

Minnesota Office of Higher Education

Zero Tolerance of Workplace Violence

INTRODUCTION

In 1992, the Minnesota Legislature adopted the following act [Minnesota Statutes 1.5]:

FREEDOM FROM VIOLENCE

The State of Minnesota hereby adopts a policy of zero tolerance of violence. It is state policy that every person in the state has a right to live free from violence.

In furtherance of this policy, Minn. Statutes 15.86 mandates that each agency of state government adopt a goal of zero tolerance of violence in, and around, the workplace.

Each agency is also encouraged to develop a plan that describes how the agency will: 1) seek to eliminate any potential for violence in and around the agency workplace; and 2) seek to eliminate any potential for violence by affecting the attitudes and behavior of the people that the agency serves or regulates.

For purposes of this policy, “agency workplace” includes employee parking areas, the space between the workplace and the parking areas, and any off-site location at which an employee may be performing the duties required by the Agency.

DEFINITION OF VIOLENCE

For purposes of this policy, the following definition applies:

“Violence is the abusive or unjust exercise of power, intimidation, and harassment and/or the threatened or actual use of force which results in or has a high likelihood of causing hurt, fear, injury, suffering or death.”

AGENCY GOAL

It is the goal of the Minnesota Office of Higher Education to achieve a work environment that is free from threats and acts of violence. The Agency will not tolerate workplace violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees directed against Agency customers or other workplace visitors, and by Agency customers or visitors directed against Agency employees.

AGENCY POLICY

It is the policy of the Minnesota Office of Higher Education and the responsibility of its employees to maintain a workplace free from threats and acts of violence. A physical attack, a verbal attack, the threat of violence, and even the fear of violence can put at risk the safety, productivity, and health of our employees. The Agency will work to provide a safe workplace for employees, and for visitors to the Agency. Each employee, and everyone with whom we come into contact in our work, deserves to be treated with courtesy and respect.

The Agency's policy on zero tolerance of violence includes:

- ⌚ The Agency will actively work to prevent and eliminate acts of violence during the workday.
- ⌚ The Agency will respond promptly, positively, and aggressively to deal with threats or acts of violence. This response will include timely involvement of law enforcement agencies, when appropriate.
- ⌚ The Agency hereby adopts, and will work to enforce, a policy of prohibiting possession of firearms and other dangerous weapons in the workplace (see Appendix A).
- ⌚ Incidents of work-related threats or acts of violence, will be treated seriously by the Agency. Reports of such acts will be promptly investigated, and management will take action, as necessary, to appropriately address each incident.
- ⌚ The Agency will take strong disciplinary action, up to and including discharge from State employment, against employees of the Agency who are involved in the commission of work-related threats or acts of violence.
- ⌚ The Agency will support criminal prosecution of those who threaten or commit violence against its employees, or against visitors to its work environment.

Pursuant to Minnesota Statutes 15.86, this policy does not create any civil liability on the part of the State of Minnesota.

Although the Agency recognizes that general harassment and sexual harassment are violence-related problems, policies for both issues are covered in more depth under separate Agency policies and procedures.

AGENCY PLAN FOR ZERO TOLERANCE OF VIOLENCE IN AND AROUND THE WORKPLACE

THE AGENCY WILL PROVIDE A SAFE WORKPLACE

The Minnesota Office of Higher Education is committed to ensuring that the workplace provides for the safety of employees and guests, and for reasonable protection from workplace violence.

THE AGENCY WILL ATTEMPT TO LIMIT VIOLENCE FROM EXTERNAL SOURCES BY POSITIVELY AFFECTING THE ATTITUDES AND THE BEHAVIOR OF ITS CUSTOMERS

- ☛ Customer Service: The Agency is committed to provide appropriate customer service for the individuals and organizations with which the Agency does business. The Agency will strive to provide exemplary service both for those who assist the Agency in delivering its products and services, and those who ultimately receive them. In doing so, and by treating customers with the respect and dignity to which they are entitled, the potential for workplace violence from external sources will be greatly reduced.

THE AGENCY WILL ATTEMPT TO REDUCE THE POTENTIAL FOR INTERNAL WORKPLACE VIOLENCE BY POSITIVELY AFFECTING THE ATTITUDES AND THE BEHAVIORS OF ITS EMPLOYEES.

- ☛ Creating a low-risk environment: Agency division directors, managers and supervisors are expected to promote positive behavior, and to lead by example, by treating employees with the respect and dignity each person deserves. Emphasis will be placed on creating a workplace where established standards of conduct (see Appendix B) are clear, are communicated, and are consistently enforced, and where discipline is used fairly and appropriately to deal with instances of unacceptable behavior.
- ☛ Supervisory Training: Once training is developed/arranged, all Agency division directors, managers and supervisors will be provided with training in how to deal with workplace-related threats and acts of violence. This training will focus on prevention and de-escalation of violence, will include suggestions for appropriate responses to threats and acts of violence, and will identify those resources which are available for use once a potential problem has been identified, or an incident has occurred.
- ☛ Employee Training: All employees will be given the opportunity to receive training in

threat awareness, and in appropriate responses to aggressive, threatening and violent behaviors. Assessment of additional training needs for employees will be made upon request of managers/supervisors, and appropriate programs will be developed and presented.

- ☛ Employee Counseling and Assistance: The Agency will encourage use of the Employee Assistance Program [EAP]. The EAP is primarily an assessment, short-term counseling and referral agency. While supervisors, union representatives, or family members may encourage employees to seek help from the EAP, the decision to use the services must be a voluntary one. Employees may also choose to seek assistance from private health services to deal with pressures, stress, emotional problems, or other personal issues which could, if ignored, lead to threats or acts of violence.

- ☛ Self-help: Informational brochures and other available methods will be used to make all employees familiar with the services offered by the EAP, and how to take advantage of those services. Information will also be provided about other options for the resolution of personal and workplace problems that may have a potential for escalating to a violent incident. Employees will be encouraged to utilize all available resources, including telephone dialing of "9-911", as appropriate.

- ☛ Valuing and Respecting Diversity: It is the Agency's policy and practice to value and respect individual differences among people. Harassment of any person in the workplace is strictly prohibited. Harassment can be any behavior which is unwelcome, personally offensive, insulting or demeaning, when:
 - ☛ submission to such conduct is explicitly or implicitly made as a term or condition of an individual's employment;

 - ☛ submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such an individual; or

 - ☛ such conduct has the purpose, or the effect, of unreasonably interfering with an employee's performance, or of creating an intimidating, hostile, or offensive working environment.

Harassment and discrimination are serious concerns. Incidents of this nature, if not corrected, may result in workplace violence. Management will continue to treat report of harassment and discrimination seriously. Complaints of alleged harassment or discrimination will be promptly investigated and, as necessary, appropriate disciplinary action will be taken.

THE AGENCY WILL EFFECTIVELY DEAL WITH THREATS OF VIOLENCE, AND WITH ACTUAL INCIDENTS OF VIOLENCE.

Supervisory Responsibilities --Agency Division Director, Managers and Supervisors:

- ☛ have primary responsibility for ensuring a safe work environment. As appropriate, Division Directors (and immediately-affected employees) will be notified when perceived or actual threats of violence to staff have been received;
- ☛ are specifically empowered to take immediate action to resolve or stabilize violent situations in the workplace, to investigate perceived violent situations, and to protect people from harm;
- ☛ will ensure that, when a threat is made or a violent incident occurs, appropriate incident response resources are notified immediately;
- ☛ will ensure that appropriate disciplinary responses to internal workplace violence and aggression are made; and
- ☛ will ensure that all employees understand, when in travel status, they possess the right to refuse to enter a location or leave any situation in which they know their safety is threatened or at risk.

Employee Responsibilities – All OHE employees:

- ☛ will report every incident of violence at the Agency, witnessed, or perceived;
- ☛ will cooperate with investigation attempts to resolve violent incidents;
- ☛ will support the Zero Tolerance of Violence policy;
- ☛ will demonstrate appropriate behavior when dealing with customers or employees;
- ☛ will not participate in violent activities nor witness such activities involving Agency employees without immediately reporting it to the appropriate authorities;
- ☛ will notify a Division Director, manager or supervisor when a situation of fear is affecting an employee's ability to perform his/her job.

Incident Response Coordinator (IRC):

It is the purpose of the Agency's Human Resources Director to function as an "Incident Response Coordinator" (IRC) who will be responsible for coordinating responses to violent or threatening situations in the workplace. The IRC will:

- ☛ with assistance from managers and supervisors, identify and provide access to applicable training programs;

- ☛ serve as a resource referee agent and information source for supervisors, and others, with regard to workplace violence concerns;
- ☛ respond, as needed, to incidents involving threats or acts of violence in the workplace.

While each situation is unique, this will often require that the IRC:

- ☛ perform situation assessments and evaluations;
- ☛ assist with attempts to de-escalate/properly manage potentially violent situations, when possible to do so;
- ☛ facilitate and coordinate response actions of appropriate resources, both internal and external; and
- ☛ ensure that appropriate follow-up action is taken (investigation, victim assistance, preventive and corrective actions, etc.)

The IRC will carry out these responsibilities with the assistance of appropriate Agency, state and local government resources.

Agency Reception Area:

It is the purpose of the Agency's receptionist to function as the first point of contact for all visitors to the Agency. In the event a visitor should exhibit violent behavior, the receptionist will:

- ☛ perform situation assessment and evaluation;
- ☛ solicit help from within the Agency as soon as possible; and
- ☛ assist with attempts to de-escalate/properly manage potentially violent situations.

THE AGENCY WILL WORK TO ELIMINATE DANGEROUS WEAPONS FROM THE WORKPLACE

- ☛ Dangerous Weapon Prohibition: Effective immediately, the possession of any dangerous weapon, to include any firearm, in any division of the Agency workplace by any person other than a law enforcement officer is strictly prohibited. Agency personnel are prohibited from possessing any dangerous weapon, to include any firearm, while on agency business. Any weapon that is prohibited in the office is also prohibited from being in State vehicles. See Appendix A for a list of dangerous weapons included in this prohibition.

ZERO TOLERANCE OF WORKPLACE VIOLENCE

PLAN IMPLEMENTATION

Copies of this policy and plan will be distributed to all employees, and will be posted on employee bulletin boards. Division Director, managers and supervisors will be responsible for informing employees of this policy and plan, and for enforcing compliance with them. This policy and plan will be discussed at new employee orientation; all new employees will be provided with a copy of this policy and plan, and the policy and plan will be posted on the Agency intranet. All employees will be required to read the policy and plan and sign a form indicating that they have received a copy of the policy and plan, have read them, and understand them.

The Agency will continue to provide information about the services available through the Employee Assistance Program to help employees deal with concerns and issues related to workplace or family violence. Training needs will be assessed, and training sessions for managers, supervisors, and employees will be provided. The Agency will work to further advance this plan, and will identify and address specific action items.

The Incident Response Coordinator (IRC) will assume responsibility for coordinating the Agency's response to threats and acts of violence. Division Directors, managers and supervisors will continue to have primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, for taking appropriate corrective action when potentially violent situations develop, and for working with the Agency's Incident Response Coordinator when threats or acts of violence do occur.

Approved: _____

Date: _____

David R. Metzen, Director
Minnesota Office of Higher Education

DANGEROUS WEAPONS

For purposes of this Policy and Plan, the following items are considered to be “dangerous weapons,” and under no circumstances are these items permitted at the worksite*:

- any weapon which, per applicable law, is illegal to possess
- any firearm, loaded or unloaded, assembled or disassembled, including pellet, “BB”, and stun guns (electronic incapacitation devices)
- replicate firearms, as defined in Minnesota Statutes 609.713
- knives (and other similar instruments) with a blade length of more than three inches, other than those present in the workplace for the specific purpose of food preparation and service
- any “switchblade” knife
- “brass knuckles”, “metal knuckles”, and similar weapons
- bows, cross-bows and arrows
- dangerous chemicals [Phenyl Chloro Nethyl Ketone (e.g., Mace) is a highly purified form of teargas, and is excluded from this definition because the Agency supports its use for self-defense, if not used carelessly or without provocation].
- explosives and explosive devices, including fireworks and incendiary devices
- “throwing stars”, “numchuks”, clubs, chains, saps, and any other item commonly used as, or primarily intended for use as, a weapon
- any object that has been modified to serve as, or has been employed as, a dangerous weapon
- any other item so designated by the Director of the Higher Education Services Office

* For purposes of this policy, “worksite” includes vehicles used in connection with the performance of work duties. It does not include home-based work locations used by telecommuters.

Appendix B

STANDARDS OF CONDUCT

No employee, including limited and unlimited appointment employees, shall (be allowed to) harass any other employee of the Minnesota Office of Higher Education or any member of the general public. Such harassment would include, but is not limited to:

- Verbal harassment,
- Physical harassment, or
- Visual harassment.

Verbal harassment includes verbal threats toward persons or property; the use of vulgar or profane language toward others; disparaging or derogatory comments or slurs; offensive flirtations and propositions; verbal intimidation, exaggerated criticism or name-calling.

Physical harassment includes any physical assault such as hitting, pushing, kicking, holding, impeding or blocking the movement of another person. This also includes the inappropriate/offensive use of hand gestures.

Visual harassment includes derogatory or offensive posters, cartoons, publications or drawings.