

PPP-58 Workplace Violence Prevention Policy

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**I. PURPOSE**

To define the policy of the University that all employees have the right to work in an environment free from physical violence, threats, and intimidation.

**II. POLICY**

The University has a strong commitment to its employees to provide a safe, healthy and secure work environment.

The University also expects its employees to maintain a high level of productivity and efficiency.

The unauthorized presence of weapons and the occurrence of violence or threats of violence in the workplace are inconsistent with these objectives.

The University expects all unauthorized employees to report to the work site without possessing weapons and to perform their jobs without violence or threats of violence toward any other individual and to be able to perform their duties in a safe and productive manner. Violence, threats, or intimidation toward any other individual will not be tolerated.

Weapons of any kind are prohibited in the workplace unless specifically authorized pursuant to PPP-81.

**III. COVERAGE**

The provisions of this policy apply to all University employees and to all University work sites owned or occupied by the University. In addition, this Policy applies to any conduct, on or off the work site, which poses a substantial threat to persons or property within the institutional community.

The University at its discretion may from time to time modify this policy. In the event the policy is revised, a copy of the revised policy will be provided to each employee.

**IV. DEFINITIONS USED IN THIS POLICY**

A. Violence or threats: Include acts of violence or threats of aggression including gestures or, oral or written expression which:

1. create fear of bodily harm;
2. cause or are capable of causing death or bodily injury;
3. threaten the safety of a co-worker, student or member of the general public;
4. or, damage property.

Acts of violence and threats of violence include, but are not limited to: verbal (such as threats, harassment, abuse or intimidation), nonverbal (such as gestures and intimidation), written communication (such as notes, e-mail), physical (such as hitting, pushing, shoving, kicking, touching and assault), and other (such as arson, sabotage, vandalism and stalking).

B. "Weapon" means firearm; explosive; explosive weapon; bowie knife; hawk bill knife; ice pick; dagger; slingshot; leaded cane; switchblade knife; blackjack; metal knuckles; razors and razor blades, except those used solely for personal shaving; any sharp pointed or edged instrument, except unaltered nail files and clips and tools used solely for preparation of food

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instruction and maintenance; or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes.

- C. On the Work Site/In the Workplace: Includes all real property owned or occupied by the University, University vehicles and personal vehicles when performing state business off campus.
- D. Possession: Includes, but is not limited to, the presence of a weapon on the employee, in his/her motor vehicle, desk, lunch box, locker, a tool kit, bag, purse, cabinets, office, etc.
- E. Reasonable Suspicion: The degrees of knowledge sufficient to induce an ordinarily prudent and cautious person to believe that the circumstances being presented are more likely to be true than not. Reasonable suspicion must be based on an articulatory, specific and objective basis and may include direct observation; or information received from a source believed to be reliable.
- F. Employee: For purposes of this policy, persons receiving a payroll check, with exception of graduate assistants or student workers.

**V. POLICY IMPLEMENTATION**

- A. It is the responsibility of the Office of Human Resources to ensure that all employees are given copies of this policy.
- B. Employees who are victims of or witness to violence or threats of violence must immediately report such conduct to campus or local law enforcement, appropriate supervisor and the Human Resources Director.

**VI. PROHIBITED ACTIVITIES**

The University specifically prohibits the following and may discipline an employee up to and including dismissal for any of the following:

- A. Unauthorized Use, possession, or sale of any weapon on the work site.
- B. Storing any weapon in a locker, desk, lunch box, tool kit, bag, purse or other repository on the work site.
- C. Refusing to submit to an inspection for the presence of a weapon based on reasonable suspicion.
- D. Refusing to allow inspection of storage areas specified above based on a reasonable suspicion that a weapon or weapons will be found in such an area.
- E. Conviction under any criminal statute for the illegal use or possession of a weapon or for committing a violent act against the person or property of another.
- F. Refusing to cooperate in an investigation about allegations or suspicion that violence or threats of violence have or is likely to occur, or an investigation about the possession of a weapon by the employee or a co-employee.
- G. Engaging in violence or threats of violence.

NOTE: In accordance with T.C.A. § 39-17-1309(e)(9) and subject to the limitations set forth in Policy PPP-81, Firearms Policy for ETSU, full-time employees who possess a valid handgun carry permit and are authorized to carry a handgun under T.C.A. § 39-17-1351 may carry a handgun on property owned, operated, or controlled by ETSU at which they are employed; provided that they are not permitted to carry a handgun openly or in any manner in which the handgun is visible to

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ordinary observation, or to intentionally disclose to other employees, students or third parties that they are carrying a handgun.

**VII. DISCIPLINE**

- A. An employee who violates this policy by engaging in any of the prohibited activities of Section VI, pursuant to University policy, is subject to discipline up to and including immediate dismissal.
- B. An employee who violates this policy by bringing a weapon onto the work site whose employment is not terminated will be subject to searches from time to time, for an indefinite period not to exceed one (1) year from the date of the violation.
- C. An employee's consent to submit to a search for weapons, based on reasonable suspicion, is required as a condition of continued employment and the employee's refusal to consent may result in disciplinary action, possibly including dismissal.

**VIII. REPORTING**

- A. An employee who witnesses an incident of violence, threats of violence or suspicious behavior, must immediately report such conduct to campus or local law enforcement, appropriate supervisor and the Human Resources Director.
- B. Any employee who is granted a court order requiring any other individual to stay away from the employee's place of work must furnish a copy of the order to the Office of Human Resources and the Department of Public Safety when practicable.
- C. Supervisory Responsibility - A supervisor who witnesses an incident of violence, threats of violence or suspicious behavior, must immediately report such conduct.

**IX. MISCELLANEOUS**

- A. The University has the right to search any area on University premises for weapons including, but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal toolboxes or tool kits, parking lots, University vehicles and other vehicles parked on University owned or occupied premises. However, such searches will be based only on a reasonable suspicion that a weapon or weapons will be found. If feasible prior to conducting a search, the Office of General Counsel should be consulted.
- B. If an employee is injured while participating in a fight or after instigating a fight, then entitlement to workers' compensation benefits may be denied, as consistent with Tennessee law.
- C. No part of this policy, or any procedure therein, is intended to be construed as a guarantee or contract of employment or continued employment.

**X. NON-RETALIATION**

This policy also prohibits retaliation against employees who report incidents of threats, violence, intimidating conduct, or weapons possession. Any employee bringing a complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, discriminated against or discharged because of the complaint.

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### **XI. EXCEPTIONS**

Exceptions to this policy, not otherwise prohibited by law, must be approved by the President.

*Source: TBR Guideline P-085; ETSU PPP-81.*