

## **Workplace Violence Prevention**

**Issued:** March 25, 2017

### **POLICIES**

**Responsible Official:** Vice President for Finance and Administration

**Responsible Office:** Human Resources

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#### **Policy Statement**

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It is the policy of Austin Peay State University that all employees have the right to work in an environment free from physical violence, threats, and intimidation.

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#### **Purpose**

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The purpose of this policy is to define procedures for enforcing a safe, healthy, and secure work environment.

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- APSU Policy 5:003
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## Definitions

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<b>Violence or threats</b>	<p>Include acts of violence or threats of aggression including gestures or, oral or written expression which:</p> <ul style="list-style-type: none"> <li>• create fear of bodily harm;</li> <li>• cause or are capable of causing death or bodily injury;</li> <li>• threaten the safety of a co-worker, student or member of the general public;</li> <li>• or, damage property.             <ul style="list-style-type: none"> <li>○ Acts of violence and threats of violence include, but are not limited to: verbal (such as threats, harassment, abuse or intimidation), nonverbal (such as gestures and intimidation), written communication (such as notes, e-mail), physical (such as hitting, pushing, shoving, kicking, touching and assault), and other (such as arson, sabotage, vandalism and stalking).</li> </ul> </li> </ul>
<b>Weapon</b>	<p>Includes a device, instrument, material or substance used for, or can cause death or bodily injury, or damage to property. Weapons include, but are not limited to: an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun, a firearm silencer, a switchblade knife or any other type of knife, or brass knuckles, or any other implement for infliction of bodily injury, damage to property, or death which has no common lawful purpose. Pocket knives or knives used solely for eating, food preparation or distribution, are not considered "weapons" for purposes of this policy unless used to inflict bodily injury or damage to property.</p>
<b>On the work site/in the workplace</b>	<p>Includes all real property owned or occupied by the University, including University vehicles and personal vehicles when performing state business off campus.</p>
<b>Possession</b>	<p>Includes, but is not limited to, the presence of a weapon on the employee, in his/her motor vehicle, desk, lunch box, locker, a tool kit, bag, purse, cabinets, office, etc.</p>
<b>Reasonable Suspicion</b>	<p>The degrees of knowledge sufficient to induce an ordinarily prudent and cautious person to believe that the circumstances being presented are more likely to be true than not. Reasonable suspicion must be based on an articulatory, specific and objective basis and may include direct observation; or information received from a source believed to be reliable.</p>

**Employee**

For purposes of this policy, persons receiving a payroll check, with exception of graduate assistants or student workers.

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**Procedures**

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**Guideline**

- A. APSU has a strong commitment to its employees to provide a safe, healthy and secure work environment.
- B. APSU also expects its employees to maintain a high level of productivity and efficiency.
- C. The presence of weapons and the occurrence of violence or threats of violence in the workplace is inconsistent with these objectives. APSU expects all employees to report to the work site without possessing weapons and to perform their jobs without violence or threats of violence toward any other individual and to be able to perform their duties in a safe and productive manner. Violence, threats, or intimidation toward any other individual will not be tolerated.
- D. Weapons of any kind are prohibited in the workplace except for specific exceptions noted below.

**Coverage**

- A. The provisions of this policy apply to all University employees and to all University work sites owned or occupied by the University.
- B. In addition, this policy applies to any conduct, on or off the work site, which poses a substantial threat to persons or property within the University community.
- C. The University at its discretion, may from time to time modify this policy. In the event this policy is revised, a copy of the revised policy will be provided to each employee.

**Implementation**

- A. It is the responsibility of Human Resources to ensure that all employees are given copies of this policy.
- B. Employees who are victims of or witness to violence or threats of violence must immediately report such conduct to campus or local law enforcement, appropriate supervisor and the Human Resources Officer.

**Prohibited Activities**

- A. The University specifically prohibits the following and may discipline an employee up to and including dismissal for any of the following:
1. Use, possession, or sale of any weapon on the work site.
  2. Storing any weapon in a locker, desk, lunch box, tool kit, bag, purse or other repository on the work site.
  3. Refusing to submit to an inspection for the presence of a weapon based on reasonable suspicion.
  4. Refusing to allow inspection of storage areas specified in 2 above based on a reasonable suspicion that a weapon or weapons will be found in such area.
  5. Conviction under any criminal statute for the illegal use or possession of a weapon or for committing a violent act against the person or property of another.
  6. Refusing to cooperate in an investigation about allegations or suspicion that violence or threats of violence have or is likely to occur, or an investigation about the possession of a weapon by the employee or a co-employee.
  7. Engaging in violence or threats of violence.
- B. NOTE: Despite laws which provide for permits allowing individuals to carry concealed handguns, it is the policy of APSU, pursuant to T.C.A. § 39-17-1309, to prohibit the possession of all weapons, including handguns, on property owned, operated or under the control of the University. **For exceptions effective July 1, 2016, see most current policy 5:003.**
1. The only exceptions to this prohibition are as follows:
    - a. Firearms used for instructional or school-sanctioned ceremonial purposes;
    - b. Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in the discharge of their official duties and acting under orders requiring them to carry arms or weapons;
    - c. Civil officers of the United States in the discharge of their official duties;
    - d. Officers and soldiers of the militia and the National Guard when called into actual service;
    - e. Officers of the state, or any county, city or town, charged with the enforcement of the laws of the state, when in the discharge of their official duties;
    - f. Any students who are members of the reserve officers training corps or students enrolled in a course of instruction or members of a club or team, and who

- are required to carry arms or weapons in the discharge of their official class or team duties;
- g. Any private police employed by the University in the discharge of their duties;
  - h. Any registered security officer/guard who meets licensing requirements, who is discharging such officer's official duties.
  - i. Any law enforcement officer, policeman, or bonded and a sworn deputy sheriff may carry handguns always pursuant to a written directive by the executive supervisor of the organization to which the person is attached or employed, despite the person's regular duty hours or assignments.
  - j. Firearms possessed by non-student adults, if the firearm remains unhandled, in the vehicle owned by the non-student adult. However, the University may decide to allow or not allow non-student adults to have firearms in the vehicle. If the University chooses to not allow firearms in the vehicle, then the President can exercise the exception stated in this policy.

**Discipline**

- A. An employee who violates this policy by engaging in any of the prohibited activities pursuant to APSU policies, is subject to discipline up to and including immediate dismissal.
- B. An employee who violates this policy by bringing a weapon onto the work site whose employment is not terminated will be subject to searches from time to time, for an indefinite period not to exceed one (1) year from the date of the violation.
- C. An employee's consent to submit to a search for weapons, based on reasonable suspicion, is required as a condition of continued employment and the employee's refusal to consent may result in disciplinary action, possibly including dismissal.

**Reporting**

- A. An employee who witnesses an incident of violence, threats of violence or suspicious behavior, must immediately report such conduct to campus or local law enforcement, appropriate supervisor and the Human Resources Officer.
- B. Any employee who is granted a court order requiring any other individual to stay away from the employee's place of work must furnish a copy of the order to the Human

Resources Department and Public Safety when practicable.

- C. Supervisory Responsibility - A supervisor who witnesses an incident of violence, threats of violence or suspicious behavior, must immediately report such conduct.

**Miscellaneous**

- A. The University has the right to search any area on University premises for weapons including, but not limited to, lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, briefcases, personal bags, personal toolboxes or tool kits, parking lots, APSU vehicles and other vehicles parked on APSU owned or occupied premises.
  - 1. However, such searches will be based only on a reasonable suspicion that a weapon or weapons will be found.
  - 2. If feasible prior to conducting a search, the Office of General Counsel should be consulted.
- B. If an employee is injured while participating in a fight or after instigating a fight, then entitlement to workers' compensation benefits may be denied, as consistent with Tennessee law.
- C. No part of this policy, nor any procedure therein, is intended to be construed as a guarantee or contract of employment or continued employment.

**Non-Retaliation**

This policy also prohibits retaliation against employees who report incidents of threats, violence, intimidating conduct, or weapons possession.

- 1. Any employee bringing complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, discriminated against or discharged because of the complaint.

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**Links**

**APSU Policy 5:003**

<https://www.apsu.edu/policy/firearms-and-other-weapons-5003>

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**Revision Dates**

APSU Policy 5:024 – Issued: March 25, 2017

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**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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**Approved**

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President: signature on file

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