

# HERKIMER COUNTY COMMUNITY COLLEGE BOARD POLICY

**TITLE:** Workplace Violence Policy

**POLICY #:** HR 19-16

**DATE OF BOARD OF TRUSTEES APPROVAL:** April 15, 2020

**RESOLUTION #:** 19-16

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**POLICY STATEMENT:** Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect Herkimer College or that occur on College property or in the conduct of Herkimer College business off College property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in Herkimer College operations, including, but not limited to, Herkimer College faculty, staff, contract workers, temporary employees, and anyone else on College property or conducting Herkimer College business off College property. Violations of this policy by any individual may lead to disciplinary and/or legal action as appropriate.

This policy is intended to bring Herkimer College into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

## **Definitions**

Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or more Herkimer College employees. Workplace violence may involve any threats or acts of violence occurring on College premises, regardless of the relationship between Herkimer College and the parties involved in the incident. It also includes threats or acts of violence that affect the interests of Herkimer College or that may lead to an incident of violence on College premises. Threats or acts of violence occurring off the College's premises that involve employees, agents, students, or individuals acting as a representative of Herkimer College, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- Threats or acts of physical or aggressive contact directed toward another individual;
- Threats or acts of physical harm directed toward an individual or his/her family, friends, associates, or property;

- The intentional destruction or threat of destruction of College property or another employee's property;
- Harassing or threatening phone calls;
- Surveillance;
- Stalking;
- Veiled threats of physical harm or similar intimidation.

Workplace violence does not refer to occasional comments of a socially acceptable nature. These comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

### **Enforcement**

Any person who feels he/she has been the victim of or witness to actual or threatened workplace violence must report the incident to their supervisor or Director of Campus Safety immediately. If reported to the supervisor the supervisor must then report the incident to the Director of Campus Safety. The Director of Campus Safety will promptly investigate the incident and, in consult with the Director of Human Resources, appropriate remedial action will be taken. Herkimer College will not retaliate against anyone who files a complaint or who participates in an investigation of workplace violence.

Any person who engages in a threat or violent action on College property may be removed from the premises as quickly as safety permits and may be required, at Herkimer College's discretion, to remain off Herkimer College's premises pending the outcome of an investigation of the incident.

When threats are made or acts of violence are committed by an employee, a judgment will be made by the President of the College as to what actions are appropriate with respect to that employee, including potential medical evaluation and/or disciplinary action up to and including immediate discharge.

**BACKGROUND:** Herkimer College is committed to maintaining a safe workplace environment for all persons involved in college operations. The Workplace Violence Policy prohibits any and all acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect College faculty, staff, contract workers, temporary employees or others on College property or conducting Herkimer College business off College property. A Workplace Violence Policy was approved by the Board of Trustees on December 20, 2001 (Resolution 01-09), and, to avoid redundancy, subsequently removed on March 3, 2010 (Resolution 09-13) as it was already included in the College's Faculty/Staff Handbook. It is recommended that all approved Board of Trustees policies be removed from the Faculty-Staff Handbook and reside in the official Board of Trustees Policy Manual.