



## **WORKPLACE VIOLENCE<sup>1</sup> PREVENTION POLICY**

### **JULY 2013**

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#### **SECTION I – Workplace Violence Prevention Policy**

Downstate Medical Center (DMC), including University Hospital of Brooklyn, and the various off-site locations (hereafter DMC property), is committed to providing a safe workplace/learning/healthcare environment. DMC will respond promptly to threats, acts of violence, and acts of aggression against its employees, including those of domestic violence (see related SUNY-Downstate Medical Center “Domestic Violence and The Workplace Policy” dated January 2011). This policy sets forth standards for conduct for all persons and guidelines for reasonable precautions to be exercised by employees. This policy requires civility and respect in all relations at DMC among staff, students, patients, clients, visitors, vendors and contractors. The accompanying procedures outline responses to threats or violence, should they occur in the workplace. (Note: This policy shall not act to abridge, modify or in any way limit the administration of the Federal and/or State of New York Laws.)

#### **Prohibited Conduct:**

- A. Downstate Medical Center shall not tolerate any act or threat of violence in the workplace. For the purposes of this policy, the workplace is further defined as the DMC property, which also includes its grounds, perimeters, and sidewalks or while in transit to its off-site locations, parking facilities or local mass transit or otherwise while in work status.
- B. No person may engage in violent conduct or make threats of violence, implied or direct, including acts of domestic violence, on DMC property or in connection with medical center business or employment. This includes but is not limited to:
  - The use of force with the intent to cause harm, e.g. physical attacks, any unwanted contact or touching including but not limited to spitting, pushing, hitting, fighting, or throwing objects;
  - Behavior that diminishes the dignity of others through gender, sexual, sexual orientation, racial, religious or ethnic harassment;
  - Acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly; and,
  - Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical harm including the use of a third-party, making internal or external phone calls, sending mail, packages, faxes or emails, tampering with a computer, other equipment or motor vehicle, repeated, malicious verbal mistreatment, attempting to intimidate, or intentionally inflicting emotional distress.
- C. In accordance with SUNY policy, no person, except authorized University Police Officers, other local, state and federal Police Officers with jurisdiction (example: NYPD and NYS Police Troopers) and Peace Officers in the line of duty, may carry, possess or use any weapon on DMC property or in its buildings or facilities.

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<sup>1</sup> For what constitutes Workplace Violence see the National Institute for Occupational Safety and Health’s (NIOSH) definition in NYS Department of Labor Division of Safety and Health’s, Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.state.ny.us/workerprotection/safetyhealth/doc/Workplace%20Violence%20FlyerNov3.doc>

## **Workplace Violence Prevention Advisory Committee:**

A. The President, or his designee, shall cause to establish a Workplace Violence Prevention Advisory Committee, which shall be chaired by the University Chief of Police or approved designee. This committee will:

- Perform a risk evaluation<sup>2</sup> of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence;
- Assess the campus's readiness to address violence and domestic violence in the workplace;
- Facilitate appropriate responses to reported incidents of workplace violence;
- Assess the potential problem of workplace violence;
- Evaluate incidents to prevent future occurrences;
- Utilize prevention, intervention, and interviewing techniques in responding to workplace violence;
- Oversee the development of workplace violence prevention programs, training and tools (such as pamphlets, guidelines and handbooks) to assist in recognizing and preventing workplace violence on campus;
- Arrange regularly scheduled workplace violence prevention training sessions for employees; and,
- Establish subcommittees as needed.

B. This Workplace Violence Prevention Advisory Committee shall include representative(s) from University Police, Employee Assistance Program, Labor Relations, Personnel Administration, Workforce Training and Development, the University Hospital of Brooklyn (UHB) Joint Commission Security Committee, UHB patient services staff including but not limited to psychiatric and emergency department staff and local Labor representatives (active DMC employee) designated by the local union chapter President/Council Leader. As needed, subcommittees shall be established. It is recommended that such subcommittees be chaired or co/chaired by an Advisory Committee member and, as appropriate, should include University Police, Administration, Academic Affairs, University Hospital of Brooklyn, local Research Administration, and a local Labor representative (active DMC employee) designated by the local union chapter President/Council Leader. Local Counsel's Office will serve of counsel to the Committee/subcommittees, as needed.

## **Workplace Violence Prevention Program:**

The DMC shall develop and implement a written workplace violence prevention program<sup>3</sup> for its workplaces that includes the following:

- A definition of workplace violence including the commitment to and meaning and intent of zero tolerance including "just cause standards";
- Methods and techniques on how to prevent, recognize and avoid workplace violence situations;
- Details of risk evaluation and determinations procedures including the identification of the high risk occupations, functions and work locations;
- Emergency response procedures and the importance of reporting all workplace violence incidents and procedure to do so;
- Investigations of incidents by the employer; and,
- Employee assistance.

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<sup>2</sup> For a description of a risk evaluation see the NYS Department of Labor Division of Safety and Health's Workplace Violence Prevention Requirements for NYS Public Employers at <http://www.labor.state.ny.us/workerprotection/safetyhealth/doc/Workplace%20Violence%20FlyerNov3.doc>

<sup>3</sup> From the New York State Department of Labor Division of Safety and Health's Workplace Violence Prevention Requirements for New York State Public Employers at <http://www.labor.state.ny.us/workerprotection/safetyhealth/doc/Workplace%20Violence%20FlyerNov3.doc>

### **Information And Training For Employees:**

The DMC shall make the written workplace violence prevention program available, upon request, to its employees and/or their authorized representatives.

At the time of employees' initial appointment and annually thereafter, the DMC shall provide its employees with the following information and training on the risks of violence in their workplace(s) including but not limited to department/unit/assignment specific notably university police, psychiatric and emergency room staff(s):

- The requirements of NYS Labor Law § 27-b;
- The risk factors in their workplace(s);
- The location and availability of the written workplace violence prevention program; and,
- Training sessions that outline:
  - a. The measures employees can take to protect themselves from such risks, including specific procedures the DMC has implemented to protect employees; and,
  - b. The details of the written workplace violence prevention program developed by DMC.

### **Retaliation:**

Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

### **SECTION II - PROCESS:**

- A. Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the DMC community. Workplace violence should be reported immediately to the appropriate DMC official (see below). Additionally, all members of the DMC community are encouraged to report, in the same manner, behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working environment.
- B. Employees who commit a violent act or threaten to commit a violent act shall be subject to the full range of criminal/civil prosecution and/or disciplinary action, as appropriate.
- C. An individual who makes a substantial threat, exhibits threatening behavior or engages in violent acts on the DMC property shall be subject to removal from the campus as quickly as safety permits, and barred from campus (persona non grata) pending the outcome of an investigation and administrative proceedings.

### **Reporting Procedures:**

- A. Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons or actual violence shall immediately call University Police at **Extension 2626** and/or the New York City **911** Emergency Services Call Center.

- B. Any person who is the subject of a suspected violation of the Workplace Violence Prevention Policy involving violence without weapons or personal injury, or is a witness to such suspected violation, should immediately report the incident to University Police.
- C. All persons are strongly encouraged and advised to immediately report any threat or act of violence that they witnessed, received, or have been informed of, to University Police.
- D. Any individual believed to be a substantial threat to the health and safety of the campus community should be immediately reported to University Police for investigation, recommendation and disposition.

### **Employees:**

- A. Consistent with DMC provided training programs, employees are responsible for promoting and maintaining and helping to maintain a safe work and educational environment and are required to take reasonable precautions to prevent violence and other unsafe conditions in the workplace and report indicators of increased risk of violent behavior including but not limited to the following examples:

#### **Precautions:**

- In response to verbal, telephonic or other electronic inquiries including emails, do not release information about coworkers' schedules, home address or telephone numbers, or other personal information;
- In the event of suspicious conduct, request the credentials of any stranger who enters your office to do repair or other service work. If necessary, verify the work request with FM&D or University Police;
- Never leave money, credit card, travel documents or any thing else of value in an unlocked desk or cabinet; and,
- If something is stolen, report it to University Police immediately.

#### **Indicators/Predictors<sup>4</sup>:**

- Direct or veiled threats of harm including gestures, pictures or drawings;
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
- Numerous conflicts and/or aggressions with supervisors and/or other employees;
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns including claims of carrying a harmful weapon, or fascination with weapons;
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide;
- Drug/alcohol abuse; and,
- Extreme changes in behavior.

- B. Employees are required to notify University Police immediately whenever a Protective Restraining Order is granted which mentions DMC property, or involves a DMC employee, or a person working at or attending DMC, and provide a copy of the order to University Police.

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<sup>4</sup> Identified by the FBI's National Center for the Analysis of Violent Crime, Profiling and Behavioral Assessment Unit) in *Dealing with Workplace Violence: A Guide for Agency Planners* by the United States Office of Personnel Management, Workforce Relations, February 1998

Appropriate efforts will be made to protect the privacy and sensitivity of the information provided. It is recommended that the employee also notify his or her supervisor.

- C. Victims or potential victims of domestic violence who believe the violence may extend into the workplace, or employees who believe that domestic or other personal matters may result in them being subject to violence extending into the workplace, are strongly encouraged to notify their supervisor and University Police. Confidentiality will be maintained to the extent possible and/or reasonably prudent to do so. See DMC's "Domestic Violence and the Workplace Policy", dated January 2011 for guidance
- D. Employees are strongly encouraged and advised to immediately report any threat or act of violence that they witnessed, received, or have been informed of, to their supervisor and to University Police.
- E. Any employee who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists should immediately bring such matter to the attention of University Police and their supervisor and are encouraged to follow-up with a written notice to them. If, following a written notice, the matter has not been resolved and the employee still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, the employee should contact the Chief of University Police.

### **Supervisors:**

- A. Each Vice President, dean, department chairperson, director, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area to implement this policy.
- B. Supervisors are required to contact University Police immediately in the event of imminent or actual violence involving weapons or potential physical injuries.
- C. Supervisors must report to University Police immediately any complaint of workplace violence made to him/her and any other incidents of workplace violence of that he/she becomes aware of or reasonably believes to exist. Supervisors are also expected to inform their immediate supervisor promptly about any complaints, acts, or threats of violence even if the situation has been addressed and resolved. After having reported such complaint or incident to University Police and immediate supervisor, the supervisor should keep it confidential and disclose it only as necessary during the investigation process and/or subsequent proceedings.
- D. Supervisors are also required to report any knowledge of such conduct to the Office of Labor Relations immediately.

### **University Police:**

- A. University Police is responsible for:
  - Responding to;
  - Intervening;
  - Developing and providing education and prevention training in cooperation with the OWTD; and, documenting<sup>5</sup> all incidents of violence in the workplace.

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<sup>5</sup> For recordkeeping requirements see NYS Labor Law § 27-a. Safety and health standards for public employees.

- B. University Police will immediately log all incidents of workplace violence utilizing UP Incident Reporting protocols and documents and will notify Labor Relations and the respective supervisor of an incident with his/her employee.
- C. University Police will report all critical incidents of violence to the Administrative Chain of Command and, as appropriate, the Chair of the Workplace Violence Prevention Advisory Committee referenced herein.
- D. University Police will maintain an internal tracking system of all threats and incidents of violence. Annual reports will be submitted to the President detailing the number and description of workplace violence incidents, the disposition of the incidents, and recommend policy, training issues, or security procedures that were or should be implemented to maintain a safe working environment. University Police shall also provide such finding, redacted as necessary to maintain confidentiality, to the Chair of the Workplace Violence Prevention Advisory Committee referenced herein.
- E. University Police officers will be trained in workplace violence awareness and prevention, non-violent crises intervention, conflict management, and dispute resolution.
- F. When informed, University Police will maintain a record of any Orders of Protection and will provide escort service to members of the college community within its geographical confines, when sufficient personnel are available. Such services are to be extended at the discretion of the Chief of University Police or designee. Only the President, or designee, can authorize escort service outside of the geographical confines of the Medical Center.

**Department of Human Resources:**

- A. The Office of Labor Relations is responsible for:
  - Assisting the Chief of University Police and supervisors in responding to workplace violence through the enforcement of this policy;
  - Facilitating appropriate responses to reported incidents of workplace violence;
  - Notifying University Police of workplace violence incidents reported to HR;
  - Consulting with, as necessary, campus services such as EAP and counseling to secure professional intervention for employees;
  - Working with employees, supervisors and local labor representatives to identify conflicts as early as possible in order promote non-punitive measures in resolving co-worker conflicts; and,
  - Disseminating annually this policy to all employees and posting it on the DMC website, as appropriate.
- B. The Office of Personnel Administration is responsible for:
  - Providing new employees or an employee transferred to DMC with a copy of the Workplace Violence Prevention Policy at the time of orientation as well as training that includes workplace violence prevention. A record of the signed receipt will be placed in each new or transferring employee's personnel file (electronic or otherwise); and,
  - Assisting with reported incidents of workplace violence including but not limited to providing critical contact information to Authorities.

A. The Office of Workforce Training and Development is responsible for:

- Working with University Police and the Office of Personnel Administration to ensure that all employees are provided appropriate training pursuant to NYS Labor Law §27b; and,
- Developing supportive training programs such as conflict resolution, dispute resolution and anger management.