

# Work Place Violence Guidelines

## Confidentiality and Privacy

The office of University Human Resources, when conducting an investigation of workplace violence, is designated by the Ohio University Board of Trustees with quasi-criminal investigative authority. During the investigation of an applicable complaint, the records generated will be argued to be exempt from disclosure as an exception to the public records law. Once the investigation is complete, the records are open pursuant to Ohio Revised Code 149.43 (A)(1)(h).

Student names are protected at all times from public disclosure, pursuant to the Family Education Rights to Privacy Act (FERPA), unless waived by the student, or unless another FERPA exception applies. However, names may be released to university employees or agents who need to know the names for the purpose of conducting an investigation.

Medical information, if any, will be protected pursuant to the Health Information Portability and Accountability Act whenever appropriate.

## Filing a False Complaint

Knowingly filing a false workplace violence complaint is prohibited and shall be a violation of this policy and shall constitute misconduct subject to disciplinary action.

## Retaliation

Retaliation against anyone who in good faith brings a complaint alleging a violation of this policy, or who in good faith participates in the investigation of a complaint pursuant to this policy, is prohibited, regardless of the outcome of the complaint. Substantiated retaliation shall constitute misconduct subject to disciplinary action.

Instances of retaliation should be reported to University Human Resources at (740) 593-1636.

## Sanctions

All disciplinary matters arising from complaints alleging violation of this policy by an employee will be handled through Ohio University's usual disciplinary practices, according to the specific employment relationship, and may result in termination of employment by Ohio University, or some lesser penalty.

## Process

1. Any employee who believes that she or he is the victim of violence or intimidation (including having been threatened verbally, or in writing, or by a gesture) should report the matter immediately to his or her supervisor, department head, or chair, University Human Resources (UHR), or the Ohio University Police Department (OUPD), dependent upon the severity of the threat.
2. Whoever receives a complaint from an employee under item 1, immediately above, will assist the employee in filling out the "Complaint Alleging Workplace Violence" form and submitting it to UHR. If the complaint has been made to the employee's supervisor, department head, or chair, that person will consult with UHR to determine the course of action to be taken.
3. Because any violation of this policy is likely to be a violation also of Policy and Procedure [03.004](#), "Harassment," UHR will provide the Office for Institutional Equity (OIE) with a copy of the Complaint Alleging Workplace Violence form promptly upon its submission, and will inform OIE of the final resolution of the case.

4. Depending upon the circumstances, the investigation of the complaint will be handled by UHR, OUPD, or the supervisor taking the complaint under the guidance of UHR.
5. Violence and acts of intimidation or threats in any form will be thoroughly investigated as quickly and as confidentially as possible.
6. If it is determined that the complaint is valid, appropriate disciplinary action will be taken against the offending employee, following Ohio University's usual disciplinary practices.

### **Civil Protection Order**

If an employee files a request for a civil protection order against an individual, and that individual would be in violation of the order by coming near the employee at work, then the employee inform their supervisor. In turn, the supervisor, once alerted, should promptly inform OUP, the department director, and the Chief Human Resource Officer.

### **Notification of New Employees**

All new employees of Ohio University will be provided with a copy of this Workplace Violence Policy at the time of employment. The University will provide adequate time for the employee to review and ask questions regarding this policy. The employee will be required to acknowledge the receipt of this policy during the orientation process.

### **Appeal Rights**

If any disciplinary action under this policy is taken against a member of the faculty, that action may be appealed to the Faculty Senate as described in the Faculty Handbook, [Section II.G](#), "Faculty Grievance Committee."

If any disciplinary action under this policy is taken against an employee who is covered by a collective bargaining agreement, the action will be subject to the grievance procedure set forth in the bargaining agreement.

If any disciplinary action under this policy is taken against an employee who is not part of a collective bargaining unit, such employee may formally appeal the action according to Policy and Procedure [40.043](#), "Problem-Solving Procedures for Classified Employees," or Policy and Procedure [41.011](#), "Grievance Procedure for Administrative Presidential Appointees," as appropriate.

### **Time Limits**

A complaint of workplace violence must be filed no later than 180 days from the date of the last occurrence of the alleged behavior.