

# Disruptive Behavior and Workplace Violence Policy

## Rowan University Policy

**Title:** *Disruptive Behavior and Workplace Violence Policy*

**Subject:** *Human Resources Department*

**Policy No:** *OED: 2011: 03*

**Applies:** *University-wide*

**Issuing Authority:** *President*

**Responsible Officer:** *Chief Human Resources Officer/Vice President*

**Adopted:** *05/19/2011*

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### I. Purpose

Rowan University and subsidiaries' faculty and staff are entitled to perform their work free from violence, bullying, and disruptive behavior. The purpose of this policy is to outline Rowan University's commitment to providing a respectful workplace that allows its employees to use their best efforts to advance the University's mission, without fear or intimidation, and protect its employees from bullying and the unwarranted disruption of their work.

### II. Accountability

At the direction of the President, the Vice President for Human Resources shall implement this policy and supervisors and managers shall ensure compliance with the policy and shall maintain a work environment that is free of violence and disruptive behavior. University employees have a responsibility to report any threatening or violent behavior when a member of the University community or visitor to the campus exhibits such behavior, and to participate fully in the investigation of any such reports.

### III. Applicability

The Disruptive Behavior and Workplace Violence Policy is applicable to all employees of Rowan University and its affiliate organizations.

### IV. Definitions

1. **Bullying** is a pattern of behavior which is unwanted, offensive and malicious (including but not limited to conduct, and written and verbal communication) which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is intended to undermine, patronize, humiliate, intimidate or demean the recipient. Bullying often includes a misuse of power.
2. **Disruptive Behavior** is either consistent behavior or egregious behavior on the part of another that creates an environment in which the employee feels uncomfortable, threatened or unable to perform to their best ability. Behavior may include incivility or bullying.
3. **Intimidation** is any act, by any means, that places another person in reasonable fear of harm through the use of threatening words and/or other conduct. Includes, but is not limited to, behavior intended to frighten, coerce, or induce excessive stress.
4. **Harassment** is verbal, physical, electronic, or other conduct based upon an individual's membership (or perceived membership) within a protected category (see definition below) as listed in Sections IV and VI of the [Policy Prohibiting Discrimination in the Workplace and Educational Environment](#) that creates a hostile environment. Harassment occurs when this type of conduct unreasonably interferes with an

individual's work environment, including hiring, advancement, and work assignments. The unwelcome conduct based on the protected category must be severe, persistent, or pervasive, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.

5. In order to file a complaint alleging harassment based on a protected category, please see the [Policy Prohibiting Discrimination in the Workplace and Educational Environment](#).
6. **Incivility** includes behavior such as yelling, condescending demeanor, swearing or belittling. A supervisor discussing performance in a private setting is not guilty of incivility. The behavior must be persistent or pervasive.
7. **Protected Categories** are determined by the federal, state and local governments. For a valid discrimination claim, an individual must be subject to discriminatory or harassing behavior because of the following traits: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, disability or any other protected classification (see N.J.A.C. 4A:7-3.1)
8. **Workplace Violence** can include, but is not limited to, a verbal or non-verbal threat of physical, employment or reputational damage, hitting, yelling, physical or psychological intimidation, shoving, stalking, unauthorized touching, assault, vandalism, arson and carrying any type of weapon or explosive.

## V. References

1. New Jersey Executive Order #49 (<http://nj.gov/infobank/circular/eow49.htm>)
2. Rowan University [Policy Prohibiting Discrimination in the Workplace and Educational Environment](#)
3. [Rowan University Statement of Principles](#)

## VI. Policy

1. Rowan University does not tolerate violence or bullying in the workplace. In accordance with State policy, this is a "zero tolerance" policy, which means all complaints will be evaluated. Persons who are found to have engaged in such conduct can be subject to sanctions up to and including immediate removal from University premises, suspension without pay, and termination of employment for cause.
2. Rowan University recognizes that a pattern of disrespectful behavior, such as yelling, swearing, or denigrating others, can negatively impact performance, morale, and final outcomes. Disruptive behavior can also escalate to bullying or violence.
3. Individuals who believe they are being subjected to disruptive behavior, intimidation, incivility or bullying are urged to promptly advise the person that his or her behavior is unwelcome and request that such behavior immediately stop. Not doing so shall not in any way limit the complainant's rights or the University's duties once a report is made.
4. The Office of Human Resources is responsible for evaluating reports and complaints involving employees. Complaints related to harassment or discrimination based on a protected category will be handled by the Office of Employee Equity or the Office of Student Equity and Compliance (if it is a Title IX matter). A complaint may be filed with the Office of Employee Equity or if it involves allegations prohibited by Title IX, the Office of Student Equity and Compliance.
5. Violence
  - a. Threats and/or threatening behavior or acts of violence by University employees against themselves, other staff members, faculty, students, visitors or other individuals while on University property or using University facilities will not be tolerated and are causes for removal from the workplace and may result in discipline including possible termination of employment.
  - b. Each University employee has a responsibility to report any violent behavior when a member of the University community or visitors to the campus exhibits such behavior.
  - c. Any incidents of physical acts or threats of physical violence or immediate concerns for safety should be immediately reported to the Public Safety Department and then to the Office of Employee Equity.
6. Disruptive Behavior
  - a. Disruptive behavior includes bullying, intimidation, and incivility.

- b. Behaviors include but are not limited to infliction of verbal abuse such as the use of fighting words, insults, obscenities; language used by way of information and communication technologies, such as e-mail, cell phones, text or instant messaging, social media, and websites that a reasonable person would find threatening, intimidating, or an invasion of privacy; constant contact using accusing, belittling, derogatory terms and tone that contribute to a hostile work environment; comments implying dismissal, termination, or constant disregard for University procedures also create and support a negative work environment; or the sabotage or unwarranted disruption of a person's work performance.

#### 7. Reporting and Evaluating Workplace Violence or Disruptive Behavior

- a. The University is committed to evaluate and address any reports and complaints related to this Policy. The availability of a complaint procedure does not preclude individuals who believe they are being subjected to disruptive behavior from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.
- b. Any employee who believes he or she has witnessed or has been subjected to disruptive behavior or violence should report it to the Office of Employee Equity and the claim will be evaluated. Reports can also be made anonymously through the University's integrity ("whistleblower") hotline <http://rowan.edu/integrityline>.
- c. Once a complaint is received by the Office of Employee Equity, the matter will be evaluated by the AVP for Employee Equity and Labor Relations or Designee to determine the best course of action available to (i) eliminate the negative work environment; (ii) maintain the functions of the department or unit; (iii) provide all concerned parties an opportunity to be heard; and (iv) remediate the ill effects of any existing disruptive behavior or workplace violence.
- d. Any complaint that is received that alleges harassment or discrimination on the basis of a protected category will be reviewed under the [Policy Prohibiting Discrimination in the Workplace and Educational Environment](#).
- e. Upon evaluating the complaint and assessing the criteria listed above, the AVP for Employee Equity and Labor Relations or Designee may determine that the complaint should be addressed in a manner, including but not limited to, facilitated dialogue, mediation, supervisor training, workplace expectations agreement, organizational behavior assessment, or a formal investigation.
- f. Interim measures, determined on a case by case basis, may be taken as safety precautions when deemed necessary.
- g. Based on the initial assessment and remedial action, the AVP for Employee Equity and Labor Relations or Designee will close the incident report or request formal investigation. The Vice President of Human Resources or Designee will be the final arbiter.

#### 8. Formal Investigation

- a. If a formal investigation is determined to be the most appropriate course of action, the AVP for Employee Equity and Labor Relations will assign an investigator. The investigator will provide notice to both the complainant and the respondent, in writing, that a formal investigation into the allegations of violation of this Policy will be conducted.
- b. The investigator will conduct interviews of the complainant, respondent and any relevant witnesses, and review any pertinent documentation related to the allegations.
- c. The investigator will write an investigative report summarizing the allegations, the information provided from the interviews and document review, and will determine whether a violation of this Policy can be substantiated.
- d. The investigative report will be provided to the Vice President of Human Resources. The Vice President of Human Resources or Designee will review the investigative report and provide the complainant and the respondent with determination letters. With respect to an employee whose position is not covered by a collective negotiations agreement, if a Policy violation has been determined, the Vice President of Human Resources or Designee, in consultation with other administrators with supervisory capacity over the respondent, will determine the sanction appropriate for the violation and include such sanction in the determination letter sent to the respondent. With respect to an employee whose position is covered by a collective negotiations agreement, if a Policy violation has been determined, the Vice President of Human Resources or Designee will refer the matter to the Office of Labor Relations for assessment and procedural handling of sanction in accordance with the applicable collective negotiations agreement.
- e. An employee who is found in violation of this Policy, following a formal investigation, may be subject to disciplinary action up to and including removal from Rowan facilities, reduction in rank

and/or salary, suspension and unpaid leave, or termination of employment. In certain matters, employees may be required to attend appropriate training, EAS (Employee Advisory Service) and other appropriate remediation as a condition of continued employment.

- f. Major discipline (including but not limited to suspension without pay and termination) may be imposed for workplace incidents which are repeated and pervasive, and for a single incident which is severe and egregious.
- g. Appeal of Formal Investigation - Any party dissatisfied with the outcome of a formal investigation may file a written appeal with the Chief of Staff, postmarked or delivered within 10 days of receipt of the determination letter. The appeal shall be in writing, presented by the complainant or respondent to the Chief of Staff, with a copy to the Chief of Staff's Administrative Assistant and a copy to the Office of Employee Equity (oee@rowan.edu) - identifying the subject as "Appeal". The Chief of Staff (or his/her authorized designee) will forward the appeal to an Appeals Panel, consisting of representatives of senior leadership, to review the appeal. The Appeals Panel may or may not elect to review a determination. The Chief of Staff (or his/her authorized designee) will respond to a request for review within 15 days.
  - i. The complainant or respondent may request an appeal of the determination only if the complainant or respondent is able to produce new information not previously submitted or can produce information demonstrating that the determination was arbitrary and capricious. This means that the determination will be considered for review only if new information exists or if information exists demonstrating that it was invalid because it was made on unreasonable grounds or without consideration of the circumstances.
  - ii. The complainant or respondent should send either the new information or a brief explanation of why they believe the finding is arbitrary and capricious based upon the facts presented to the Chief of Staff (with a copy to the Chief of Staff's Administrative Assistant and a copy to the Office of Employee Equity at oee@rowan.edu) within 10 days of receipt of the determination letter. The appeal shall be in writing and shall include only those materials supporting the request for review and the specific relief requested. You need not include the original materials submitted with the complaint or in response to the complaint as these documents will be provided by the original office to whom the complaint was submitted. The Appeals Panel may elect to review the materials only if it is believed the determination is arbitrary and capricious, or if the new materials were not previously considered in the original determination.
  - iii. The appellant shall have the burden of proof in all appeals brought before the Chief of Staff (or his/her authorized designee) and Appeals Panel.

#### 9. Protection From Retaliation:

- a. No employee making a good faith report or bringing a good faith complaint, fully participating in an investigation, or testifying in any proceeding under this Policy shall be subjected to adverse employment consequences based upon such involvement and will be protected from retaliation.
- b. Any employee who feels s/he is being retaliated against for having made a good faith report or complaint under this Policy or having participated in the investigation, should immediately notify the Office of Employee Equity.

#### 10. False Accusations

- a. An employee who knowingly makes a false or materially misleading accusation of workplace violence or disruptive behavior, or knowingly provides false or misleading information in the course of an investigation of a complaint, may be subject to administrative and/or disciplinary action, up to and including termination of employment.
- b. Complaints made in good faith, even if found to be unsubstantiated, shall not be considered a false accusation.