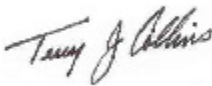


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Response to Workplace Violence and Workplace Domestic Violence	PAGE 1 OF 8
	NUMBER: 31-SEM-08
RULE/CODE REFERENCE:	SUPERSEDES 31-SEM-08 dated 5/5/2007
RELATED ACA STANDARDS:	EFFECTIVE DATE: November 19, 2009
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to outline steps necessary to respond to incidents of workplace violence and workplace domestic violence to identify ways to support victims of workplace violence/workplace domestic violence, and to inform all employees that the Ohio Department of Rehabilitation and Correction has “zero tolerance” for violence in the workplace.

III. APPLICABILITY

This policy applies to persons employed by the Ohio Department of Rehabilitation and Correction, independent contractors and volunteers providing a service to the Department, and visitors to any Department location.

IV. DEFINITIONS

Coercive Behavior - A type of behavior that is done with the intention of forcing a person to act or think in a certain way by use of pressure, threats, or intimidation or through domination, restraint, or forcible control that the agency would not condone.

Oversight Committee – A Central Office level committee that meets to address immediate issues related to workplace violence/workplace domestic violence for specific, defined circumstances. The Committee will consist of the work-site Managing Officer, Bureau of Labor Relations representative, Office of Victim Services representative, Bureau of Personnel representative, Union representative, Legal Services representative, and other members deemed appropriate by the committee.

Sexual Assault – Unwelcome or unwanted sexual contact that would include any contact between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth, or anus of another person, by the use of force or threat of force.

Sexual Harassment - Any unwelcome or unwanted sexual advances, requests for favors, and other verbal or physical conduct of a sexual nature.

Temporary No Contact Order - A written order issued to parties involved in a dispute or workplace violence incident by the supervisor or Managing Officer/designee that restricts the contact between individuals.

Workplace Violence - Any act or threat of violence that occurs at the workplace or impacts the operation of the facility or office. Workplace violence includes any act where there is reasonable potential for the infliction of physical or emotional harm or trauma. The actual or intended target of the act or threat may include employees, contractors, volunteers, their family, or property.

Workplace violence falls into one of the following categories:

- **Non-Physical Violence:**
Any behavior that communicates a direct or indirect threat of physical harm, violence, harassment, intimidation, or other disruptive behavior, including oral, written, and electronic communications (i.e. fax machines, electronic mail, telephone, etc.), gestures and expressions. This includes attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule affecting the business interests of the state.
- **Physical Violence:**
Any physical act that results in physical or emotional harm or trauma with or without the use of a weapon. This includes any act of hitting, kicking, pushing, biting, scratching, sexual assault, or other such physical contact.
- **Aggravated Physical Violence:**
Any physical act committed with the intent to cause serious physical harm or death to another. This includes inappropriate use of firearms, weapons, or any other dangerous devices on state property. While some employees of DRC may be authorized by the Managing Officer or designee as a condition of their work assignment and while performing their official job duties to possess firearms, weapons or other dangerous devices and are permitted to carry them as authorized by law, employees are to use them only in accordance with Department operating procedures and post orders and all applicable state and federal laws.
- **Domestic Violence:**
A pattern of coercive behavior used by one person to establish or maintain power and control over family or household members, which includes intimate partners, spouses, former spouses, persons living together as spouses, persons who have a child in common (regardless of whether

they have been married or have lived together at any time), and adult persons related by blood or marriage. Domestic violence can be non-physical, physical or aggravated physical violence.

Domestic violence may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control, and may occur among people of all racial, economic, educational, religious backgrounds, in heterosexual and same sex relationships.

▪ **Workplace Domestic Violence:**

Any domestic violence incident involving state employees which occurs while on state property, while conducting state business, or during state sponsored events, or has the potential to impact the workplace.

Workplace Violence Liaison – A staff member appointed by the Managing Officer to assist in the facilitation of workplace violence response as designated by this policy in addition to his/her regular duties.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to enforce “zero tolerance” for violence in the workplace. Threats or acts of violence among persons employed by DRC, independent contractors and volunteers providing a service to the Department, and visitors to any Department location will not be tolerated. Any individual violating this policy will be subject to disciplinary action and may be subject to legal action.

DRC will treat all victims of workplace violence and workplace domestic violence with respect while making every effort to protect victims of these issues by offering all available security measures. Further, all DRC work sites shall cultivate an environment of openness and support so that victims of workplace violence and workplace domestic violence can report incidents without being embarrassed, threatened by loss of job, or afraid of not being taken seriously.

VI. PROCEDURE

A. **Organization and Roles**

1. Oversight Committee

- a. The Oversight Committee will be convened by the Office of Victim Services designee as needed or as the situation requires to address immediate issues concerning, but not limited to, accommodations such as modification of duties, long-term reassignments of staff, relocations, alternative work schedules, type of leave/leave without pay, and civil protection orders/temporary protection orders.
- b. The Oversight Committee shall meet within one week of the incident to discuss actions to be taken. However, the incident may indicate a more urgent response depending on the type of the incident and severity of issues presented.

2. Workplace Violence Liaison

- a. Each facility and APA region shall appoint one staff member to serve as the Workplace Violence Liaison, in addition to his/her regular duties, as determined by the Managing Officer/designee. The Workplace Violence Liaison shall be an exempt employee and shall not also be the Victim Coordinator. The Workplace Violence Liaison shall attend the specialized 8-hour training for Workplace Violence Liaisons which will be provided by the Office of Victim Services as soon as possible upon appointment as the Workplace Violence Liaison. The Office of Victim Services will serve as the Workplace Violence Liaison for central office.
- b. The Workplace Violence Liaison will be responsible for the following:
 - i. Serve as a liaison between the victim of workplace violence/workplace domestic violence and administration and as a liaison between the perpetrator of workplace violence and administration.
 - ii. Participate in discussions with the affected department about the handling of workplace violence/workplace domestic violence issues.
 - iii. Maintain a database of all actual or potential incidents of workplace violence that are reported at their facility/APA region and their current status. This database must be kept in an area not accessible to everyone.
 - iv. Report all actual or potential incidents of workplace violence/workplace domestic violence to the Office of Victim Services by providing a copy of the initial incident report no later than the business day following the incident.
 - v. Inform the Office of Victim Services upon completion of any investigation and/or discipline by providing a copy of the completed investigation and/or disciplinary paperwork.
 - vi. Work closely with the Victim Coordinator to provide support for the victim of workplace violence/workplace domestic violence.
 - vii. Provide the victim with a list of resources in the event they may need additional assistance.

B. Prevention of Workplace Violence/Workplace Domestic Violence

1. A key component of preventing workplace violence is the identification and reporting of early warning signs, symptoms, and risk factors of potential workplace violence/workplace domestic violence.

2. Information shall be made available to employees on how to report & respond to workplace violence/workplace domestic violence (i.e., brochures, posters, etc.). This information should be maintained in locations of high visibility, such as bulletin boards and break rooms. A list of resources is provided in Appendix A.

C. Report of Workplace Violence/Workplace Domestic Violence Incidents

1. Any DRC employee, contractor, intern, or volunteer who becomes aware of any potential or actual workplace violence or workplace domestic violence incident shall immediately report this information to their immediate supervisor verbally and in writing. If the supervisor is the source of the threat, the information shall be reported to the next available supervisor in the chain of command. The DRC employee, contractor, or volunteer reporting an incident of workplace violence or workplace domestic violence will do so according to the procedures outlined in the Department Policy 01-COM-08, Incident Reporting and Notification. All visitors of DRC are encouraged to report any and all incidents in writing to the Managing Officer or the highest ranking official on duty.
2. All supervisors, regardless of job title or area of responsibility, shall make immediate verbal notification of any report of workplace violence or workplace domestic violence as soon as they become aware of a situation. This notification shall be made to the Managing Officer or the highest ranking staff person on duty in a non central office facility. At central office this notification shall be made to the Chief of the Office of Victim Services or their designee. This verbal notification shall be followed with an Incident Report (DRC1000) per Section D2 of this policy.

D. Response

1. Upon receipt of the initial notification of threat or actual workplace violence/workplace domestic violence the supervisor on duty shall determine if the reported incident falls under the policy definition of workplace violence/workplace domestic violence as well as the risk level associated with the reported incident. Guidelines for establishing recommended levels of risk are provided in the Workplace Violence Response Risk Chart (Appendix B).
2. If the supervisor on duty determines that the reported behavior could potentially be workplace violence/workplace domestic violence he/she will take the following actions:
 - a. Notify the Managing Officer, administrator of that department, or designee and follow additional direction provided. This shall be documented on the Incident Report (DRC1000).
 - b. If the risk category is moderate or greater according to the Workplace Violence Response Risk Chart (Appendix B), issue a temporary no contact order and separate alleged perpetrator and alleged victim. This shall be documented on the Incident Report (DRC1000). Such decisions may impact the rights of bargaining unit members and in such cases a union representative should be consulted.

- c. Collect incident reports from all involved parties and witnesses.
 - d. If the report contains allegations of physical contact, a medical exam of all involved parties should be conducted. If necessary, outside medical attention may be offered to the involved parties.
 - e. Gather all documentation and prepare a summary of the incident using the Incident Report (DRC1000). Prior to the end of the supervisor's work shift, submit this packet to the Managing Officer and the Workplace Violence Liaison/designee.
3. The Workplace Violence Liaison/designee shall notify the Office of Victim Services of all incidents that are workplace violence and workplace domestic violence no later than the business day following the initial incident by providing a copy of the initial incident report.

The role of the Office of Victim Services will be the following:

- a. To provide support either in person or via telephone to victims of workplace violence/workplace domestic violence.
 - b. To convene the Oversight Committee if warranted under Section A.1.a. of this policy.
 - c. To maintain a database of all incidents of workplace violence/workplace domestic violence that will include details of the incident, date the incident was reported and when the investigation is completed.
 - d. To maintain records of all incident reports, investigations, and discipline information in regards to workplace violence/workplace domestic violence incidents.
4. If warranted, the Managing Officer will ensure an investigation is completed pursuant to Department Policy 09-INV-03, Special Investigations, and Department Policy 09-INV-06, Parole and Community Services Investigations. All investigations should be thorough and objective, and shall be conducted in compliance with applicable laws, regulations and collective bargaining agreements. Upon completion of the investigation, copies of all results and documentation shall be provided to the Managing Officer and the Workplace Violence Liaison/designee for submission to the Office of Victim Services.
5. In all responses to workplace violence/workplace domestic violence, the confidentiality and autonomy of a reporting employee and the victim or survivor should be respected by informing others only to the extent necessary to protect safety or comply with the law and/or applicable collective bargaining agreements. Whenever practicable, advance notice will be given to the reporting employee if the agency needs to inform others about a violence situation.
6. Incidents that are related shall be considered comprehensively when conducting any review of the incident.

7. In the event a violation of the Standards of Employee Conduct is determined through the investigation, the Managing Officer/designee will determine the appropriate disciplinary action, which may include termination in accordance with applicable state law, Administrative Rule, collective bargaining agreement, and/or Standards of Employee Conduct.
8. All employees who are involved in workplace violence/workplace domestic violence may be referred to the Ohio Employee Assistance Program.

E. Supporting Victims of Workplace Violence and Workplace Domestic Violence

1. An alleged victim of an actual or potential incident of workplace violence or workplace domestic violence shall be provided a packet of information by the Workplace Violence Liaison to include, but not limited to the following information:
 - a. Copy of Department Policy 31-SEM-08, Response to Workplace Violence and Workplace Domestic Violence.
 - b. List of local community resources including rape crisis programs, domestic violence shelters, and any other crisis intervention programs including hotline information.
 - c. Contact telephone number for their personnel office.
 - d. Contact telephone number for the Ohio Employee Assistance Program
 - e. Contact telephone number for the Office of Victim Services.
 - f. Contact name and telephone number for the Workplace Violence Liaison, Victim Coordinator, and peer support unit in accordance with Department Policy 37-EAP-02, Critical Incident Stress Management at their location.
2. In the case where a victim has obtained a Civil Protection Order (CPO) and presented such to the Managing Officer, the stipulations in the order and/or Temporary Protection Orders (TPO) shall be adhered to at all times. The Managing Officer will contact the Office of Victim Services and then the Oversight Committee will be convened. The Oversight Committee will review and discuss options on any and all CPO/TPO orders presented that affect the employee's ability to work their normal job assignments.
3. Employees who are considered to be victims of workplace violence or workplace domestic violence may need to develop a safety plan and may need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety. The Managing Officer shall work with the Oversight Committee to determine if accommodations can be made. In addition, management shall use their discretion to grant a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization.
4. Any alleged victim of an actual or potential incident of workplace violence will be kept informed of the status of any investigation through its conclusion.

Attachments:

Appendix A	Workplace Violence/Domestic Violence Resources
Appendix B	Workplace Violence Response Risk Chart

Related Department Forms:

Incident Report	DRC1000
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Appendix A

Action Ohio Coalition for Battered Women	1-888-622-9315 http://www.actionohio.org/
Buckeye Region Anti-Violence Organization (Lesbian, Gay, Bisexual and Transgender)	1-866-862-7286 http://www.bravo-ohio.org/
Local Domestic Violence Resources	See the <i>Ohio DV Program List</i> at http://www.odvn.org/ for a list of resources in your area.
National Domestic Violence Hotline	1-800-799-SAFE http://www.ndvh.org/
National Teen Dating Abuse Hotline	1-866-331-9474 http://loveisrespect.org
Ohio Domestic Violence Network	1-800-934-9840 http://www.odvn.org/
Ohio Employee Assistance Program	1-800-221-6327 http://www.ohio.gov/EAP
Ohio Office of Criminal Justice Services Family Violence Prevention Center	1-888-448-4842 http://www.fvpc.ohio.gov/

**Appendix B
Workplace Violence Response Risk Chart**

Act	Severity Level 1	Severity Level 2	Severity Level 3	Severity Level 4
Non-Physical Violence	Verbal Dispute with no threats	Harassment Intimidation Threat of Harm	Sexual Harassment Threat of Death	
Physical Violence	Results in emotional harm	Slight Injury (Not requiring outside medical treatment)	Injury resulting in outside Medical Attention	Permanent Injury or Death
Domestic Violence				
Aggravated Physical violence		Attempted physical harm or non-injury physical harm	Severe physical harm	Permanent Injury or Death