

PROCEDURE:

4.3.3p1. Workplace Violence

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Adopted: August 2009

I. **PURPOSE**

See TCSG Procedure 4.3.3p. Workplace Violence.

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

TCSG Procedure 4.3.3p. Workplace Violence

TCSG Procedure 3.3.4p. Acceptable Computer and Internet Use

Ogeechee Technical College Procedure 3.3.4p1. Acceptable Computer & Internet Use

III. **APPLICABILITY**

This procedure applies to all employees of, students of, or visitors to Ogeechee Technical College.

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.

Emergency Operations 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: Unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects, 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.

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: Any object referenced in O.C.G.A. 16-11-127.1 (or a reasonable facsimile thereof) which is used to attack or intimidate another person. A pistol, rifle, etc., need not be operable to constitute a direct threat to others.

Workplace: Any System worksite including a technical college campus, a satellite campus/location, or the site of any function sponsored/sanctioned by the System or any technical college.

V. ATTACHMENTS

Workplace Violence Incident Reporting Form

Workplace Violence Letter

VI. PROCEDURE

Ogeechee Technical College is committed to providing all employees, students, volunteers, visitors, vendors and contractors a safe and secure workplace and/or academic setting free of intimidating, threatening, or violent behavior. To this end, it is the policy of the College that any violent act or threatening or disruptive behavior, language, or communication in any form (including telephone, facsimile, electronic mail or written communication) shall not be tolerated.

All employees are expected to maintain a professional and businesslike relationship with fellow employees, students, volunteers, vendors, visitors and contractors. Students

are expected to conduct themselves in a responsible manner in accordance with Ogeechee Technical College's Student Code of Conduct. Everyone shall place safety as their highest concern and shall report all acts of violence and threats of violence. All reports of violence will be managed in a confidential manner, with accompanying information released only on a need-to-know basis. Ogeechee Technical College officials shall be sensitive and responsive to a reporting individual's fear of reprisal/retaliation.

Ogeechee Technical College will not tolerate acts or threatened acts of violence in the workplace or at any event sanctioned by the College or, while an employee is off duty when the act is directed to a work-related contact or otherwise bears a relationship to work. Threats of violence will not be excused on the grounds that they were made in a "joking" fashion.

Examples of prohibited behavior include, but are not limited to:

- a. Physically menacing/threatening behavior or gestures which convey a threat;
- b. Unlawful harassment, including ethnic, racial, or sexual epithets;
- c. Physical attack/assault with or without a weapon;
- d. Stalking;
- e. Direct or implied verbal threats or abusive, intimidating, or obscene language;
- f. Intentional damage to personal or System or technical college property;
- g. Intentional damage to the personal property of an employee, student, volunteer, visitor, vendor, or contractor; or,
- h. Possession of a weapon on technical college property or at any sanctioned event when such possession is contrary to the provisions of 16-11-127.1 and State Board Policy 3.3.10. Firearms, Weapons, and Explosives.

Fighting and/or physical altercations among employees or students is strictly prohibited. Included is any "fighting" that may be characterized as "horseplay".

Ogeechee Technical College reserves the right to inspect any type of state property including, but not limited to, desks, work areas, computers, and other assigned equipment. Employees are expected to cooperate in any search and failure to cooperate will result in disciplinary action up to and including dismissal from employment.

All files, records, and information stored on Ogeechee Technical College computer are the property of the College and may be inspected at any time, with or without prior notice or permission. Consistent with the provisions of TCSG Procedure 3.3.4p. Acceptable Computer and Internet Use and Ogeechee Technical College Procedure 3.3.4p1. Acceptable Computer and Internet Use, College computers are provided for business purposes and should not be used for non-work related matters.

Employees should expect that electronic mail messages, internet usage and all information created, transmitted, downloaded, received or stored on College computers may be accessed by the College at any time without prior notice. Employees should not

assume that they have an expectation of privacy or confidentiality in such messages, data, or information, whether or not such information is password protected or that deleted messages, data, information, or previous internet use have been removed from the computer's hard drive.

Note: it is an express violation of policy for an employee to use a commercial software product to permanently erase/wipe all data (e.g., images, e-mails, documents, etc.) from a College computer's hard drive(s), partition(s), and/or removable media, and to overwrite all deleted data to ensure that the data becomes unrecoverable. Note: this does not pertain to System or technical college Information Technology (IT) staff performing computer repairs, maintenance, or upgrades.

Employees should remain alert to and be familiar with their surroundings to better recognize potentially serious situations. Many acts of targeted workplace violence are preceded by direct or indirect threats; therefore, all threats must be taken seriously and should be reported as soon as possible.

Ogeechee Technical College is responsible for including the provisions of this policy in a Workplace Violence Prevention Plan to be incorporated in the Ogeechee Technical College's Emergency Operations Plan.

All Ogeechee Technical College employees and students are to be advised of the Emergency Operations Plan and notified of the procedures to be followed should violent incident(s) or other emergencies occur in the workplace.

Any complaint registered against an Ogeechee Technical College student regarding a potential violation of this policy will be investigated consistent with the provisions of the College's Student Disciplinary Procedure.

Preventative Measures – Pre-Employment Initiatives

One of the most effective measures to reduce or prevent workplace violence is to avoid hiring individuals who are likely to be perpetrators of such violence. Effective measures include:

1. 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;
2. Dates of previous and current employment should be verified;
3. Reasons given for leaving previous employer(s) should be reviewed;
4. Personal and professional references, including the current or most recent employer, should be reviewed;
5. A thorough background investigation, including a criminal history records check and/or credit history check, as applicable, a driver's history records check should be conducted pursuant to State Board Policy 4.1.9. Background Investigations;
6. When appropriate, a pre-employment test for the presence of illegal drugs should be conducted; and,

7. If the recommended candidate for employment will be driving a state vehicle or his/her personal vehicle for work-related purposes, verification of a valid driver's license and appropriate vehicle insurance is required.

Warning Signs

Individuals may exhibit certain behaviors that may be warning signs of potential violent behavior. The presence of these behaviors, however, should not always be interpreted as a precursor of violent behavior given that others may not exhibit any unusual behavior prior to committing acts or threatened acts of violence. All employees should be aware of circumstances or behaviors, including but not limited to:

1. Direct or veiled threats of harm;
2. Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
3. Numerous conflicts with supervisors, managers, and other employees;
4. Bringing a weapon into the workplace contrary to established policy;
5. Statements indicating a fascination with weapons or with past incidents of workplace violence;
6. Statements showing desperation (e.g., family, financial, and other personal problems) to the point of contemplating suicide;
7. Substance/alcohol abuse;
8. Extreme changes in behavior;
9. Destruction of System/technical college property or the property of other employees;
10. Limited outside interests and socially isolated (i.e., a "loner");
11. Excessive tardiness or absences, reduced productivity, increased need for supervision; and,
12. Increased stress in the workplace, fear of losing his/her job, believes he/she has been treated unfairly, etc.

Reporting Acts or Threatened Acts of Workplace Violence

All emergencies or potentially life-threatening situations should first be reported to the receptionist at (912) 681-5664 (dial only 5664 from an internal telephone). The receptionist will notify the proper campus authorities, the Ogeechee Technical College Emergency Response Team, and 911. A College employee should follow the reporting procedures outlined in the College's Emergency Operations Plan or, if necessary, call 911.

In a non-emergency situation, an employee should notify his/her immediate supervisor, reviewing manager, human resources director or other contact(s) referenced in the College's Emergency Operations Plan.

An employee should also notify the Campus Assessment Response Evaluation (CARE) Team to immediately report any situation that could possibly result in harm to anyone at the College. In non-emergency situations, you may fill out an

online concern report, call, send an email to care@ogeecheetech.edu to contact the CARE team.

Any employee witnessing or receiving a report of prohibited behavior should notify his/her immediate supervisor, reviewing manager, human resources director or other contact(s) referenced in the College's Emergency Operations Plan.

Any Ogeechee Technical College employee observing another individual's possession, display, or use of a weapon on college property or at a sanctioned event should immediately notify an appropriate contact referenced in the College's Emergency Operations Plan.

Any student, volunteer, visitor, vendor or contractor who believes that he/she has been subject to workplace violence should report the matter immediately to an Ogeechee Technical College employee or, as soon as possible after the incident, via an electronic version of the Workplace Violence Incident Reporting Form, located on Ogeechee Technical College's website.

Any employee, supervisor, or manager who fails to report behavior/actions prohibited by this policy will be subject to disciplinary action.

Employees must notify their immediate supervisor or reviewing manager when any restraining/protective order has been initiated by or against them. Employees must also contact the Campus Police Department and provide them with a copy of the protective order. This includes issues of a personal nature (e.g., domestic disputes, stalking, etc.) when the order includes any Ogeechee Technical College worksite or campus location.

The Workplace Violence Incident Reporting Form must be completed by the employee, supervisor, or other authorized official as appropriate. The form must also be completed by the receiver of any anonymous report.

Anyone who, in good faith, reports acts or threatened acts of violence is protected from retaliation. Every effort will be made to protect the safety and anonymity of an individual who brings forward concern(s) about an act or threat of violence. Any retaliatory actions should be reported as soon as possible to Ogeechee Technical College's Director for Human Resources.

Investigating Complaints of Workplace Violence

Any alleged act or threat of violence should be reviewed by the appropriate Ogeechee Technical College officials to determine if further investigation is warranted. Staff in the Technical College System of Georgia's Office of Legal Services or Office of Human

Resources is available to assist Ogeechee Technical College in any review and/or investigation.

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

Witnesses may be interviewed in person or, if appropriate, by telephone and written statements should be obtained. Written statements should be as detailed as possible regarding exactly what transpired during the incident (e.g., “what was said”, “who hit who first”, etc.) and should be signed by each witness.

In a non-emergency situation, the accused employee/individual should be interviewed and be provided the opportunity to offer information regarding the alleged incident(s).

Note: if the complaint involves a volunteer, visitor, vendor, or contractor, the President or his/her designee may contact the System’s General Counsel or Director for Human Resources regarding available investigative options.

When an investigation of an alleged act or threat of workplace violence is conducted, a written report containing the findings and recommended action should be completed within fifteen (15) calendar days following the date of the reported incident(s).

The completed investigative report will be forwarded to the Ogeechee Technical College president for his/her review and necessary action.

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

The employee(s)/individual(s) who reported an act or threatened act of violence will be informed of the findings and subsequent action. These employee(s)/individual(s) should be advised to report any reoccurrence(s) of an act or threatened act of violence to their immediate supervisor, reviewing manager, human resources director or other contact(s) referenced in the College’s Emergency Operations Plan.

Corrective Action

When an employee has or may have engaged in prohibited behavior or conduct contrary to the provisions of this policy and whose action(s) have been determined to be a potential threat to the safety and well-being of others, he/she 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. Written notification of this decision using a Workplace Violence Letter should follow with instructions that the employee is not to return to any Ogeechee Technical College worksite or attend any

sanctioned event until notified by the college president (or their designee) in writing or, when appropriate, by telephone.

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.

Absent mitigating circumstances/evidence, any employee whose threatening behavior, actions, or language have been determined to have violated the provisions of this policy (e.g., stalking, property damage, verbal threats, abusive language, etc.) or, who has possessed a weapon on an Ogeechee Technical College campus/worksite or sanctioned event in violation of the provisions of O.C.G.A. 16-11-127.1 and State Board Policy 3.3.10. Firearms, Weapons, and Explosives, shall be dismissed from employment.

Where 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 referenced in Corrective Action, Paragraph 2 are present and the employee is to be retained, a mandatory referral may be made to the System's Employee Assistance program (EAP) as a condition of continued employment. This referral may include a fitness-for-duty examination.

Ogeechee Technical College's Employee Assistance Program (EAP) is listed below:

ESPYR – 1-855-584-3855

Any employee who refuses to participate in a mandatory EAP referral or a fitness-for-duty examination will be subject to disciplinary action up to and including dismissal from employment.

If a 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 College (e.g., keys, identification badge, laptop computers, etc.) should be collected;
- d. the employee's access to the College computer system 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 Ogeechee Technical College property;
- g. if possible, pack and send the employee's personal items/effects to his/her home address; 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.

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

If action involving a non-technical college employee (e.g., volunteer, visitor, vendor, or contractor) is necessary, Ogeechee Technical College's president or his/her designee may contact the System's Office of Legal Services or Office of Human Resources for assistance.

Employee/Victim Support

Ogeechee Technical College shall make every reasonable effort to support and protect a victim of workplace violence (including domestic violence) through the following measures:

1. offering appropriate safety and security measures;
2. when appropriate, accommodating an employee's request for a work schedule adjustment or temporary modification to working conditions or assigned work location;
3. encouraging participation/utilization of available EAP services; and,
4. approving an employee's leave requests for medical, court, and counseling/EAP services.

VII. RECORD RETENTION

Documents associated with a workplace violence investigation and any associated disciplinary action should be maintained for a period of seven (7) years after an employee's departure from state employment.