Workplace Violence Prevention Program

2019
The City University of New York
Stella and Charles Guttman Community College
Workplace Violence Prevention Program

In accordance with the City University of New York’s commitment to the prevention of workplace violence, the Guttman Community College (“College”) adopts the following Workplace Violence Prevention Program.

1. Purpose

It is the policy of Guttman Community College (“College”) to promote a safe environment for all members of the community, free from violence, harassment and other threatening behavior. Any act of violence, such as physical attack, property damage, direct or indirect threat will not be tolerated. The College’s Workplace Violence Prevention Program seeks to ensure that any incident, complaint or report of workplace violence is taken seriously and dealt with appropriately.

Workplace violence is any physical assault or act of aggressive behavior occurring where an employee performs any work during the course of his or her employment, including but not limited to:

a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
b) A display of force that would give an employee reason to fear or expect bodily harm;
c) Physical contact with an employee without his or her consent that causes injury, or
d) Stalking an employee in a manner that may cause the employee to fear for his or her physical safety or mental health.

Individuals who engage in workplace violence may be removed immediately from College property and are subject to disciplinary or personnel action up to and including termination, consistent with College and University policies, rules and collective bargaining agreements, or referral to law enforcement authorities for civil or criminal prosecution.

2. Scope

All College employees, students and visitors to the campus are required to comply with this anti-violence policy. Employees who observe or experience colleagues, students or visitors engaging in violent or threatening behavior should report that behavior immediately to their supervisor, Public Safety at 646-313-8101, or the Office of Human Resources. Management and supervisors should set a tone communicating that workplace violence is not tolerated and that the College provides information and support to employees who are victims of such abuse.
3. Existing Safeguards

The College has a CCTV system installed and panic buttons in the Registrar, Bursar, Admissions and Financial Aid Offices. Panic buttons are also located in the offices of the President, Provost, Wellness, the HUB (student service area) and the Information Commons. Additional physical protections include restricted identification cards that access to the main entrance, all offices, classrooms and labs (assigned by workspace); metal detectors are used for events on an as-needed basis, safes in areas that collect money of any kind and classrooms equipped with telephones with one touch speed dial access to Public Safety.

Supplemental work practice controls include a Public Safety Station at the main entrance with personnel assigned on a 24/7 basis to monitor arrivals and review activities recorded by cameras located throughout the building. The campus is patrolled by Public Safety 24/7; authorization and prior notification is required for off-hour access.

The Public Safety Office itself is located in a strategic area on the lower level of the campus. The Office is notified in advance by Human Resources and/or Academic Affairs when meetings are scheduled with students or employees who may present a risk.

Public Safety Officers are issued walkie-talkies, bulletproof vests, collapsible batons, pepper spray and handcuffs. Designated phones have direct line emergency one button access to Public Safety; Panic buttons are also located in the offices of the President, Provost, Wellness, the HUB (student service area) and the Information Commons.

4. Reporting Workplace Violence

To maintain a safe working environment, any imminent threat or incident of workplace violence involving an employee, student or visitor to the Guttman campus must be reported promptly to a supervisor and/or the Office of Public Safety. The phone number of the College’s Office of Public Safety is 646-313-8101.

Members of the College community are also encouraged to report behavior they believe may lead to potential workplace violence. Within 24 hours after an incident occurs or as soon as practicable on receipt of a complaint, an investigation will be conducted by the Office of Public Safety. Complaints involving the Office of Public Safety will be investigated by the Office of Human Resources.

The Office of Public Safety shall maintain all records and initial investigative reports relating to workplace violence incidents at the College. These reports shall include:

a) Workplace location where the incident originated or occurred
b) Time of day/shift when the incident occurred
c) A detailed description of the incident, including events leading up to the incident, the use of workplace resources such as work time, work phones, computers, fax machines, mail or other means
d) How the incident ended
e) Names and job titles of employees involved
f) Name or other identifier of other individual(s) involved
g) Nature and extent of injuries arising from the incident

h) Names of witnesses.

Public Safety will speak with the affected employee as soon as possible after the occurrence and may consult the employee’s immediate supervisor to develop and implement an individualized workplace safety plan. The plan may include, when necessary and appropriate, advising co-workers of the situation, setting up procedures for alerting Public Safety, escort assistance, addressing phone or email harassment, maintaining a photograph of the abuser and/or copies of court orders in a confidential location available to security personnel where necessary, transfer or relocation to a new work site and/or working with Human Resources and the campus workplace violence assessment team to implement other administrative or personnel measures as appropriate.

If there is a reasonable basis to believe that an employee involved with a workplace incident may be the subject of disciplinary action, a copy of the report will be provided to Human Resources.

5. Incident and Risk Assessment Process

A workplace violence assessment and incident review team, reporting directly to and designated by the College President, shall be comprised of representatives from Public Safety, Human Resources/Labor Relations, Student Services, Academic Affairs and other areas as appropriate. See Appendix I. The Chair, selected by the President, shall set the meeting times, agendas and establish subcommittees as necessary to fulfill the responsibilities of the workplace violence assessment team (“WVAT” or “team”).

The team shall be convened as necessary to review specific reports of workplace violence; to evaluate work locations of employees to determine the presence of hazards which could place employees at risk of occupational assaults and to institute hazard control measures when indicated.

On an annual basis, with the participation of authorized employee representatives, the team shall:

a) Examine the prior year’s records on workplace violence incidents to identify patterns or trends in the type and cause of injuries.

b) Review the effectiveness of mitigating actions taken to date

c) Assess relevant policies, work practices, report and record keeping procedures that impact the effectiveness of the Workplace Violence Prevention Program

d) Review survey responses from employees of the College. Survey forms are available to employees on the College’s website and in hard-copy at the College’s Office of Public Safety and Office of Human Resources. Completed survey forms are to be forwarded to the Director of Public Safety, as the WVAT Chair.

e) Make recommendations to the President for improved safety if appropriate, by eliminating or reducing any hazard first through substitution or design, then by administrative controls, or then by personal protective equipment, as applicable.
6. **Campus Site Evaluation**

Commencing no later than May on a yearly basis, the team shall conduct a meeting and or a physical site evaluation of the College campus to assess the presence of factors that may place employees at risk of workplace violence. Each union with employees at the College shall be given advance written notice by the Vice President for Administration of the date(s) and time(s) of the site visit(s) and by responsive writing, may designate a representative to participate in the visit. The designee will be provided with identity-redacted incident reports for the prior year if any, and may submit to the WVAT Chair comments about workplace situations that pose a threat of violence. An employee may also request to participate directly in the site visit for his/her work area by contacting the WVAT Chair.

Factors that might place an employee at risk include:

a) Offices that handle the exchange of money, including cash, checks, money orders and credit card receipts.

b) Offices that handle issues stressful to students, such as the Office of Mentoring and Student Success, Information Commons, Admissions Office, Financial Aid Office, Registrar, Public Safety, Wellness, the Office of AccessABILITY and the Student Engagement Office.

c) Offices that handle issues stressful to faculty and staff, such as the Office of the Provost, Public Safety Office and the Office of Human Resources

d) Work sites containing employees who work alone or in small groups: faculty work areas, Information Commons, Public Safety, and Office of Information Technology support.

e) Work sites containing employees who work late at night, early in the morning or on weekends: Public Safety staff, Information Commons, and faculty.

Following the physical site evaluation, the workplace violence assessment and incident evaluation team shall prepare a report of findings, which shall include a list of all high risk factors identified during the physical site evaluation and recommendations on appropriate work practice control measures to address those risk factors. The report shall be submitted to the President for appropriate action. Copies of the report shall be made available on request to employees, their authorized representatives, and the New York State Department of Labor.

7. **Training**

Under the auspices of the WVAT, the College shall provide training on the risks of workplace violence to its employees at the time of initial employment, at least annually thereafter and on an as-needed basis. The training program shall address the following essential topics:

a) An overview and definition of workplace violence;

b) The College’s commitment to providing a safe workplace;

c) Instructions on how to obtain a copy of the written Policy and Program;

d) A listing of significant identified risk factors;

e) Techniques on how to recognize and avoid potentially violent situations, including de-escalation techniques;

f) How employees can protect themselves and how employees can suggest improvements to the Program;
g) The importance of reporting incidents and how to report such incidents;
h) Where employees can seek assistance during a dangerous situation, and
i) Resources, such as trauma counseling, that may be available to employees after an incident has occurred.

8. Notification of Concern

Any employee or authorized representative who believes that a serious violation of this policy or circumstance of imminent workplace violence exists shall notify his/her supervisor in writing to obtain corrective action. If, after referral and reasonable opportunity to correct the situation, the matter is not resolved and the serious policy violation or imminent danger still exists, the employee or authorized representative may request an inspection by notifying the Commissioner of Labor.

Concerns about this or other types of reportable incidents that are not being adequately addressed may also be brought to the attention of the Esdras Tulier, Deputy to the Vice Chancellor for Human resources Management, 205 East 42nd Street, New York, NY 10017, (646) 664-3291.

9. Recordkeeping

Accurate records of all workplace violence incidents will be maintained by the Offices of Human Resource and Public Safety, in accordance with applicable record retention guidelines. Injury reports will be maintained in accordance with applicable law and regulation, including New York State Department of Labor and Federal OSHA requirements.

NOTE: Guttman Community College utilizes space at SPS, School of Professional Studies located at 119 W31st Street.This location is under the control of The CUNY Graduate Center which maintains all Workplace Violence Programs for the stated locations. The Graduate Center Workplace Violence Prevention Program Policy can be located at https://www.gc.cuny.edu/CUNY_GC/media/CUNY-Graduate-Center/PDF/Security%20and%20Public%20Safety/annual-security-report.pdf
Appendix I

Members of the Workplace Violence Advisory Team (WVAT) - Guttman College

Anastasia Koutsidis
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CUNY’s campus and workplace violence prevention policy is located at:


Incidents of workplace violence or behavior that you believe may lead to potential workplace violence must be reported promptly to your supervisor, the Office of Public Safety (Room 015) or the Office of Human Resources (Room 707). Concerns about domestic violence entering or affecting the workplace may be reported to your Domestic Violence Liaison, the Title IX coordinator, a Supervisor or to Public Safety, as follows:

- Public Safety Director, 646-313-8001, Room 008
- Department of Public Safety, 646-313-8101, Room 015
- Wellness Clinician, 646-313-8165, Room 506
- Office of Human Resources, 646-313-8177, Room 707
- Title IX, 646-313-8825, Room 204
THE CITY UNIVERSITY OF NEW YORK
CAMPUS AND WORKPLACE VIOLENCE POLICY

POLICY STATEMENT

The City University of New York (the “University” or “CUNY”) is committed to the prevention of workplace violence and will respond promptly to any threats and/or acts of violence. For purposes of this Policy, Workplace Violence is defined as any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of his or her employment, including but not limited to:

(i) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

(ii) Any intentional display of force which would give an employee reason to fear or expect bodily harm;

(iii) Intentional and wrongful physical contact with an employee without his or her consent that entails some injury;

(iv) Stalking an employee in a manner which may cause the employee to fear for his or her physical safety and health when such stalking has arisen through and in the course of employment.

Workplace Violence presents a serious occupational safety hazard to CUNY and its employees. The University will respond promptly to threats and/or acts of violence. All employees are responsible for helping to create an environment of mutual respect and for assisting in maintaining a safe and secure work environment and will participate in the annual Workplace Violence Prevention Training Program. Individuals who violate this

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1 This document supersedes and replaces The City University of New York Campus and Workplace Violence Policy approved by The City University of New York Board of Trustees on February 28, 2011,
Policy may be removed from University property and are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution.

Incidents involving Workplace Violence will be given the serious attention they deserve. Employees are responsible for reporting any incidents of Workplace Violence of which they become aware. The procedure for reporting incidents of suspected or alleged Workplace Violence can be found in the campus specific Workplace Violence Programs at Paragraph 7. The procedure for reporting complaints of a potential violation of the CUNY Workplace Violence Policy and Programs can be found in the campus specific Workplace Violence Programs at Paragraph 9.

The University, at the request of an employee or student, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee or student on University property unless necessary to transact University-related business. This policy particularly applies when an employee or student anticipates that an act of violence may result from an encounter with said individual(s).

Employee participation in the implementation of this Policy will be provided through their authorized employee representatives, who will be invited to participate in: (1) scheduled physical risk assessment site evaluation(s) to determine the presence of risk factors which may place employees at risk of workplace violence; (2) the development and annual review of a Workplace Violence Prevention Program promulgated by each

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2 Complaints of sexual harassment are covered under the University’s Policy Against Sexual Harassment.

3 Students are not directly covered by this Policy, but they should contact the Department of Public Safety to report concerns about workplace violence.
College for the implementation of the Policy; (3) the annual review of the *Campus Workplace Violence Incidents Report* prepared annually by each College; and (4) as appropriate, following a serious incident of Workplace Violence.

This “The City University of New York Campus and Workplace Violence Prevention Policy” adopted by the CUNY Board of Trustees on 9/26/2011 (Cal. Item 5.H) supersedes and replaces the prior policy with the same name approved by the CUNY Board of on 2/28/2011 (Cal. Item. No.4.O).
POLICY 5.061 DOMESTIC VIOLENCE AND THE WORKPLACE:

DOMESTIC VIOLENCE AND THE WORKPLACE

POLICY STATEMENT

The City University of New York (“CUNY”) disapproves of violence against women, men, or children in any form, whether as an act of workplace violence or in any employee’s personal life. Domestic violence can spill over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. CUNY is committed to full compliance of all applicable laws governing domestic violence in the workplace, to promoting the health and safety of its employees, and to making a significant and continual difference in the fight to end domestic violence. CUNY will review this policy annually and will notify all employees and the New York State Office for the Prevention of Domestic Violence (“OPDV”) of any revisions.

DEFINITIONS

For purposes of this policy, the following terms will be defined as follows.

Domestic Violence: A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; couples who live together or have lived together; or persons who are dating or who have dated in the past, including same sex couples.

Abuser: A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

Victim: The person against whom an abuser directs coercive and/or violent acts.

POLICY

I. Employee Awareness

1. CUNY will provide its Domestic Violence and the Workplace Policy to all employees.

2. CUNY employees will review and follow this policy and procedures.

3. CUNY will provide to all employees, and post in locations of high visibility, such as bulletin boards and break rooms, health/first aid offices, university phone directories, and on-line information data bases, a list of resources for survivors and perpetrators of domestic violence, the phone numbers and descriptions of national and local domestic violence resources batterers’ intervention programs as well as the information for the New York State Office for the Prevention of Domestic Violence. Also posted prominently will be the names and contact information of CUNY personnel who are trained and available to serve as confidential sources of information, support, and referral.

4. Included in the documentation provided to all employees will be information advising employees that New York State law prohibits insurance companies and health maintenance organizations from discriminating against domestic violence victims. The law prohibits designation of domestic violence as a pre-existing condition. An insurance company cannot deny or cancel an insurance policy or require a higher premium or
payment because the insured is or has been a domestic violence victim. [§2612 of the Insurance law].

5. CUNY will integrate information on domestic violence into existing materials and literature, policies, protocols, and procedures, including its Workplace Violence Prevention Policy & Procedures and existing health and wellness programs, as appropriate. CUNY will take all reasonable actions to educate employees regarding the effects of domestic violence, ways to prevent and curtail violence, and methods to report such violence to authorities.

II. Non-Discriminatory and Responsive Personnel Policies for Victimized Employees

1. CUNY will not discriminate against victims of domestic violence or persons perceived as domestic violence victims in employment determinations and will be responsive to the needs of victims of domestic violence.

2. CUNY will not make inquiries about a job applicant’s current or past domestic violence victimization and employment decisions will not be based on any assumptions about or knowledge of such exposure.

3. CUNY will abide by all relevant New York State laws making it a crime for employers to penalize an employee who, as a victim or witness of a criminal offense, is appearing as a witness, consulting with a district attorney, or exercising his/her rights. CUNY, with at least one prior day notification, will allow time off for victims or subpoenaed witnesses to exercise their rights as provided in the Criminal Procedure law, the Family Court Act, and the Executive law [Penal law §215.14]. If there are any questions or concerns regarding the leave that must be granted to victims or subpoenaed witnesses, employees should contact their human resources director for assistance and clarification.

4. CUNY, upon request of the employee, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family member who has been a victim of domestic violence, CUNY will evaluate the employee’s request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee.

5. In instances when an employee victim of domestic violence has difficulty producing the documentation necessary to justify absences due to his/her status as such victim, CUNY will make all reasonable efforts, in consultation with employee victims of domestic violence, to identify the documentation necessary to justify absences from work and assist the employee with his/her safety-related needs to satisfactorily meet the identified documentation requirement without compromising the employee’s safety.

6. When appropriate, available and permissible, employees who are victims of domestic violence and who separate from a spouse (or terminate a relationship with a domestic partner, if covered), will be allowed to make reasonable changes in benefits at any time during the calendar year where possible, in accordance with statute, regulation, contract and policy.

7. CUNY encourages victims of domestic violence who are subject to discipline due to job performance or conduct problems, to notify appropriate supervisory, managerial or human resources staff of their situation. Said employees will be afforded all of the proactive measures outlined in this policy, and will be provided clear information about performance expectations, priorities, and performance evaluation. If a disciplinary process is initiated, special care will be taken to consider all aspects of the victimized employee’s situation, and all available options in trying to resolve the performance problems will be exhausted, including making a referral to any Employee Assistance Program, consistent with existing collective bargaining agreements, statutes,
regulations and policy.

8. CUNY encourages any employee who is terminated or voluntarily separates from employment due to domestic violence-related performance problems to notify appropriate human resources staff in order to investigate the employee’s potential eligibility for unemployment insurance. CUNY will respond quickly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits. [§593 of NYS labor law.]

III. Workplace Safety Plans

Each campus within the CUNY system has prepared a domestic violence workplace safety response plan and each campus and worksite is prepared to provide reasonable means and personnel to assist victimized employees in developing and implementing individualized domestic violence workplace safety plans, consistent with existing collective bargaining agreements, statutes and regulations. Said workplace safety response plans are on file on each campus and worksite with the relevant security personnel and with the University-level liaison to OPDV.

1. CUNY has designated a University liaison to OPDV to ensure University-wide implementation of the domestic violence and the workplace policy, and to serve as the primary liaison with OPDV regarding the domestic violence and the workplace policy. Said liaison’s name and contact information will be provided with copies of this policy to employees and will be listed on all additional literature and postings.

2. CUNY has designated campus-level liaisons on each campus to further ensure campus-level implementation of the domestic violence and the workplace policy, to serve as the campus-level liaison within CUNY regarding the domestic violence and the workplace policy, and to be available to employees in need of support.

3. Each campus-level liaison will be identified in University and college-level materials and his/her name, phone number and office location will be clearly posted.

4. CUNY is committed to compliance and assistance with enforcement of all known court orders of protection, particularly orders in which abusers have been ordered to stay away from the work site of the victim. If requested by the victim of domestic violence or law enforcement, CUNY will cooperate in situations concerning an alleged violation of an order of protection. Employees are encouraged to bring their Orders of Protection (OP) to the attention of the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. Once the OP has been brought forward, the document will be kept in a secure location accessible only to the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety. In the case of a workplace emergency requiring the presentation of the OP to law enforcement, if the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety is unavailable to obtain the document, a designated member in the Office of Campus Security/Public Safety will have access to the secure location. The Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety will discuss with the employee a plan on how to best proceed to ensure the safest possible work environment for the employee and the rest of the staff. With the permission of the employee, this may include: providing a copy of the OP and/or photo of perpetrator to security or front desk personnel; a discussion of who should be told if there is no security or front-desk staff,
including identifying a supervisor or colleagues who would be able to assist with the identification of the perpetrator; blocking the subject/perpetrator of the OP form from the workplace; and creating a personal workplace safety plan. The employee is responsible to notify the Director of Campus Security/Public Safety or the Deputy Director of Campus Security/Public Safety if there are any changes to the OP.

5. In the event that a person is observed engaging in threatening behavior, each CUNY campus public safety department will implement its emergency security response plan, including procedures for contacting the appropriate law enforcement agency, and will provide employees with clear instructions about what to do and whom to contact.

6. Upon notice from a victimized employee, each campus public safety department, working with the employee, the campus-level liaison and the employee’s supervisor will develop and implement individualized workplace safety plans, which may include, when appropriate, advising co-workers and, upon request, the employee’s bargaining representative, of the situation; setting up procedures for alerting security and/or the police; temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule; reassignment of parking space; escort for entry to and exit from the building; responding to telephone, fax, e-mail or mail harassment; and keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential on-site location and providing copies to security personnel. Plans must address additional concerns if the victim and the offender are both employed by CUNY.

IV. Accountability for Employees Who Are Offenders

CUNY will not tolerate nor excuse conduct that constitutes workplace domestic violence. CUNY will hold accountable any and all employees who engage in the following behavior:

1) using CUNY resources to commit an act of domestic violence;

2) committing an act of domestic violence from or at the workplace or from any other location while on official CUNY business; or

3) using their job-related authority and/or CUNY resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

1. In cases in which CUNY has found that an employee has threatened, harassed, or abused an intimate partner at the workplace using CUNY resources such as work time, workplace telephones, FAX machines, mail, e-mail or other means, said employee will be subject to corrective or disciplinary action in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

2. In cases in which CUNY has verification that an employee is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, CUNY will determine if corrective action is warranted, in accordance with existing collective bargaining agreements, statutes and regulations.

3. In cases in which any employee intentionally uses his/her job-related authority and/or intentionally uses state resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim,
assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his behavior, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining agreements, statutes and regulations. If appropriate, law enforcement will be contacted, which may result in arrest, criminal charges, and/or prosecution.

V. Firearms

1. Pursuant to New York State and federal law, a person convicted of a domestic violence-related crime or subject to an order of protection, under certain circumstances, forfeits the right to legally possess a firearm or long gun. Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

2. In addition to complying with the law, employees who are authorized to carry a firearm as part of their job responsibilities are required to notify CUNY if they are arrested on a domestic violence-related offense and/or served with an order of protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing agency or to the appropriate police agency.

3. Should an employee fail to comply with the requirements set forth above, said employee will be subject to corrective or disciplinary action, in accordance with existing collective bargaining unit agreements, statutes or regulations. In addition, the appropriate law enforcement agency will be notified for possible criminal action.

VI. Training

CUNY will train management and supervisory personnel on this policy and will provide continuing educational opportunities for employees using materials provided by or approved by OPDV.

1. All persons designated as liaisons, whether the University-level liaison or college-level liaison, and all liaison-identified support personnel will complete OPDV’s one-day training on Domestic Violence and the Workplace as soon as practicable after the appointment is made. Training will prepare support personnel to identify possible signs and indicators of victimization, make appropriate referrals to domestic violence service providers, work with professionals to assist identified victims with safety planning, and develop individualized responses. Training will also include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and the safety risks to on-site personnel and visitors.

2. Campus-level liaisons will designate, as appropriate, managers, supervisors, employee assistance professionals, human resources personnel, union and labor representatives or security staff for additional training on domestic violence issues which may include the one-day OPDV training.

3. CUNY will also make training in the prevention and awareness of domestic violence and its impact on the workplace available for all staff. Training will include information on the physical, social and cultural realities that may affect victims of domestic violence, the ways in which domestic violence impacts the workplace, including the potential impact on worker productivity and safety risks.

VII. Reporting Requirements

As directed by OPDV, CUNY is obligated to document all incidents of domestic violence that happen in the workplace, including the number of employees who report domestic violence, the number of employees who request information/services, and the number of referrals made to domestic violence service providers. The information gathered will not contain any identifying personal information. Said information will be forwarded by
each college to the University liaison to OPDV for further reporting to OPDV at the time and in a manner determined by OPDV. Such documents will be kept confidential to the extent permitted by law and policy and the provisions of section (VIII) detailed below.

VIII. Confidentiality

Information related to an employee being a victim of domestic violence will be kept confidential, to the extent permitted by law and policy, and will not be divulged without the consent of the victimized employee, unless CUNY determines that maintaining said confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection. The limitations on confidentiality will be discussed with each victim who seeks assistance from supervisory or security staff. In such circumstances where a determination has been made that maintaining confidentiality puts the victim or other employees at risk of physical harm, is required by law, or is deemed necessary to enforce an order of protection, only those individuals (employees and/or safety and security personnel and/or rescue and first aid personnel) as deemed necessary by CUNY to protect the safety of the victim and/or other employees or to enforce an order of protection will be given information concerning incidents of domestic violence.

CUNY will disclose only the minimum amount of information necessary to protect the safety of the victim and/or other employees or to enforce an order of protection. Where possible, CUNY will provide to the victim of domestic violence notice of the intent to provide information to other employees and/or safety personnel. Nothing herein will prevent CUNY from investigating an act or acts of domestic violence that happen within the workplace. Examples of situations where confidentiality cannot be maintained include the following:

1. Supervisors/managers may be informed about a domestic violence incident that happens in the workplace, or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee’s co-workers.

2. First-aid and safety personnel may be informed about a domestic violence incident that happens in the workplace or a report of domestic violence, if it is necessary to protect the safety of the employee or the employee’s co-workers.

3. Government officials investigating a domestic violence incident that happens in the workplace, or a report of domestic violence, will be provided relevant information on request.

IX. Law Enforcement and Legislation

CUNY will cooperate to the fullest extent legally possible with law enforcement and other appropriate government agencies. In addition, this policy will be interpreted and applied in accordance with all applicable local, state and federal laws as well as all existing collective bargaining agreements, policies and regulations.

(Board of Trustees Minutes, 2008, 06-23, 5, B. Amended: Board of Trustees Minutes, 2014, 01-27, 4, 0)

http://policy.cuny.edu/general-policy/article-v/#policy_5.061