



## TOWN OF BOXBOROUGH POLICY ON PREVENTION OF VIOLENCE IN THE WORKPLACE

### I. PURPOSE

It is the intent of the Town of Boxborough to establish a directive and practice for providing a professional environment that is free of violence, threats of violence, harassment, intimidation or other disruptive behavior by establishing preventative measures, providing training and education, holding those responsible for workplace violence accountable and by providing assistance and support to those who have been exposed to workplace violence. It is intended that all management tools be employed to accomplish the purposes of avoiding and/or reducing the effect of workplace violence on victims and providing consequences to those who commit workplace violence and that management utilizes available resources such as the Town's Employee Assistance Program, law enforcement, and all applicable personnel policies and procedures.

### II. DEFINITIONS

**Workplace violence** is any act committed by or against an employee or other affected individual within the context of that individual's involvement with the Town, that creates a hostile work environment and negatively affects the individual, either physically or psychologically and includes, but is not limited to harassment, stalking, coercion, intimidation, threats, physical attack, or property damage.

**Employee or Other Affected Individual** refers to any individual who serves in the capacity of an elected official, appointed member to a board, commission or committee, volunteer working for the Town, employee of the Town, consultant or contractor retained by the Town, or visitor who is engaged in some form of business or activity with the Town.

**Harassment** is behavior that intimidates or threatens a person on the basis of age, sex, ancestry, color, disability, national origin, race/ethnicity, religion/creed, veteran status, affiliations or sexual orientation. It also includes repeated false accusations against another individual and gender-based harassment of a person of the same or opposite sex.

**Intimidation** is an act intended to frighten, coerce or induce duress or fear.

A **threat** is the expression of an intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat and regardless of whether the threat is contingent, conditional or future. A threat of violence includes, but is not limited to any act of physical aggression, any verbal or written statements, harassing telephone calls, harassing email messages, gestures, expressions, or behaviors such as stalking that could be perceived as an intention to cause physical or mental harm to any employee or other affected individual.

**Physical attack** is intentional, unwanted hostile physical contact with another person such as hitting, fighting, pushing, shoving, and sexual assault, assault with a weapon or other device used as a weapon, or throwing objects.

**Property damage** is intentional damage to property, which includes property owned by the Town, elected officials, appointed board, commission, or committee members, employees, volunteers, visitors, vendors, consultants, or contractors.

**Weapons** are defined to include all devices that are intended to inflict harm, injury or death to an individual, such as, but are not necessarily limited to, firearms, knives, throwing devices, chemical and inert sprays or agents, stun guns, clubs, or types of devices that are designed to discharge some type of projectile, as well as any other type of device used to inflict injury to another individual, or to threaten to do so.

### **III. POLICY**

The Town of Boxborough maintains a zero tolerance policy toward workplace violence, or the threat of violence, by any of its employees, or elected or appointed officials, volunteers working for the Town, customers, the general public, and/or anyone who conducts business with the Town. It is the intent of the Town to provide a safe, healthy workplace, which is free of violence, threats of violence, harassment, intimidation, or other disruptive behavior.

The best way to prevent workplace violence is to raise the awareness of department heads and employees, and encourage early reporting and resolution of problem behavior before it escalates into violence.

The Town will take all reports of incidents seriously, and will take appropriate action against any employee, or affected individual found in violation of this policy. Whenever an employee or other affected individual encounters a report of an actual or alleged incident of workplace violence, that individual shall follow the Workplace Violence Reporting/Response Procedures.

### **IV. APPLICABILITY**

This policy shall apply to all Town work locations, excluding the Blanchard Memorial School and including offices, work sites, vehicles, and other Town-owned property and/or facilities, or places visited by employees while conducting their job responsibilities.

### **V. PROHIBITED ACTIONS AND SANCTIONS**

It is a violation of this policy to engage in any act of workplace violence. The Town of Boxborough does not tolerate behavior, whether direct or through the use of Town facilities, property or resources, that involves any of the following:

1. Engaging in any form of workplace violence as herein defined
2. Possessing or using firearms (including rifles, handguns, target or starting pistols, pellet or BB guns), knives, explosive materials, toxic agents or other dangerous devices or substances that could be used as a weapon while engaged in the performance of an employee's work activity or those events that have a causal connection to the workplace. Specifically, no firearms of any kind are allowed at any Town worksite, including buildings, grounds, parking lots, or within employee vehicles while on Town property, even if the employee has a valid permit to carry or conceal the firearm, unless permission or an exemption has been granted under the "Authorized Exceptions to Weapons Possession" section below.
3. Interfering with an individual's legal rights of movement or freedom of expression
4. Disrupting the workplace or the Town's ability to provide service to the public
5. Misusing authority vested to any elected or appointed official, or employee of the Town of Boxborough in such a way that it violates this policy

Workplace violence as herein defined, may be grounds for disciplinary action up to and including termination and, depending upon the violent act, may be subject to criminal sanctions. An act outside the scope of the working hours for the Town involving intimidation, harassment, threats, physical attack, domestic violence or property damage may also be grounds for disciplinary action, up to and including dismissal. In these situations, the Town must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational nexus between the type of conduct committed and the potential adverse impact on a Town's elected or appointed official, or employee's ability to perform the assigned duties and responsibilities.

#### **Authorized Exceptions to *Weapons Possession*:**

An employee may only possess a weapon during the course of working hours under the following circumstances:

1. In compliance with Massachusetts General Laws and specific written authorization by the Board of Selectmen and/or the Town Administrator where the employee has a demonstrated need to possess a weapon while at work. This permission will be granted for a specific period of time and will be subject to reassessment on a periodic basis. All municipal employees, except sworn police officers and the animal control officer, who possess a weapon in the workplace, must demonstrate the need and obtain written permission, which is to be filed in the employee's personnel file.
2. Used by a sworn police officer of the Boxborough Police Department in the line of duty
3. Required as a part of the employee's job duties with the Town of Boxborough

## **VI. PREVENTION OF WORKPLACE VIOLENCE**

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the sanctions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

## **VII. PROCEDURE FOR REPORTING THREATS**

All employees and officials are encouraged to be alert to the possibility of violence on the part of employees, former employees, or other individuals. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, to their department head. Employees who report incidents of workplace violence may request to do so confidentially. Such requests will be honored to the degree reasonable under the circumstances; however, there is no guarantee of complete confidentiality. The Department Head shall be sensitive and responsive to the reporting employee's fear of reprisal. Information will be released only on a need-to-know basis in order to thoroughly investigate and resolve the matter. The identity of the individual making the report will be protected as much as is practical. The Department Head shall inform the Town Administrator of all reported incidents of workplace violence and shall inform the employee of their right to have the Police Department notified. The Department Head, along with the Town Administrator, shall assess and investigate all reports of threatened or actual violence, and of suspicious individuals or activities and determine the appropriate action to be taken. In order to maintain workplace safety and the integrity of the investigation, the matter may be referred to the Board of Selectmen who may place employees who are alleged to have committed an offense on administrative leave, with or without leave, pending investigation of the incident.

The Town Administrator will involve the appropriate resources, which may include the Employee Assistance Program, Emergency Response, Police Department, Board of Selectmen, Personnel Board, Town Counsel, and others as deemed necessary, and will assist department heads in their response to allegations of workplace violence or possible workplace violence. If allegations of workplace violence are made against elected or appointed officials, or employees, the Town Administrator will be responsible for notifying the Board of Selectmen as well as the appropriate board or commission having authority over that individual.

In critical incidents in which serious threat or injury occurs, emergency responders such as Police, Fire and/or Ambulance personnel shall be promptly notified. As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team comprised of staff from the affected department, Board of Selectmen, Personnel Board, Town Counsel, and may include the Employee Assistance Program, Emergency Response, Police Department, and others as deemed necessary.

The Management Response Team is responsible for establishing the protocol in the event of a threat or violent incident that may include but is not limited to:

- Evaluating the potential violence problems
- Assessing an employee's fitness for duty (through mental health professionals)
- Establishing a plan for the protection of co-workers and other potential targets
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel
- Referring victims to appropriate assistance and community service programs
- Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals

### **Retaliation:**

Any employee, or elected or appointed official, who acts in good faith by reporting real or implied violent behavior, shall not be subjected to any form of retaliation, intimidation or discipline. Any action of this type resulting from a report of violence must be reported to the appropriate department head for investigation and decision regarding proper action. Reasonable effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence; however, there is no guarantee of complete confidentiality.

## **VIII. RIGHT OF APPEAL**

A victim of workplace violence who believes that his/her complaint has not been taken seriously, or an alleged perpetrator of workplace violence who believes that he/she has been unfairly disciplined shall have the right to appeal following the procedures stipulated under Article XIV, Section 10 of the Town's Personnel Administration Plan, or the applicable section of the employee's collective bargaining unit.

## **IX. DEPARTMENTAL SECURITY AUDITS**

Whenever the physical layout of the workspace is significantly altered, the Department Head shall examine the escape routes of the work area and communicate any changes to all department employees. On an as needed basis, the Department Head may request a security audit from the Police Department to determine available security measures.

## **X. EMPLOYEE TRAINING**

The Department Head, or his/her designee, shall orient all new employees to departmental procedures regarding reporting incidents of violence, what to do if the employee is threatened and/or if an incident of violence actually takes place, and dealing with the after effects of an act of violence.

## **XI. EMPLOYEE ASSISTANCE PROGRAM**

Should an employee become the victim of an incident of workplace violence, the Department Head may offer additional referral services to assist in coping with any effects of the incident. When a threat has been reported or the Department Head determines that a potential for violence exists, the Department Head may require an employee to undergo an assessment to determine the risk of danger. The Employee Assistance Program (EAP) is a free service available to employees 24 hours a day, 365 days a year and will facilitate a referral to an appropriate resource for this assessment. The EAP will maintain a network of appropriate professionals trained to conduct a risk assessment. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action.

I certify that I have been given a copy of this policy and provided the opportunity to ask questions about its content. In addition, I certify that I have fully read the policy and agree to abide by its provisions.

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature/Date

Copy of this page to Personnel file on \_\_\_\_\_  
Date