

3356-7-04 Workplace and off-campus violence, threats, and disruptive behavior.

- (A) Policy statement. Youngstown state university (“university”) is committed to providing a supportive working and learning environment that is safe and free from threats, intimidation, unreasonable disruptions and violence, and to helping students and employees avoid the use of violence, threats, or similar behavior in any context.
- (B) Purpose. To promote a safe environment that assures an appropriate and prompt response to workplace or campus violence or threat of violence and to provide assistance to and hold employees and students who are perpetrators of threats, violence, and abusive behavior accountable for their behavior.
- (C) Scope. This policy applies to all university employees, students, faculty, visitors, and all persons who, while not university employees, perform work or provide services both on university property and for the benefit of the university.
- (D) Definitions for purposes of this policy.
- (1) “Threats or violence.” Violent, abusive, or threatening conduct against persons or property that is sufficiently severe or intimidating to result in or create a reasonable risk of property damage, physical injury, death, or psychological harm. Threats or violence include, but are not limited to, physical violence; family and relationship violence; stalking; sexual, emotional, verbal or psychological intimidation or abuse; crimes of violence, and possession of a deadly weapon.
 - (2) “Workplace.” Any location owned, leased, or rented by the university, or any location where a university employee is acting in the course and scope of employment. This includes, but is not limited to, buildings, grounds, and surrounding property, including streets, parking lots, field locations, classrooms, and residence halls. It also includes vehicles when those vehicles are used for university business.
 - (3) “Workplace threats or violence.” Threats or violence that occur in the workplace.
 - (4) “Off-campus.” Any location which does not fall within the policy

definition of workplace.

- (5) “Off-campus threats or violence.” Threats or violence that occurs off-campus.
- (6) “Workplace disruptive behavior.” Inappropriate behavior, confrontation, or conflict which occurs in the university workplace and unreasonably interferes with the normal activities or functioning of the university.
- (7) “Family and relationship violence.” Any type of domestic violence as defined by section 2919.25 of the Revised Code.
- (8) “Deadly weapon.” Any instrument, device, or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon, as defined by section 2923.11 of the Revised Code.
- (9) “Conviction.” A guilty verdict, a guilty plea, or a plea of no contest (nolo contendere).
- (10) “Perpetrator.” An individual who engages in threats or violence as defined by this policy.

(E) Prohibited behavior includes, but is not limited to:

- (1) Verbal abuse or outbursts, the creation of conflict between coworkers, use of profanity/offensive language, or inappropriate interactions with students, coworkers, supervisors or others.
- (2) Any direct or implied threats to an individual or the individual’s family, friends, associates, or property.
- (3) Physical conduct that results or could reasonably result in harm to people or property.
- (4) The illegal possession, use, or unauthorized storage of a deadly weapon on university property or at university-sponsored events.
- (5) Intimidation or harassment that has the intent or effect of disrupting the work or learning environment and/or results in fear for personal safety.

- (6) The use of university property or resources, including but not limited to work time, telephones, faxes, mail, email, or the internet, to threaten, harass, intimidate, or abuse someone.
- (7) Repeated unwanted contact from one person to another which causes an individual to reasonably feel alarm or fear violence.

(F) Reporting/duty to disclose.

- (1) An employee who has been identified as a perpetrator in a police report, criminally charged with, arrested for, convicted of, or sentenced for a crime involving violence, family and relationship violence, stalking, menacing, intimidation, or possession of a deadly weapon, shall inform the university's chief human resources officer ("CHRO"), or designee, within seven calendar days of the event. The CHRO, or designee, will notify the employee's immediate supervisor as appropriate.
 - (a) The employee may be subject to a background check pursuant to rule 3356-7-44 of the Administrative Code (see university policy 3356-7-44, "Background checks").
 - (b) The necessity for and type of university action that will be taken, including disciplinary action, pursuant to this policy will depend on a variety of factors including, but not limited to:
 - (i) The nature and gravity of the incident/crime.
 - (ii) The degree of relevance to the employee's position and duties.
 - (iii) The impact on the employee's ability to continue to effectively perform their job duties.
 - (iv) The impact on the reputation, position, or standing of the university.
 - (v) Any other relevant information.
- (2) An employee who is the victim of violence in the workplace, or believes he or she has been or is being threatened with violence in the workplace, or witnesses an act or threat of violence in the

workplace shall take the following steps:

- (a) If the situation is one of immediate danger, contact the university police department (330-941-3527 or 911 from a university phone) or local law enforcement by dialing 911 and take whatever emergency steps are available and appropriate to protect yourself or others from immediate harm, including seeking immediate assistance for persons in need of medical care; then file a report with the university police department and the chief human resources officer as soon as possible.
 - (b) If the situation is not one of immediate danger, report the incident to the appropriate supervisor and to the chief human resources officer as soon as possible. A police report should also be filed with the university police department.
 - (c) The university police department, the chief human resources officer, and managers and supervisors are to take all reported incidents of threatening and violent behavior in the workplace seriously and document the circumstance associated with the incident, including a record of information from all involved employees/students or witnesses as well as an assessment of the situation.
 - (d) All reported incidents will be investigated to the extent possible. The university will take appropriate remedial action to protect employees, faculty, and students.
- (3) An employee who is experiencing or witnessing disruptive workplace behavior should report the behavior to his/her supervisor. If the supervisor is the source of the disruptive behavior, the employee should contact the CHRO, or designee.
 - (4) In the event the university receives credible, verifiable information that an employee has been identified as a perpetrator in a police report, criminally charged with, arrested for, convicted of, or sentenced for a crime involving violence, family and relationship violence, stalking, menacing, intimidation, or possession of a deadly weapon, the university will make a determination utilizing the criteria in paragraph (F)(1)(b) of this policy regarding the necessity for and type of institutional action to be taken, including

but not limited to a background check pursuant to rule 3356-7-44 of the Administrative Code (see university policy 3356-7-44, "Background checks").

(G) Education, response, and prevention.

(1) Office of human resources.

- (a) Provide annual training opportunities for all employees concerning workplace violence and family and relationship violence and familiarize new employees with this policy through new faculty and staff orientation materials and online postings on appropriate university websites.
- (b) Proactively respond to potential indicators of violence or abuse by referring affected individuals to available resources provided by the university.
- (c) In collaboration with the university police department, evaluate reported incidents of threatening or violent behavior on the perceived intent of the threat, nature of the threat, immediate risk factors and likelihood that harm will occur.
- (d) Provide ongoing support by helping victims seek professional assistance, including referencing the university's employee assistance program provider on the human resources website.
- (e) Promptly formulate and implement a plan of action in consultation with the Youngstown state university police and the appropriate manager or supervisor.
- (f) Following an investigation, implement appropriate disciplinary action.
- (g) Process corrective action consistent with university policy and/or collective bargaining agreements as applicable.
- (h) Provide assistance to the employing unit, including information on the parameters guiding employee sick leave or personal leave benefits, employee assistance program provider, and individualized workplace safety plans.

(2) Youngstown state university police department.

(a) In consultation with the office of human resources, the office of environmental and occupational health and safety (“EOHS”), and the appropriate office or department, the university police department will coordinate an individualized workplace safety plan in response to workplace violence and family relationship violence. Such plans may include changing work station and phone numbers as well as providing escort services to and from the building as circumstances warrant.

(b) Restore order in a conflict situation.

(c) Enforce the law, including existing protection orders.

(d) Arrange for emergency medical assistance when necessary.

(e) Participate on a crisis assessment team.

(3) Faculty, staff, and student employee responsibilities

(a) Any student or employee of the university who has obtained or is the subject of a protection order (ex parte, temporary, permanent, or civil) and/or a temporary restraining order must inform their immediate supervisor, if they are an employee, or the office of student conduct, if they are a student, and the university police department and provide a copy of the order to the university police department. Failure to provide this information places the student, employee, and campus community at risk.

(b) Have knowledge of the policy.

(c) Attend educational training, counseling, or treatment as required, including but not limited to employee assistance program services and fitness for duty examinations.

(H) Consequences for policy violations.

(1) University employees who engage in workplace threats or violence or workplace disruptive behavior will be subject to disciplinary action up to and including termination of employment consistent with university policies and/or bargaining unit agreements.

- (2) Employees who engage in other violations of this policy will be required to complete a program of intervention which may include an educational program, counseling, and/or ongoing treatment, and may be subject to other university action including disciplinary action up to and including termination.
- (3) Students who engage in threats, violence, or disruptive behavior will be subject to the “The Student Code of Conduct.”
- (4) Perpetrators may be determined persona non grata pursuant to rule 3356-7-45 of the Administrative Code (see university policy 3356-7-45, “Persona non grata status for campus visitors”).
- (5) Perpetrators may be subject to criminal charges.

Replaces: Workplace and off-campus violence, threats, and disruptive behavior

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Certification

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