.

6. **PROPERTY DAMAGE:** Damage that is the direct or indirect result of an intentional act that occurs to property owned or leased by the state, employees, visitors, or vendors.
7. **OTHER PROHIBITED CONDUCT/RELATED POLICIES:** The prohibited conduct also may violate the College's Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse, particularly in cases of sexual assault, stalking, domestic violence and where the harassing conduct is based on a protected trait, such as age, race, color, religion, national origin, sex (including pregnancy), sexual orientation, gender identity or expression, veterans' status, genetic information and disability.

## **B. Prohibition on Weapons and Firearms**

Weapons of any kind (firearms; knives; dangerous chemicals; explosives or blasting caps; chains; clubs; and other objects carried for the purpose of injury or intimidation) shall not be allowed on College premises or in the possession of an employee during work time, except when specifically permitted by the College, and the Chief of Public Safety in order to perform job duties.

Additionally, according to South Carolina Code of Laws Section 16-23-420 (A): It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle. Persons whose conduct violates state law will be prosecuted in the appropriate criminal court.

## **C. Reporting, Investigation and Sanctions**

Any person who experiences, observes, or has knowledge of actual or threatened workplace violence has the responsibility to report the situation immediately as follows:

1. In the case of an actual or imminent act or threat of violent behavior, call the College of Charleston's Department of Public Safety at 843-953-5611, or 911.
2. Potential instances of workplace violence that also violate the College's Prohibition on Discrimination and Harassment, Including Sexual Harassment and Abuse, must be reported promptly to the College's Office of Equal Opportunity Programs at 843-953-5754.
3. All other reports should be made to the most appropriate of the following:
  - a. Immediate supervisor,

- b. The College's Department of Public Safety non-emergency line at 843-953-5609,
  - c. Appropriate Executive Vice President, or
  - d. The College's Office of Human Resources at 843-953-5512.
4. All reports of workplace violence will be investigated promptly, impartially and as confidentially as possible. Employees are required to cooperate in any investigation. The College will take appropriate action and will communicate with the parties as appropriate. Any form of retaliation against employees for making a bona fide report concerning workplace violence is prohibited.

**While an allegation is being investigated, appropriate interim measures may be implemented such as no contact directives, temporary reassignment, suspension pending outcome of an investigation, or other action, as needed.**

5. If the College determines that a policy violation has occurred, it will take appropriate corrective action. Student employee violations will be processed under the Student Code of Conduct and Student Sexual Misconduct Policies, as appropriate. Employee violations will be handled under the Employee Code of Conduct and Procedures enforcing the Prohibition on Discrimination and Harassment, Including Sexual Harassment and Abuse, as appropriate. Policy violations will be treated seriously and may result in discipline up to and including immediate separation and termination from the College.
6. All reports will be documented and filed in the Office of Human Resources.

Employees are encouraged to report to law enforcement violence which occurs outside of the workplace.

The College may also notify law enforcement authorities, where appropriate.

#### **D. Confidentiality**

The College recognizes that confidentiality is important. Information gathered during an investigation shall be maintained as confidential to the extent reasonably possible and permitted under law. Examples of situations when confidentiality will not be maintained include circumstances where the College is required by law to disclose information (i.e., in response to legal processes) or when disclosure is required by the College's outweighing interest to protect the rights and safety of others.

#### **E. Responsibilities of Members of the College Community**

All College supervisors and administrators including department heads, department chairs, and managers are required to respond to notification of a violation of this policy in a timely manner. Supervisors are required to report the suspected violation to the appropriate College representative: (1) In the event of imminent or actual violence, supervisors are required to contact the College's Department of Public Safety at 843-953-5611 or 911 immediately; and (2) Supervisors are also expected to inform the next highest supervisor in their chain of authority, and the Office of Human Resources, in a

prompt and timely manner in order to determine if and what type of immediate corrective actions may be necessary.

Employees who experience domestic violence may require support from the College. If a request for assistance is received by a supervisor or the College's Office of Human Resources, the College will provide a list of external resources available, as well as review possible options for providing the employee flexibility in work schedules, security measures such as escorts to and from parking areas, and appropriate leave, as necessary.

#### **F. Stay-away, Protective or Restraining Orders**

Employees who have legally obtained a stay-away, protective or restraining order against an individual due to a potential act of violence must immediately supply a copy of the filed Court Order to the College's Department of Public Safety and the Office of Human Resources where the protective order affects the workplace, including College property or at College-sponsored events, programs or activities. Victims of violence, including domestic violence, who believe the violence may extend to the College community must notify the College's Department of Public Safety immediately.

An employee who is an alleged perpetrator and the subject of an Order of Protection which affects workplace operations or the employee's ability to perform job duties, must report the Order to the Office of Human Resources no later than the employee's next scheduled work day. Failure to report may result in disciplinary action up to, and including, termination.

#### **G. Resources**

The following resources are available for employees who experience, observe, or otherwise may be affected by violence, including domestic violence:

1. Any supervisor within the chain of command,
2. The College's Department of Public Safety at 843-953-5609,
3. The College's Employee Assistance Program (EAP) for confidential counseling and additional resources,
4. The College's Office of Human Resources at 843-953-5512,
5. The College's Office of Equal Opportunity Programs at 843-953-5754,
6. The College's Ombudsperson at 843-953-5822, or
7. The College's Office of Victim Services at 843-953-2273.

#### **H. Retaliation**

Retaliation against any employee 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 or investigation of workplace violence is a violation of this

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.

**I. Education**

The Office of Human Resources will make available educational sessions for training on and implementation of this Policy as necessary, either directly or through the use of outside consultants and experts.

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**POLICY MANAGER AND RESPONSIBLE DEPARTMENT OR OFFICE**

Vice President of Human Resources; Office of Human Resources

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**PURPOSE/REASON FOR THE POLICY**

The purpose of this policy is to set forth the College of Charleston's desire to create and maintain an environment free from disruptive, threatening, and violent behavior and how such behavior and actions will be addressed.

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**DEPARTMENTS/OFFICES AFFECTED BY THE POLICY**

All departments and offices of the College are affected.

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**PROCEDURES RELATED TO THE POLICY**

The Vice President of Human Resources may adopt and publish procedures as necessary for the implementation of this Policy.

## RELATED POLICIES, DOCUMENTS OR FORMS

Code of Conduct and Disciplinary Actions Policy;  
Student Code of Conduct and Student Sexual Misconduct Policy;  
Policy on Prohibition of Discrimination and Harassment, Including Sexual Harassment and Abuse

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## REVIEW SCHEDULE

<b>Issue Date:</b> 8/31/16 <b>Date of Policy Revision:</b> 8/31/16	<b>Next Review Date:</b> 10/31/2020
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## POLICY APPROVAL

(For use by the Board of Trustees or Office of the President)

Policy Number: 9.1.3

President or Chairman, Board of Trustees: *M. E. Kelly, Pres.* Date: 8-31-16