

Procedure: 4.3.3p (III.X.)

Workplace Violence

Revised: May 17, 2016; May 8, 2008

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I. PURPOSE:

The Technical College System of Georgia (TCSG) and its associated technical colleges are committed to providing all members of the TCSG community (e.g., employees, students, volunteers, visitors, vendors and contractors) a safe and secure workplace and/or academic setting free of intimidating, threatening, or violent behavior. Specifically, violent acts, threats (direct or implied), unlawful harassment, verbal or physical abuse, stalking, intimidation, and other disruptive behavior, language or communication in any form (including by telephone, facsimile electronic mail, written communication or social media) are expressly prohibited. This prohibition for employees extends to any off-duty setting when the act is directed to a work-related contact or otherwise bears a relationship to work.

II. RELATED AUTHORITY:

O.C.G.A. §16-11-127.1 – Carrying Weapons within School Safety Zones
O.C.G.A. § 19-13-11, et. seq. – Protective Orders
O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
State Board Policies and TCSG Procedures

III. APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Contractor: an independent contractor, business, or corporation which provides goods and/or services to the Technical College System of Georgia or any associated technical college under the terms specified in a contract. For the purposes of this policy, the term also includes all employees of a business or corporation working on technical college property, System worksite, or technical college workplace including any sponsored/sanctioned event.

Domestic Violence: coercive behavior including acts or threatened acts that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner or person with who the perpetrator shares a child. Domestic violence includes, but is not limited to, physical violence, injury, or intimidation, sexual violence or abuse, emotional and/or psychological intimidation, verbal abuse treats or harassment, stalking, or economic control.

Emergency Operation Plan: a plan developed by each technical college to cover such safety and security-related matters as emergency evacuation procedures; health and safety issues; campus violence; and, weather-related emergencies.

Employee Assistance Program: a confidential counseling program designed to assist employees and family members who have personal problems that could reasonably interfere with their job performance and/or family life.

Intimidation: includes, but is not limited to, stalking or engaging in actions reasonably intended to frighten, coerce, or induce distress.

Physical Attack/Physical Assault/Physical Abuse: the use of physical force that may result in bodily injury, physical pain, or impairment and which may include, but is not limited to, such acts of violence as hitting (with or without an object), pushing, kicking, shoving, throwing of objects, biting, slapping, or fighting.

Property Damage: intentional damage to property owned by the System, a technical college or, an employee, student, volunteer, visitor, vendor, or contractor.

Protective Order: In Georgia, a protective order (i.e., a restraining order) is an official court determination issued by a judge that requires a named individual to stay a certain distance away from the person requesting the order for a defined period of time.

Stalking: a pattern of offensive behavior involving repeated harassment or other forms of invasion of an individual's privacy in a manner that would be expected to cause fear to the recipient.

TCSG Work Unit: the TCSG System Office, Quick Start Headquarters, Quick Start Regional Office or training center, or an associated technical college.

Threat: is an expression of intent to cause physical or mental harm/distress. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present condition or future basis. In determining whether the conduct constitutes a threat, including whether the action was intended as a threat, the totality of the circumstance(s) will be considered.

Verbal Abuse: the excessive use of language to undermine an individual's dignity and security through insults or humiliation, in a sudden or repeated manner.

Weapon: unless otherwise excluded by the provisions of O.C.G.A. § 16-11-127.1(c), any object defined in O.C.G.A. § 16-11-127.1(a)(4).

Workplace: includes any TCSG work unit as well as the site of any official function sanctioned by the System Office or any technical college.

V. ATTACHMENTS:

Attachment: 4.3.3p.a. Workplace Violence Incident Reporting Form

VI. PROCEDURE:

A. General Provisions

1. Safety and security in the workplace are both personal and shared responsibilities. While all TCSG supervisors, administrators and college officials are obligated to report inappropriate behavior(s) in the workplace, the collective involvement of every member of the TCSG community is critically important in efforts to combat workplace violence. For this reason, all members of the TCSG community shall report any act or actions which may violate the provisions of this procedure.
2. The System Office (to include Quick Start work units) and each technical college are responsible for including the provisions of this procedure in a Workplace Violence Prevention Plan to be incorporated in the work unit's Emergency Operation Plan.
3. All System Office, Quick Start, technical college employees are to be advised of the Emergency Operation Plan and receive information and/or training regarding the procedures to be followed should violent incident(s) occur in the workplace or in response to other emergencies.
4. Examples of prohibited behaviors include, but are not limited to:
 - a. physically menacing/threatening behavior or gestures which convey a threat. NOTE: threats of violence will not be excused on the grounds that they were made in "jest" or in a "joking" manner.
 - b. unlawful harassment, including ethnic, racial, or sexual epithets;
 - c. physical attack/assault with or without a weapon;
 - d. fighting and/or physical altercations, including any "fighting" that may be characterized as "horseplay";
 - e. stalking;
 - f. direct or implied verbal threats or abusive, intimidating, or obscene language;
 - g. intentional damage to TCSG property;
 - h. intentional damage to the personal property of an employee, student, volunteers, visitor, vendor, or contractor; or,
 - i. possession of a weapon on technical college property when such possession violates the provisions of O.C.G.A. § 16-11-127.1 and State Board Policy 3.3.10.
5. All reports of violence and/or inappropriate behavior(s) will be managed in a confidential manner with accompanying information released only on a need-to-know basis. TCSG work unit

officials shall be sensitive and responsive to reporting of an individual's fear of possible reprisal or retaliation.

6. Any employee who violates the provisions of this procedure shall be subject to disciplinary action up to and including dismissal from employment.

7. Any complaint registered against a technical college student regarding a potential violation of this procedure will be investigated consistent with the provisions of the affected college's Student Disciplinary Procedure. Any technical college student found to have engaged in prohibited behavior(s) shall be subject to disciplinary action up to and including expulsion consistent with the provisions/guidelines of the affected technical college's Student Code of Conduct.

8. Any visitor or volunteer who engages in prohibited behavior(s) shall be subject to exclusion from all TCSG work units. Any vendor or contractor who engages in prohibited behavior(s) shall be subject to exclusion from all TCSG work units and the termination of his/her business relationship.

B. Prevention – Proactive Initiatives

1. Pre-Employment Screening Involving the Selected Candidate for Employment

a. Work History Verification

- Applications for employment should be carefully reviewed. An explanation of gap(s) in employment history should be requested. Clarification on any other unclear area(s) should be sought.
- Dates of previous and current employment should be verified.
- Reasons given for leaving previous employer(s) should be reviewed and verified.

b. References

- Personal and professional references, including the current or most recent employer, should be checked.

c. Criminal History and Driver's History Records Checks

- The candidate must successfully complete a criminal history records check.
- If the candidate will be driving a state vehicle or his/her personal vehicle for work-related purposes, he/she must successfully pass a driver's history records check and possess a valid driver's license. If the candidate will be driving his/her own vehicle, he/she must possess insurance on the vehicle. .

d. Drug Testing

- When required by state or federal law and/or TCSG procedure, the candidate must successfully pass a pre-employment test for the presence of illegal drugs.

e. Licensure, Certification, Educational Credentials

- Any required licensure, certificate, and educational credentials, must be verified/validated.

2. Warning Signs

a. To ensure a positive work environment and academic setting, all members of the TCSG community (including students, volunteers, visitors, vendors and contractors) are expected to conduct themselves in an appropriate and professional manner.

b. Certain individuals may, however, exhibit behavior(s) that may be a warning sign of potential violent conduct. The presence of these factor(s), however, should not always be interpreted as a precursor of violent conduct given that other individuals may not exhibit any unusual behavior(s) prior to committing acts or threatened acts of violence.

c. The following are categories/examples of behavior that are a potential cause for concern:

1. Level 1

- * Uncooperative with managers, supervisors, and/or co-workers
- * Consistent/excessive use of profanity
- * Makes inappropriate and unwanted sexual comments
- * Refuses to follow policies and procedures
- * Excessive tardiness or absences
- * Reduced productivity and/or increased need for supervision
- * Professes fear of losing his/her job or believes that he/she has been treated unfairly
- * Limited outside interests (e.g. a "loner")

2. Level 2

- * Direct or veiled threats of harm/violence
- * Makes suicidal threats or comments
- * Involvement in fights or physical altercations
- * Expresses intimidating, belligerent, harassing, bullying or other inappropriate and aggressive behavior(s)
- * Brings a prohibited weapon into the workplace.
- * Makes statements indicating a fascination with weapons or with past incidents of workplace violence
- * Makes statements showing desperation (e.g., family, financial, and other personal problems)
- * Substance/alcohol abuse or misuse
- * Extreme changes in behavior and/or mood swings
- * Destruction of TCSG property or the property of others
- * Stalks co-workers or their family members
- * Writes sexual and/or violent notes

C. Guidelines for Reporting Acts or Threatened Acts of Workplace Violence

1. All threats and other inappropriate behavior(s) that create a concern for safety should be immediately reported. Employees who possess information about or who witness an act of

violence perpetrated by an employee or who possess information about or who witness violence against an employee should also report this information.

2. In an emergency or potentially life-threatening situation, a System Office or Quick Start employee should first contact local law enforcement or dial 911 and then contact his/her immediate supervisor or other designated official. A technical college employee should contact Campus Police or the initial point of contact established in the college's Emergency Operations Plan or, if necessary, call 911.

3. In a non-emergency situation, including behavior or performance concerns referenced in Level 2 above a System Office or Quick Start employee should notify his/her immediate supervisor, reviewing manager, or the System Office human resources director/coordinator. A technical college employee should contact Campus Police or the designated point of contact referenced in the college's Emergency Operations Plan. A Workplace Violence Incident Reporting Form (Attachment 4.3.3p.a.) must also be completed by the employee, supervisor or, as applicable, an authorized official. NOTE: the form must also be completed in response to an anonymous report. If appropriate, safety precautions should be instituted as soon as instances are reported. Employees should be warned of potential danger if directly involved or likely to be involved.

4. Any student, volunteer, visitor, vendor or contractor who believes that he/she has been subject to workplace violence should report the matter immediately to a technical college or, as applicable a System Office employee and as soon as possible after the incident, via an electronic version of the Workplace Violence Incident Reporting Form located on each technical college website or, as applicable, the TCSG website.

5. Employees who, in good faith, report acts or threatened acts of violence are protected from retaliation and every effort will be made to protect his/her safety and anonymity. Any retaliatory actions should be reported as soon as possible to the System Office or technical college human resources director/coordinator or other designated official.

D. Protective Orders

1. If an employee petitions the court for a protective order (i.e., restraining order) or if he/she is the subject of a protective order issued by a court and any TCSG work unit/workplace is or could be affected by the accompanying judicial stipulations, the employee must immediately notify his/her immediate supervisor, human resources director/coordinator, or other designated work unit official to include, as applicable, campus police.

2. Information regarding a protective order and its stipulations will be maintained confidentially and will only be released to work unit officials with a "need to know". NOTE: an employee is considered to be "in the workplace" while at work or while in or utilizing the resources of the work unit including, but not limited to, facilities, worksites, equipment, vehicles, or while on work-related travel.

E. Domestic Violence

1. If an employee who has been subjected to or believes that he/she is a victim of domestic violence and is concerned that the perpetrator works in or may visit a TCSG work unit, he/she is

encouraged to work collaboratively with work unit officials to develop an individualized workplace safety plan.

2. The plan may include such options as; assistance in seeking a protective order or in monitoring a protective order; procedures for alerting campus police or other designated work unit officials if an emergency arises; changes to assigned parking; a request for escort to and from the parking lot or, as applicable, between buildings on a technical college campus; possible temporary adjustments to work schedule and/or work location.

3. Although TCSG work units are considered public property, access to and conduct in a work site (including parking areas) is dictated by state and federal law as well as State Board policies and TCSG procedures.

4. If the perpetrator or alleged perpetrator appears in the workplace and the employee feels threatened or is subjected to inappropriate behavior or language, the employee should notify his/her immediate supervisor, campus police (if applicable) or other designated work unit official.

5. Any victim of domestic violence is encouraged to utilize available services offered by the TCSG employee assistance program provider.

6. Absent the presence of significant operational issues in the work unit, a victim's leave request for medical appointment(s), to attend court appearance(s) or to participate in counseling service(s) will be approved.

F. Investigating Complaints of Workplace Violence

1. Any alleged act or threat of violence should be reviewed by designated System Office, Quick Start or technical college official(s) to determine if further investigation is warranted. Staff in the TCSG Office of Legal Services or Office of Human Resources are available to assist a technical college in any review and/or investigation.

2. Any subsequent investigation should begin as soon as possible after a complaint is initiated.

3. Witnesses may be interviewed in person or, if appropriate, by telephone and written statements obtained. Each written statement should be as detailed as possible regarding exactly what transpired in the incident and should be signed by the witness.

4. A written report containing the findings and recommended action should be completed within fifteen (15) calendar days following the date of the reported incident.

5. The completed investigative report will be forwarded to the Commissioner or technical college president, or his/her designee, for review and necessary action.

6. Only those employees with a "need-to-know" will be informed of the findings and subsequent action.

7. The employee(s)/individual(s) who reported an act or threatened act of violence will be informed of the findings and subsequent action and advised to report any reoccurrence(s) of an act or threatened act of violence to designated System Office or technical college officials

G. Corrective Action

1. When an employee has engaged in behavior or conduct contrary to the provisions of this procedure and these actions are considered to be a potential threat to the safety of others, the employee should be immediately removed from the workplace and verbally notified that he/she will be placed on suspension with pay pending investigation for alleged misconduct.
2. Written notification of this decision using (Attachment: 4.4.1p.a7). should follow with instructions that the employee is not to return to any TCSG work unit, attend any sanctioned event, or contact work unit employees until notified in writing or when appropriate, by e-mail, by the Commissioner or technical college president, or his/her designee.
3. Any employee who engages in substantiated acts of physical violence in the workplace (e.g., a physical attack/assault, fighting, etc.) shall be dismissed from employment.
4. Absent mitigating circumstances/evidence, any employee whose violent/threatening behavior, actions or language have been determined to have violated the provisions of this policy shall be dismissed from employment.
5. When there is no overt violent or seriously threatening act (i.e., no direct threat), but rather a single incident or pattern of disruptive, peculiar, or potentially alarming behavior or conduct on the part of an employee and/or if mitigating circumstances/evidence are present and the employee is to be retained, a mandatory referral to the System's Employee Assistance Program (EAP) or fitness-for-duty examination may be recommended as a condition of continued employment. Any such referral shall be made pursuant to the provisions of the TCSG procedure governing the Employee Assistance Program or, as applicable, the Medical and Physical Examination Program.
6. Any employee who refuses to participate in a mandatory EAP referral or fitness-for-duty examination will be subject to disciplinary action up to and including dismissal from employment.
7. If the dismissal of a violent/potentially violent employee is to occur, the following actions should be taken:
 - a. if possible, wait until the end of the workday to dismiss/propose the dismissal of the employee;
 - b. have multiple staff members present when the meeting is conducted;
 - c. all items and equipment belonging to the System/ technical college (e.g. keys, identification badge, laptop computers, etc.) should be collected;
 - d. the employee's access to the System/technical college computer system and e-mail access should be deactivated;

- e. consider having local law enforcement officers or, as applicable, campus police nearby but not as participants in the meeting with the employee;
- f. the employee should be escorted out of the building at the conclusion of the meeting and verbally directed to leave the System or technical college property;
- g. pack and send the employee's personal items/effects to his/her home address or make arrangements to have these items picked up by someone other than the employee; and,
- h. consider having additional security personnel, local law enforcement officers or, as applicable, campus police present at the worksite for the next few days.

8. Post-dismissal monitoring should occur to ensure the safety of those involved.

9. A technical college president or his/her designee is encouraged to contact the TCSG General Counsel or Legal Services Officer if behavior of a volunteer, visitor, vendor or contractor violates the provisions of this procedure and action to remove the individual from the workplace is required.

H. Employee/Victim Support

- 1. The TCSG work unit shall make every reasonable effort to support and protect a victim of workplace violence (including domestic violence).
- 2. Accommodation(s) for a victim of domestic violence shall also be afforded to a victim of workplace violence to include the development of an individualized workplace safety plan.

VI. RECORD RETENTION:

All employment-related documents generated or collected pursuant to this procedure shall be maintained in a manner consistent with the Georgia Archive's Retention Schedule for State Government Paper and Electronic Records.