



3.1.6 Workplace Violence

Policy Statement

The University of Georgia (UGA) is committed to the prevention of workplace violence and the maintenance of a respectful working environment. A safe and secure environment is a fundamental prerequisite for fulfilling UGA's mission of teaching, research and public service. UGA reaffirms the basic right of employees to a safe and humane working environment.

PROHIBITED CONDUCT

UGA will not tolerate any type of workplace violence committed by or against employees. Workplace violence, for the purpose of this policy includes, but is not limited to: intimidation, bullying, stalking, threats, physical attack, property damage, or domestic and family violence. This includes acts of violence committed by or against UGA employees. Such incidents may also involve students, clients, visitors or vendors.

Procedures

PURPOSE OF GUIDELINES AND PROCEDURES

UGA is committed to providing a workplace that is free from violence by establishing preventative measures, by holding perpetrators of violence accountable, and by providing assistance and support to victims. These Guidelines and Procedures are intended to provide specificity in the handling of complaints and incidents.

Whether on-duty or off-duty, violent acts affect the ability of all employees to perform their jobs. UGA will apply all useful management tools to accomplish the dual purpose of reducing the effects of violence on victims and UGA community, as well as, hold perpetrators of violence accountable for their actions. UGA's Human Resources Office of Faculty and Staff Relations (F&SR) and the UGA Police Department (UGAPD) have been designated to provide services to workplace violence victims.

APPLICABILITY OF GUIDELINES AND PROCEDURES

UGA's Workplace Violence Policy (Policy) applies to all faculty, staff, administrators, supervisors, employees, the student body, athletes, volunteers and visitors to campus. This includes guests, patrons, independent contractors, or clients of UGA. The Policy prohibits workplace violence in any UGA education program or activity, which means all academic, research, educational, public service and outreach, extracurricular, athletic and other programs.

"Workplace" is defined as the work setting in general, including any UGA education program or activity, which means all academic, research, educational, public service and outreach, extracurricular, athletic and other programs.

EXAMPLES OF PROHIBITED ACTIONS AND SANCTIONS

It is a violation of the Policy to:

- Engage in workplace violence as defined by the Policy
- Possess, use, or threaten to use an unauthorized weapon as defined by the Policy
- Misuse authority vested to any employee of UGA in such a way that it violates the Policy
- Engage in off-duty prohibited behavior/conduct that has a potential adverse impact on the UGA and its employees, students, clients, visitors, or vendors

A violation of the Policy shall be considered unacceptable personal conduct as provided in the disciplinary policies applicable to the employee's appointment type. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including dismissal.

Employee Threat Assessment and Response Team (ETART)

UGA has developed an Employee Threat Assessment and Response Team (ETART) (see Policy Appendices below) that will assess and respond to immediate and potential acts of workplace violence. The team's core group is composed of representatives from F&SR, UGAPD, the Office of Legal Affairs (OLA) and Counseling and Psychiatric Services (CAPS). The team may consult with the organizational unit with administrative oversight for the appointment type of the perpetrator and the victim as well as other auxiliary members, as necessary. The team will be responsible for receiving threat reports, conducting thorough assessments, determining appropriate responses, tracking and reporting workplace violence information, and conducting related training.

Depending on the severity of the threat, a formal investigation may be required. UGAPD will conduct criminal investigations, if appropriate. F&SR will conduct workplace violence investigations. Threat assessments will consider all details relevant to the threat and will assess the totality of circumstances when determining an appropriate action.

For more information and examples of immediate and/or potential threats, please see "Workplace Violence Reference Guide" link below.

SUPPORT AND PROTECTIONS

UGA will make efforts to protect victims of workplace violence by offering all feasible security measures. Victims may also need special accommodations or adjustments to their work schedule, work location or working conditions in order to enhance their safety. UGA will accommodate these requests and needs whenever possible and appropriate. UGA will work closely with victims to assure that both the needs of the victims and UGA are addressed.

Support to Victims

Management is expected to offer reasonable support to victims of workplace violence, which includes domestic and family violence, whenever feasible. In addition, management shall grant a victim the use of available paid leave, accumulated paid time off, leave without pay, and/or flexible work scheduling for medical, court, or counseling appointments related to trauma and/or victimization. Employees can also use Family and Medical Leave if eligible.

PROCESSING OF REPORTS AND COMPLAINTS

Timeline for Reporting and Confidentiality

Complaints and reports of workplace violence should be reported as soon as possible after the incident(s) in order to be most effectively investigated. All reports and complaints of workplace violence will be promptly investigated and appropriate action will be taken as expeditiously as possible. UGA will make reasonable efforts to protect the rights of both the complainant and the respondent. UGA will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses in a manner consistent with UGA's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

UGA reserves the right to investigate and resolve a complaint or report of workplace violence regardless of whether the complainant ultimately desires UGA to pursue the complaint.

Responsibility of Students and Employees

All students and employees should report any workplace violence that they experience and/or observe to F&SR or to a supervisor. No student or employee should assume that an official of UGA knows about a particular situation. UGA encourages any person who feels he or she has been or may be the victim of workplace violence to promptly report the incident to F&SR and/or the UGAPD. Any student, faculty member, or employee who knows of, or receives a complaint of workplace violence should report the information or complaint to a supervisor, F&SR and/or the UGAPD.

In addition, the Office of the Vice President for Student Affairs oversees the UGA Behavioral Assessment & Response Council (BARC). BARC is a group of key administrators who assess and determine the appropriate response to students who exhibit threatening behavior to self and/or others. To contact BARC, go to dos.uga.edu/barc/.

Responsibility of Supervisors and Administrators

Any administrator or supervisor who knows of, or receives a complaint of workplace violence must report the information or complaint to F&SR in a timely manner.

Investigation and Resolution

UGA's complaint process, outlined herein, is the procedure used to end inappropriate behavior and prevent any recurrence; to investigate the factual situation; and to facilitate resolution of complaints involving allegations of workplace violence.

Process

If a complainant is able and feels safe, he or she should clearly explain to the alleged offender that the prohibited behavior is objectionable and request that it cease. If the complainant is not able or does not feel safe confronting the alleged offender, or the prohibited behavior does not stop, or if the complainant believes some adverse employment or educational consequences may result from the discussion, he or she should contact F&SR or, for employees of UGA, the next higher level of supervision to document the complaint. The supervisor must report the complaint to F&SR. When deemed appropriate, F&SR will work with the supervisor to facilitate a resolution of workplace violence complaints at the local level.

F&SR must be contacted in order to initiate a complaint. The complaint should be brought as soon as possible after the most recent incident. F&SR will:

- determine whether the complaint is one which should be processed through another UGA dispute resolution procedure, such as mediation or grievance hearing, available to the complainant; and if appropriate, F&SR shall refer the complainant to that procedure(s) as soon as possible;
- inform the individual of the provisions of the workplace violence complaint procedures and provide a copy of the complaint procedure;
- inform the person against whom the complaint is brought, of its existence;
- obtain information and evidence, including the identity of any witnesses, from the complainant and the respondent;
- attempt to obtain information from the identified witnesses;
- maintain appropriate documentation; and
- disclose appropriate information to others only on a need-to-know basis consistent with state and federal law.

F&SR will, on an as needed basis, consult with ETART regarding a matter under investigation.

During this process, F&SR will keep the supervisor/administrator informed of the status of the complaint and will seek input from the appropriate supervisor/administrator when implementing corrective action.

Right to Appeal

Either party shall have the right to appeal the outcome of the F&SR's/designee's investigation and decision to the Associate Vice President for Human Resources (AVPHR). A written appeal must be received by the Office of the AVPHR within ten (10) working days after the date of the written notifications of the decision that is being appealed. The AVPHR or his/her designee may receive additional information if he/she believes such information would aid in the appeal. A decision by the AVPHR or his/her designee will be made within a reasonable time. The appellant will be notified in writing of the decision on the appeal. During the time of appeal and review, disciplinary action, if any, taken as a result of the original complaint, may be implemented and enforced.

Prohibition Against Retaliation

Anyone who, in good faith, reports what s/he believes to be workplace violence, or who participates or cooperates in any investigation, will not be subjected to retaliation. Anyone who believes he or she has been the victim of retaliation for reporting workplace violence or for participating or cooperating in an investigation should immediately contact F&SR. Any person found to have retaliated against a person who has participated or cooperated in an investigation will be in violation of this policy and will be subject to disciplinary action.

Investigative Data

During the investigation, F&SR will keep private the information gathered during the investigation to the extent permitted by state and federal law. F&SR shall exercise due care in sharing identifiable information about students, staff, faculty or others involved.

Additional contacts

UGA Human Resources Faculty & Staff Relations: (706) 542-9756

UGA Police: 706-542-2200

Policy definitions

DEFINITIONS OF PROHIBITED BEHAVIOR/CONDUCT

- **Workplace violence** includes, but is not limited to: intimidation, bullying, stalking, threats, physical attack, property damage, or domestic and family violence. This includes acts of violence committed by or against UGA employees. Such incidents may also involve students, clients, visitors or vendors. These behaviors are characterized by aggression that damage workplace relationships to the point of disrupting organizational functions.
- **Bullying** is unwanted offensive and malicious behavior that undermines an individual or group through persistently negative attacks. The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient.
- **Intimidation** includes but is not limited to unwarranted behavior intended to frighten, coerce, or induce duress.
- **Physical attack** is unwanted or hostile physical contact including but not limited to hitting, fighting, shoving, restraining, or throwing objects.
- **Property damage** is intentional damage to property and includes property owned by UGA or by employees, students, clients, visitors or vendors.
- **Stalking** involves harassing or pestering an individual in person, in writing, by telephone or an electronic format. Stalking also involves following an individual, spying on them, alarming the recipient, or causing them distress and may involve physical violence or the fear of physical violence.
- **Threat** is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry out the threat and without regard to whether the expression is contingent, conditional, or future.
- **Domestic, Relationship, and Family Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or a prior intimate relationship (including people who are married, live together or date, or who have been married, lived together or dated) or between family members.
- **Weapons** are any objects that may be used to intimidate, attack, or injure another person or to damage property. <http://www.police.uga.edu/weapons.html>

Responsibilities

Responsible University Senior Administrator: Vice President for Finance & Administration

Responsible University Administrator: Associate Vice President for Human Resources

Policy Owner: hrweb@uga.edu

Policy Contact: Sige Burden

Phone Number: 706-542-9756

Policy Appendices

EMPLOYEE THREAT ASSESSMENT AND RESPONSE TEAM (ETART)

The University of Georgia (UGA) is committed to providing a safe and secure environment for all faculty and staff. ETART has been established to administer a proactive, coordinated and planned approach to the identification, assessment, management and reduction of disruptive or threatening behaviors that may impede our employees' ability to function successfully or safely.

PURPOSE: To identify, monitor and, when deemed necessary, recommend appropriate interventions for UGA faculty and staff who display threatening and/or dangerous patterns of behavior. Such behaviors include, but are not limited to:

- suggesting intent to harm self or others
- creating disruptions in the work environment
- intimidating other faculty, staff and/or students
- stalking or following someone with the intent to harass, intimidate, harm, or cause other malicious activity acting in frightening or threatening manner

TEAM RESPONSIBILITIES: Due to the infrequency for faculty and staff issues, ETART meets on an as-needed basis. Team members may request a meeting whenever a new issue is brought to his/her attention. Meetings will be convened and facilitated by the Associate Vice President for Human Resources or designee. ETART members are expected to share information, within limits under federal and state law, about faculty and staff who display threatening and/or dangerous behavior. Intervention by ETART does not preclude referral to Human Resources (discipline and/or employment accommodations), Employee Assistance through group insurance providers (mental health), and/or other UGA or community services.

ETART tracks and monitors faculty and staff who display threatening and/or potentially dangerous behavior. Such information is shared with other members of the team within limits under federal and state law. Faculty and staff privacy is protected as appropriate for the circumstances and in compliance with federal and state law.

PROTOCOL:

- I. Issue/concern is identified by or reported to ETART member by email, phone or in person.
- II. ETART member contacts Chair or his/her designee for appropriate investigation and follow up to get the most accurate and complete information.
- III. Chair or his/her designee assesses report to determine behaviors of concern.
- IV. Unless immediate action is required, the report is added to ETART database, maintained by the ETART Chair or his/her designee.
- V. Chair or his/her designee initiates a meeting if necessary. Chair or his/her designee contacts and extends a meeting invitation to the supervisor or major area administrator depending on the circumstances.
- VI. ETART meets or otherwise consults with one another to discuss the issues and recommends a response or action to address these issues. (i.e. monitor situation, discipline, discharge, medical leave of absence, treatment, etc.). Normal processes are followed to implement ETART recommendation(s).
- VII. Meeting outcome/response is recorded in the ETART database.
- VIII. Point person is identified to monitor the situation.
- IX. Point person provides regular updates to ETART Chair or designee until the issue is resolved.
- X. Return to step 3 until issue is resolved.

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Policy Dates
Effective Date:

Date Last Updated: 07/26/2016

Date of Last Review:

Date of Approval:

Previous Version of Policy: