



Policy Title	Workplace Violence Prevention
Effective Date	September 6, 2022
Supersedes	Prevention of Workplace Violence Policy dated October 1, 1999
Approval	 State Personnel Director
References	Discipline Policy IC 34-26-6 IC 34-28-7 IC 34-28-8 25 IAC 8 31 IAC 5-12-2(b) 240 IAC 9

PURPOSE

To promote the safety and security of state employees and to ensure employees have procedures available so alleged violations of this policy can be investigated and addressed.

SCOPE

This policy applies to all employees under the authority of the Governor and Lieutenant Governor. Separately elected officials are encouraged to adopt this or a similar policy concerning workplace Violence prevention.

POLICY STATEMENT

The State of Indiana (hereinafter the State) is committed to providing a safe work environment for all employees and will not tolerate any act or Threat of Violence made by or against a state employee while conducting state business, whether or not the conduct occurs on property owned, leased, or used by the State.

The State will respond promptly to Threats, acts of Violence, and acts of aggression by employees, supervisors, officers, outside clients, or other non-employees who conduct business with the State.

Violent conduct or any Threat of Violence, implied or direct, is prohibited and will not be tolerated in State government. This includes but is not limited to:

- Acts or Threats which are intended to intimidate, threaten, coerce or cause fear of harm, whether directly or indirectly.
- Acts or Threats made directly or indirectly by spoken or written words (including on social media), body

language, gestures, or symbols that communicate a direct or indirect Threat of physical or mental harm.

All state employees should notify agency management or the Indiana State Personnel Department (INSPD) of any Threat or act of Violence they have witnessed, been subjected to, or of which they have been made aware. Even if an act of Violence has not occurred, employees should also report any behavior they have witnessed which they regard as violent when it occurs on a state operated site or is aimed at or performed by a state employee. Employees are responsible for making this report regardless of the relationship between the individual who initiated the Violence and the person, or persons, who were the victims of the Violence.

In accordance with rules defined by the Indiana Department of Administration, Indiana State Police, and applicable laws, weapons are prohibited in the Indiana Government Center Campus unless there is a clear statutory provision or other rule permitting possession. Firearms and ammunition secured out of sight in a person's locked, personal vehicle are not prohibited.

State employees fulfilling their duties on the property of vendors, customers, and others or on property leased by the State must abide by the laws, rules, and policies established for those premises. Firearms and ammunition are prohibited in state vehicles, unless required while conducting official state business or by sworn officers authorized to do so.

Each employee has the right to work in a professional environment that promotes respect among all employees in our workplaces and is safe from Violence, Threats, or Threatening Behavior. The State encourages reporting of all incidences that may violate this policy.

INSPD has processes in place to assist agencies and employees during various crisis situations. Please consult with INSPD or your HR Representative if such a situation arises.

DEFINITIONS

Designated Contacts: Those persons identified in Paragraph A.1 of the Procedures (below) as persons to whom allegations of Violence may be presented.

Garrity Warning: An advisement of rights usually administered by federal, state or local investigators to their employees who may be the subject of an administrative investigation into behavior, the questioning about which might result in self-incrimination concerning commission of a crime.

Intimidation: Frightening or coercing a person by Threat, or expressions of hatred, contempt, disgrace or ridicule.

Rude or Offensive Touching: Physical aggression or contact, such as hitting, fighting, pushing, restraining, or throwing objects.

Threat: Words or actions, whether direct or implied, which create a reasonable fear of physical harm, mental harm or other violations of rights; a communicated intent to inflict physical or other harm on any person or property.

Threatening Behavior: Any provoking or unsafe behavior, which by its very nature could cause physical harm, mental harm or other harm to any person or property. It may or may not include an actual physical attack.

Violence: Unwarranted assaultive or coercive behaviors, including Threats, Threatening Behavior, Rude or Offensive Touching, Intimidation, property damage, sabotage, or a court's determination of a protective

order violation. For purposes of this policy, Violence includes behavior that is actual, attempted or threatened.

RESPONSIBILITIES

Employees are responsible for:

- Complying with the prohibitions of this policy;
- Reporting Violence to the Designated Contacts;
- Not retaliating against any person for reporting a complaint under this policy; and
- Cooperating with any investigation into allegations that this policy has been violated.

Agencies are responsible for:

- Distributing the Workplace Violence Prevention Policy to its employees;
- Establishing a workplace free of Violence by enforcing the provisions of this policy;
- Acting promptly when prohibited conduct is discovered or reported;
- Promptly addressing any allegations of Violence brought to the employer's attention, including notifying law enforcement if the situation warrants (e.g., instances of imminent danger, bodily injury);
- Notifying their HR Representative or the INSPD Employee Relations Division of any reported allegation(s) of Violence;
- Not retaliating against any person for reporting a complaint under this policy;
- Implementing and training employees on their agency-specific emergency action plans;
- Implementing any disciplinary or other action imposed because of an investigation into acts or Threats of Violence; and
- Being sensitive to and, to the extent practicable, protecting the privacy of victims of Violence, and making efforts to maintain and enforce protective orders in the workplace if notified by employees.

Designated Contacts are responsible for:

- Receiving reports of alleged Violence and notifying the appropriate agency staff or HR Representative as necessary;
- Investigating or assigning an investigator to promptly, completely, and thoroughly investigate any allegations of Violence submitted to such contact;
- Making appropriate recommendations concerning discipline or other actions necessary to remedy any substantiated allegations or to prevent prohibited conduct; and
- Advising affected parties of the outcome of the investigation.

PROCEDURE

A. Reporting a Complaint

Employees who are involved in or a witness to incidents of workplace Violence should take immediate steps to ensure their safety and then report the incident. All people have the right to call law enforcement if they feel they are victims of a crime.

The following process should be adhered to in reporting a workplace Violence complaint:

1. Reporting Violence

Any individual observing Violence which poses an immediate danger to persons or property is expected to:

- Secure their personal safety first, especially for incidents of imminent danger. Leave the area if their safety is at risk, then find a safe place and call 911. Call the State Police/local law enforcement particularly if the situation warrants law enforcement involvement.
- Promptly report all workplace Violence to their supervisor, manager or other appropriate agency leadership staff. Employees are also encouraged to report incidents to their agency HR

Representative or the INSPD Employee Relations Division staff.

- Provide sufficient detail for the initiation of an investigation, such as a description of the violent or threatening individual, details of what behavior was observed or experienced, and the exact location and time of the incident.

2. Notification of Appropriate Staff or Agency

Individuals who believe they have been subject to conduct violating this policy, or individuals who have observed or have knowledge of such conduct, may report the incident to the following persons or agencies who have been identified to receive complaints of workplace Violence:

- Capitol Police at the Indiana Government Center (IGC), 317-232-8248 (24-hour service)
- Building Security or Local Law Enforcement (for non-IGC campus worksites)
- Agency or Local HR Representative
- Agency Head or other Leadership Staff
- Supervisor or Manager
- INSPD Employee Relations Division, 1-855-773-4647, Option 4

3. Protection Against Retaliation

The State will not in any way retaliate against an individual who makes a report of workplace Violence or incident in good faith nor permit any supervisor, officer or employee to do so.

Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have engaged in misconduct constituting retaliation against another individual for the good faith reporting of workplace Violence may be subject to discipline, up to and including dismissal.

B. Investigating the Complaint

1. Confidentiality

Any reported allegation of workplace Violence will be promptly investigated. The State will use its best efforts to maintain confidentiality throughout the investigatory process to the extent appropriate under the circumstances. Information that may be the basis of criminal charges may be reported to law enforcement for further review. **Emergency situations involving imminent risk shall be immediately reported to law enforcement.**

2. Identification of Investigators

Complaints will be investigated by the appropriate agency head, designee or HR Representative, who may ask for assistance from the INSPD Employee Relations Division. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the agency head, their designee and/or the State Personnel Director.

3. Investigation Process

The State will conduct its investigation under this policy simultaneously with any law enforcement investigation into the same allegations. In pursuing an investigation, the investigator(s) will identify themselves to the involved parties and notify the employee of the investigation and the nature of the complaint. The investigator(s) will thoroughly investigate the matter, while keeping the complainant informed regarding the general status of the investigation. Results of the State's investigation will be related to employment, such as disciplinary action, and will be separate from any criminal charges, investigations, or actions taken by law enforcement officials.

4. Suspension Pending Investigation

There may be instances where removal of an employee from the workplace is necessary to effectively investigate the allegations or to prevent potential incidents of Violence or retaliation. In those cases, an agency may place the employee on a suspension without pay pending the results of the investigation, pursuant to 31 IAC 5-12-2(b). If an employee is suspended in this

manner, the investigation should be concluded as promptly as possible without negatively impacting its integrity or thoroughness. Should the situation warrant, an agency may also restrict the employee's access to the workplace and distribute a photo of the employee to Capitol Police and/or other appropriate workplace security staff.

C. Resolving the Complaint

A report of the findings of the investigation shall be submitted to the INSPD Employee Relations Division for review. This report must also include a determination of whether a violation of this policy has been substantiated or not substantiated. In determining whether the alleged conduct constitutes a violation of this policy, the totality of the circumstances, such as the impact, nature and context of the conduct, should be considered.

1. Substantiated Violations of this Policy

If the investigation substantiates a violation of this policy, then disciplinary action may be imposed, up to and including dismissal from employment.

If the investigation does not substantiate a violation of this policy, but determines the conduct was inappropriate, unprofessional, or otherwise violates another policy, then disciplinary action may be imposed, up to and including dismissal from employment.

All employees who commit or threaten acts of Violence or who otherwise violate this policy are subject to corrective action or discipline, up to and including dismissal from employment. A violation of this policy constitutes just cause and may serve as the basis for discipline, up to and including dismissal, of a classified employee. The State may seek the prosecution of all those who engage in Violence on its premises or against its employees while they are engaged in state business.

It is the responsibility of all state employees to cooperate fully with any investigation covered under this policy. Failure to cooperate with investigations may result in disciplinary action, up to and including dismissal from employment. When the employer's questioning might result in the subject employee incriminating themselves concerning commission of a crime, it is prudent to consult an attorney. In some circumstances, investigator(s) will provide the employee a Garrity Warning. Note that the General Assembly has granted additional procedural rights to Police Officers; and terms of the Garrity Warning for Police Officers are prescribed by I.C. 36-8-2.1-5.

Although the State's ability to discipline a non-employee is limited, any state employee who has been subjected to workplace Violence by a contractor, member of the public, or employee of another state entity not covered by this policy should file a complaint so the situation can be investigated and addressed appropriately.

2. Unsubstantiated Allegations

If an investigation does not substantiate a violation of this policy, then the accused employee will be reinstated with backpay for any salary lost during the suspension.

3. False Accusations

If an investigation determines the complainant falsely accused another of workplace Violence knowingly or in a malicious manner, the complainant may be subject to discipline, up to and including dismissal from employment.

4. Employee Assistance Program (EAP)

Employees who may be involved in relationships or situations which are violent or potentially violent, and/or employees who are the recipients/targets of Threats or acts of Violence, are encouraged to report the situation, and to seek assistance through the EAP.

D. Maintaining a Written Record of the Complaint

The State will maintain a complete written record of each complaint and how it was investigated and resolved in accordance with any applicable retention schedules. If disciplinary action is taken, a record of that disciplinary action shall likewise be maintained in accordance with any applicable retention schedules.

E. Mandatory Reporting of Child Abuse or Neglect

If an individual employee or agency learns of any information suggesting a child might be the victim of abuse or neglect, they must immediately report the incident to the Department of Child Services' hotline at 1-800-800-5556.

F. Workplace Protective Orders

Employees who may be the victim of Violence or a Threat of Violence reasonably expected to occur in the workplace may seek a workplace restraining order. Upon a court's issuance of a workplace restraining order, employees should provide a copy to their HR representative, who will be responsible for notifying appropriate agency staff. Agencies may consult with the Office of the Indiana Attorney General to effectuate workplace restraining orders in accordance with IC 34-26-6.