

# Rowan University Policy

**Title:** Workplace Violence and Bullying Policy

**Subject:** Equity and Diversity

**Policy No:** OED: 2011: 02

**Applies:** University-wide

**Issuing Authority:** President

**Responsible Officer:** Assistant Vice President, Equity & Diversity/Chief Equity Compliance Officer

**Adopted:** 05/19/2011

**Last Revision:** 04/19/2016

**Last Reviewed:** 04/19/2016

## I. Purpose

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 therefore to protecting its employees from bullying, harassment, and the unwarranted disruption of their work.

## II. Accountability

At the direction of the President, the Assistant Vice President, Equity & Diversity/Chief Equity Compliance Officer 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 hostility. 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 Workplace Violence and Bullying Policy is applicable to all employees of Rowan University and its affiliate organizations.

#### IV. Definitions

- A. **Bullying** includes harassment and intimidation. It includes any conduct that a reasonable person would find hostile, offensive, unnecessarily aggressive, and detrimental to the University's legitimate business interest or educational mission, and/or a professional work environment. Other examples include but are not limited to, repeated contact using accusing, belittling, derogatory terms and tone that contribute to a hostile work environment. Comments implying or threatening dismissal, demotion or termination, or constant disregard for University procedures can also create a hostile work environment.
- B. **Hostile Work Environment** is a workplace in which there is persistent, pervasive, and or severe conduct or events of violence or bullying.
- C. **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, sexual assault, vandalism, arson and carrying any type of weapon or explosive.

#### V. References

- A. New Jersey Executive Order #49 (<http://nj.gov/infobank/circular/eow49.htm>)
- B. Rowan University Statement of Principles (<http://www.rowan.edu/open/compliance/documents/StatementofPrinciplesrevised1-4-2016.pdf>)
- C. Workplace Violence and Bullying Frequently Asked Questions (FAQ) <http://www.rowan.edu/equity/documents/FAQWorkplaceViolenceandBullying.pdf>

#### VI. Policy

- A. 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 and investigated. 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.
- B. Individuals who believe they are being subjected to violence or bullying conduct, and/or a hostile work environment caused by violence or bullying conduct, 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 (see section F).

- C. Any incident that involves an employee in any way will be handled under this policy. Any complaint that involves student against student will be handled by the Division of Student Life. The Office of Equity & Diversity is responsible for investigating any and all reports and complaints involving employees.

D. Violence

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.

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.

Any incidents of physical acts or threats of physical violence or immediate concerns for safety should be immediately reported to the Public Safety Department.

E. Bullying and Hostile Work Environment

1. Aggressive workplace behavior is a spectrum that starts when incivility evolves into bullying and can reach violence if left unaddressed.
2. Harassment, bullying and intimidation under this policy refers to the persistent/pervasive conduct of any university employee in the workplace that a reasonable person would find hostile, offensive, unnecessarily aggressive and/or detrimental to the university's legitimate business interest, educational mission, and/or work environment; in addition, one severe act can constitute grounds for a complaint.
  - *Legal definition of a "reasonable person": a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative, objective standard for determining what is reasonable under particular circumstances.*
3. Harassment, bullying and intimidation may be intentional or unintentional. Because the conduct is judged from the perspective of the victim, the intention of the accused will not be given consideration in the determination of a violation.

4. 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 hostile work environment; or the sabotage or unwarranted disruption of a person's work performance.
  - *Please refer to Frequently Asked Questions, a Reference in Section V(C) above, for more specific examples of bullying behavior.*

#### F. Reporting and Investigating Violence or Bullying in the Workplace

1. The University is committed to fully investigate 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 bullying or harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.
2. Any employee who believes he or she has witnessed or has been subjected to violence or bullying should report it to the office of Equity and Diversity and/or the Office of Human Resources and the claim will be investigated. Reports can also be made anonymously through the University's integrity ("whistleblower") hotline <http://rowan.edu/integrityline>
3. During an investigation all witnesses will be interviewed in a confidential manner. In determining whether a violation of this Policy has occurred and, if so, the sanction appropriate for it, the frequency, severity, and impact of the conduct and the level of responsibility of the offender will be taken into consideration.
4. Any claim of harassment of a member of a protected class (race, sex, religion, etc.) will also be investigated under the NJ Policy Prohibiting Discrimination in the Workplace.
5. Interim measures, determined on a case by case basis, may be taken as safety precautions when deemed necessary.

## G. Protection From Retaliation

No employee or student 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.

## H. False Accusations

1. An employee who knowingly makes a false or materially misleading accusation of workplace violence or bullying, 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.
2. Complaints made in good faith, even if found to be unsubstantiated, shall not be considered a false accusation.

## I. Sanctions

1. An employee who is found in violation of this policy may be subject to disciplinary action including removal from Rowan facilities, reduction in rank and/or salary, suspension and unpaid leave, and termination of employment for cause.
2. In appropriate cases, employees may be required to attend appropriate training, EAS (Employee Advisory Service) and other appropriate remediation as a condition of continued employment.
3. Major discipline (including but not limited to suspension without pay and termination) may be imposed for work place incidents which are repeated and pervasive, and for a single incident which is severe and egregious.