

 <p>Massachusetts Department Of Correction</p> <h1>POLICY</h1>	Effective Date	Responsible Division Deputy Commissioner, Human Resources
	4/25/2022	
	Annual Review Date	
	4/8/2026	
Policy Name 103 DOC 237 PREVENTION AND ELIMINATION OF WORKPLACE VIOLENCE	Regulation Reference: Chapter 124, § 1	
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Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Department Employees, Contractual Staff, Volunteers
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Institution’s Policy Files Professional Standards Unit Policy File Central Personnel Unit’s Policy File Each Regional Personnel Unit’s Policy File
<p>PURPOSE: To establish a Department of Correction (Department) policy to prevent and eliminate workplace violence and to ensure that Department employees, contractual staff, and volunteers work in an atmosphere free from such violence. This policy does not apply to inmate violence, which is addressed by other Department policies.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Career and Professional Development Assistant Deputy Commissioners Superintendents Chief of Professional Standards Unit Division/Department Heads</p> <p>CANCELLATION: 103 DOC 237 cancels all previous Department policies, procedures, directives, bulletins, orders, notices, rules and regulations regarding workplace violence that are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 237 is for any reason, held to be unconstitutional, contrary to statute or in excess of the authority of the Commissioner, such decisions shall not affect any other part of this policy.</p>		

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237.01

POLICY

It is the Department's policy to have zero tolerance for workplace violence in any form. Any use of work time or workplace facilities to commit or threaten to commit acts of workplace violence is cause for discipline, up to and including termination. All allegations and incidents of workplace violence or threatened workplace violence shall be reported, reviewed and treated in a serious manner. Such reports shall remain confidential unless disclosure becomes necessary. This policy does not apply to inmate violence, which is addressed by other Department policies and regulations.

237.02

DEFINITIONS

Allegation: Any event that is said to have happened but which has not yet been verified. An allegation includes any and all rumors.

Bullying: Unwanted aggressive behavior that involves a real or perceived power imbalance.

Center of Expertise (COE): The Massachusetts Human Resources Divisions' Investigation Center of Expertise. COE is responsible for investigating complaints that involve allegations of sexual harassment, discrimination, workplace violence, domestic violence/sexual assault/stalking and retaliation.

Employee: Any person employed either full-time or part-time by the Department.

Employer: The Commonwealth of Massachusetts Department of Correction.

Harassment: Deliberate or repeated conduct that has the purpose or effect of unreasonably interfering with an individual's work performance.

Intimidation: Deliberate or repeated conduct that has the purpose or effect of causing another person to feel threatened or unsafe.

Stalking: Willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress.

Workplace: 1) any property owned or leased by the Commonwealth; 2) any location where Commonwealth business is conducted; 3) any Commonwealth vehicle or private vehicle being used for Commonwealth business; 4) any location where violence occurs if it is the result of an act(s) or decision made while conducting Commonwealth business; 5) any site where an employee is considered

“on-duty;” or 6) any site where the Commissioner determines that the activities are in furtherance of Commonwealth business.

Workplace Violence: Includes, but is not limited to, the following:

- 1) Bullying, intimidation, harassment, stalking, concealment of a weapon, brandishing of a weapon, or physical assault and/or battery;
- 2) Any behavior that communicates by any means (e.g., oral, written, electronic, gestures or expressions) a direct or indirect threat of physical harm, violence, harassment, or intimidation;
- 3) Any behavior that causes a reasonable person to be in fear of their own safety or that of another;
- 4) Any behavior that damages property that is owned or leased by the Commonwealth;
- 5) Any behavior that damages property that is owned or leased by others;
- 6) Any behavior that causes disruption of workplace productivity, as determined by the Commissioner, the applicable Superintendent, Division Head, or their designees; or
- 7) Any behavior that uses Commonwealth resources (e.g. fax machines, electronic mail, telephone, etc.) to perpetrate any of the acts/behaviors enumerated above in paragraphs 1-6.

Incidents of workplace violence may be acted out individually or take place between employees, contractors and volunteers, employees and contract employees, contractors and volunteers and the general public, employees and acquaintances/partners, and employees and their family members.

237.03

WARNING SIGNS

The warning signs of a person’s potential for workplace violence may include, but are not limited to, the following:

- Having a history of violence or violent behavior.
- Speaking and/or complaining loudly, using profanity or making sexual comments.
- Making statements such as: he/she/they will lose control; there is “nothing to lose”; life is worthless without his/her/their job; life is unbearably stressful.

- Challenging authority.
- Appearing under the influence of drugs or alcohol.
- Verbalizing threats.
- Attempting to intimidate others.
- Pacing or exhibiting outward signs of anxiety, anger, or frustration.
- Blaming others for problems, errors, mistakes, or failures.
- Responding negatively or failing to respond to constructive advice.
- Verbalizing/demonstrating knowledge of weapons and ability to use them if provoked.
- Exhibiting difficulty relating to co-workers.
- Demonstrating problems with attendance.
- Exhibiting decreased productivity.
- Exhibiting inconsistency in work patterns.
- Exhibiting difficulty concentrating.
- Demonstrating changes in personal hygiene.
- Disregarding workplace safety.
- Demonstrating obsessive interest in co-worker(s).

A person exhibiting any one of these warning signs may not necessarily be contemplating workplace violence. However, employees, volunteers and contractors should be alert to these signs and report them in accordance with this policy.

237.04

REPORTING REQUIREMENTS

All allegations, reports, incidents, or threats of workplace violence must be immediately reported to the Superintendent, Division Head, or his/her/their designee verbally and followed up with a confidential incident report before the end of the shift. During non-business hours, these allegations shall be reported to the Shift Commander who shall ensure that the Superintendent or Division Head is immediately notified. Complaints may also be reported to the Center of Expertise (COE) via the following methods:

- Online: Complaint Form
- Telephone: 1-833-778-7270
- Email: HRDInvestigations@mass.gov

The Superintendent or Division Head shall immediately notify his/her/their supervising manager of any allegation of workplace violence. If the Superintendent or Division Head determines it to be a serious workplace violence allegation then an urgent matter report should be completed within a twenty-four (24) hour period or the next business day if the allegations are received on a weekend or holiday. The Superintendent or Division Head shall exercise

his/her/their judgment whether an urgent matter is warranted. He/she/they shall also immediately notify the Professional Standards Unit (PSU) Duty Officer via the Department Duty Station and follow up by completing the Workplace Violence Reporting Form. (Attachment #1). The Duty Officer shall immediately notify the Chief of the PSU. The respective Assistant Deputy Commissioner (ADC) of the Northern or Southern Sector shall ensure that the Deputy Commissioner of Career and Professional Services is immediately informed of any notifications under this policy. If the allegations involve a possible violation of state law, the Chief of the PSU must ensure that the respective District Attorney's Office has been notified as required pursuant to M.G.L. c. 127, § 38C.

Institution staff shall immediately secure any crime scene. Staff shall properly handle any evidence collected in order to preserve the integrity of the chain of evidence.

If any employee, except for a victim of a threat or incident of workplace violence, has knowledge of such a threat or incident and fails to report it, he/she/they may be subject to disciplinary action, up to and including termination. Failure of a volunteer or contractor, except for a victim, to report such a threat or incident may result in the contractor or volunteer being barred from all institutions.

237.05

INVESTIGATION

The Chief of the PSU or his/her/their designee shall review and assess all reports, allegations, and incidents of workplace violence. Action shall be taken and documented on all reports for every incident of workplace violence. The Chief of the PSU shall refer Department investigations of workplace violence to the COE, as deemed appropriate. The Chief of the PSU shall utilize all available means to fully investigate and address all allegations and incidents of workplace violence. To the extent feasible, and subject to change per the discretion of the Chief of the PSU, investigations shall be conducted in accordance with the Standard Operating Procedure for Workplace Violence Investigations. Failure to comply with the Standard Operating Procedure, however, shall not alter the investigatory findings.

The Department may suspend an employee alleged and/or implicated in workplace violence with pay pending an investigation of the matter. The Department may also temporarily reassign an employee until a final determination is made after the completion of the investigation. The Department may bar contractors who are implicated in workplace violence from entering any institution until the investigation is completed. The Department shall bar any volunteer implicated in workplace violence from entering any institution until the investigation is completed.

237.06

AFTERMATH/RETALIATION

Based on the findings and conclusions of the investigation, actions may include exonerating the employee, referring him/her/them to appropriate resources as stated in this policy such as anger management, referring him/her/them for a fitness for duty examination, and/or taking formal disciplinary action against the employee, up to and including termination. The employee's personnel file shall contain a copy of such results. In the case of a contractor or volunteer, such action may include sending a notification that said contractor or volunteer has been barred from all institutions and the reasons therefore.

If the employee, contractor or volunteer is exonerated, the Commissioner or his/her/their designee shall send a formal letter to the employee, contractor or volunteer notifying him/her/them of the results of the investigation.

If the investigation reveals that an employee has made false allegations or made a material statement that he/she/they, in good faith, could not have believed to be true, then the Department may take appropriate disciplinary action.

Retaliation for reporting incidents of workplace violence, assisting in making such a report, or for cooperating in the investigation of such a complaint, regardless of the merits or disposition of the complaint, is prohibited. Any such occurrence is a serious matter that may result in discipline up to and including termination.

237.07

TRACKING

Superintendents or Division Heads shall complete the Workplace Violence Reporting Form, and forward the form to the Chief of the PSU, within twenty-four (24) hours or the next business day if the allegations are received on a weekend or holiday. This form shall specify the critical details of the allegations including the date, time of alleged incident, shift, alleged victim(s), alleged perpetrator(s), location of alleged incident and other critical data (Attachment #1).

The Executive Office of Technology Services and Security (EOTSS) shall establish a computerized database to number and track all incidents of workplace violence within the Department utilizing the aforementioned form.

The Chief of the PSU shall ensure entry of data into the Workplace Violence Database to number and track all incidents of workplace violence within the Department utilizing the aforementioned form. All allegations and incidents of workplace violence shall be cross-checked against this database to determine any common themes including institution, shifts, alleged victim(s) and/or alleged perpetrator(s). A report shall be generated by the Chief of the PSU on an annual

basis and submitted to the Commissioner on common themes discovered upon analysis of this data.

237.08 **EMPLOYEE TRAINING**

All Department employees, contractors and volunteers shall receive pre-service training in prevention and elimination of workplace violence.

At a minimum, the pre-service training shall include a definition of workplace violence, and information about warning signs, reporting requirements, and a review of Department policies related to workplace violence.

237.09 **OPERATIONAL ISSUES**

Workplace violence shall be taken seriously, and Superintendents and Division Heads are mandated to review operational concerns related to this matter. It is important that Superintendents and Division Heads identify and eliminate potential areas within their institutions or divisions that might be conducive to this type of behavior. These areas may be eliminated by either the use of modern technology (i.e., cameras) or a change in operational protocols.

237.10 **RESOURCES**

The Department has many resources to assist employees in maintaining a safe work environment and in preventing workplace violence. These resources include, but are not limited to, the following:

Employee Assistance Service Unit: The Employee Assistance Service Unit can be reached through the Department Duty Station at 508-422-3481. Telephone numbers for each individual peer counselor per region is located on the EASU page on the intranet as well as the Department's telephone listing.

Domestic Violence Office: The Domestic Violence Office can be reached at 978-514-6589.

Office of Diversity and Equal Opportunity: The Office of Diversity and Equal Opportunity can be reach at 508-422-3646.

*See Attachments B and C to 103 DOC 238, *Policy for the Prohibition of Sexual Assault, Domestic Violence, Harassment and Stalking*, for a list of agencies that assist battered individuals and provide counseling and treatment for batterers.

For additional resources, including alcohol and substance abuse, anger management and other counseling services, you may contact the Department's Employee Assistance Services Unit.

WORKPLACE VIOLENCE REPORTING FORM

(If any of the space provided below is not sufficient, attach additional information to this form).

Reporting Institution or Division:

Date of Report:

Alleged victim(s): _____
(Include complete name)

Alleged perpetrator(s): _____
(Include complete name and title)

List any potential witnesses to the alleged incident:

Date & time of alleged incident:

Shift and location where incident is alleged to have occurred:

How did the allegation surface?

Provide a detailed account of the allegation:

Action taken to this point:

Report completed by:

Superintendent/Division Head's name & signature:

STANDARD OPERATING PROCEDURE
FOR WORKPLACE VIOLENCE INVESTIGATIONS

The PSU Duty Officer shall:

- Notify the Chief of PSU; and
- Confirm all notifications, if necessary, to outside law enforcement agencies, including the District Attorney for the respective county.

The Chief of PSU shall:

- Provide oversight and monitor the collection of critical information;
- Monitor deadlines to ensure all reports are prepared within appropriate time frames;
- Assist in the coordination and the introduction of outside law enforcement agencies;
- Establish whether the investigation is to be conducted as a criminal or an administrative investigation;
- Assign an investigator;
- Coordinate all formal and informal briefings for executive staff; and
- Coordinate the introduction of available outside resources if warranted.

The Investigator shall:

- At all times conduct the investigation in a manner that shall not compromise any criminal prosecution;
- Identify resources that potentially may be used;
- Identify all potential individuals to be interviewed;
- Develop strategies on how the investigation shall proceed;
- Establish the anticipated time frame of the investigation; and
- Manage, coordinate, conduct and assign interviews.

PROTOCOL FOR INVESTIGATIONS

Protocol for workplace violence investigations shall be pursuant to 103 DOC 522, *Professional Standards Unit*.

NOTIFICATION AND RESPONSE

The following notifications are in addition to requirements of 103 DOC 105, *Officer of the Day and Department Duty Station*.

In the event of information and/or allegations concerning alleged workplace violence the

following shall occur:

The Shift Commander shall:

- Notify the Superintendent;
- Ensure that the reporting employee(s) submit clear concise reports prior to the completion of their tour of duty and that they remain on site if necessary;
- Establish a crime scene if appropriate.

The Superintendent or Division Head shall:

- Notify the PSU Duty Officer;
- Notify his/her/their Supervising Manager;
- Ensure the protection of the employee, contractor or volunteer who is making the allegations;
- Ensure, if warranted, that all proper notifications are made to appropriate State Police and/or District Attorney's Office;
- Ensure that all related evidence is secured;
- Ensure the establishment of a crime scene, if appropriate; and
- File an Urgent Matter Report within twenty-four (24) hours or the next business day if the allegations occur on a weekend or holiday, if appropriate;
- Fill out the Workplace Violence Reporting Form and forward to the Chief of the PSU within twenty-four (24) hours or the next business day if the allegations are received on a weekend or holiday;
- Consider referring the individual to training, programs, or counseling available through the Department or outside agencies.

The ADC of the Northern or Southern Sector shall:

- Inform the Deputy Commissioner of Career and Professional Services of all notifications received under this policy.

Memorandum to All Employees
Re: Policy for the Prevention and Elimination of Violence in the Workplace

NOT ON POWERDMS