

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  02-122D	<b>PAGE NUMBER</b>  1 of 10
		<b>SUBJECT:</b>  <b>HUMAN RESOURCES: Workplace Violence Prevention, Intervention, and Resolution</b>	
<b>Approved By:</b>   Secretary of Corrections		<b>Original Date Issued:</b> 05-07-15	<b>Replaces Version Issued:</b> N/A
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<b>APPLICABILITY:</b>	_ ADULT Operations Only	_ JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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**POLICY STATEMENT**

State employees, contractor employees, volunteers and members of the public conducting official state business have the right to expect a work environment that is free of physical and/or psychological abuse. It is the policy of the Department of Corrections to prevent threats of violence and foreseeable violent behavior through timely intervention and investigation of all threats or violent acts. All employees are expected to perform their duties in a professional and ethical manner and to show due respect for the physical safety and wellbeing of their coworkers. Furthermore, each employee shall contribute to a safe work environment by reporting any act, behavior, or threat that is in violation of this policy. Threats to commit unlawful acts, threatening behavior, acts of violence, threats to commit acts of violence or related conduct that disrupts another’s work performance or the organization’s ability to execute its mission shall not be tolerated. If determined by the appointing authority to be in the best interest of the facility or office, a person who is reported to have made threats to commit unlawful acts, exhibited threatening behavior, or engaged in violent acts on state-owned or leased property shall be directed to leave the premises pending the outcome of an investigation. Persons refusing to leave the premises when directed to do so shall be removed by any lawful means available.

This policy does not provide guidance related to offender behaviors toward employees. For guidance regarding offender behaviors, refer to the Inmate Handbook for adults and Offender Handbook for juveniles.

Violation(s) of this policy by departmental employees shall result in disciplinary action, which may include dismissal, arrest, and prosecution in the event that the act appears to be criminal in nature. If the source of such inappropriate behavior is a contract employee, volunteer, or member of the public, the response may also include petitioning a court of competent jurisdiction for an order restraining the person(s) from entry upon all state-owned or leased property, the termination of business relationships with that individual, the withdrawal of entrance authorization (gate stop) and/or prosecution of the person(s) involved.

**DEFINITIONS**

**Appointing Authority:** Any person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make appointments to positions in the State service pursuant to K.A.R. 1-2-9. For the specific purposes of this policy, the term refers to the “appointing authority or designee.”

**Business Day(s):** For purposes of this policy, business days include Monday through Friday, excluding legal holidays.

**Employee:** Any person employed full-time, part-time, or on a temporary appointment to the Kansas Department of Corrections, including any person employed by an entity under contract to provide services to the Kansas Department of Corrections.

Reasonable Person: An individual who is generally fair, proper, just, moderate, and suitable under the circumstances.

Workplace Violence: Conduct or circumstances involving threats, threatening behavior, use of physical force, or any related conduct that creates a foreseeable threat to an employee's safety from use of physical force, subjects an employee to a continuing course of unlawful intimidation or oppression, or which disrupts another's work performance or the organization's ability to execute its mission. Workplace violence includes, but is not necessarily limited to, workplace or work related homicides, non-fatal physical assaults, bomb threats, sexual assaults, kidnapping or other acts of false imprisonment, robberies and theft, harassment and stalking, obscene telephone calls, off-site threats, sexual harassment that is expressed through conduct, domestic violence that spills over into the workplace, and verbally threatening behavior communicating an intent to do any of the foregoing.

Workplace Violence Report: A report alleging any form of threats to commit unlawful acts, physically threatening behaviors, acts of violence, or threats to commit acts of violence when any of the above occur in, or are related to, the workplace

## **PROCEDURES**

### **I. Provision of a Work Environment Free of Unlawful Threats and/or Violent Behaviors**

- A. Every employee has the responsibility to create a positive working atmosphere that is free of unlawful threats and/or violent behaviors.
- B. Every employee shall receive training concerning this policy including how to recognize workplace violence and steps to take to report incidents of workplace violence.
- C. Every employee shall receive a copy of this policy and shall acknowledge receipt on the Workplace Violence Acknowledgment form (Attachment A).
- D. The appointing authority of each correctional facility and central office shall ensure the posting of a current and complete list of parties who may be contacted for reporting workplace violence by any employee of the facility or central office. The posting shall include current mailing address, work phone number, electronic mail address (if applicable), facsimile number (if applicable), or any other means of contact for each person listed.
  1. The posting shall be made on employee bulletin boards, in facility or office newsletters, in areas of high employee traffic, or any other location the appointing authority believes will enhance access to the list.
- E. An employee who obtains a protective or restraining order which either directly or indirectly lists state-owned or leased premises as a protective area shall provide their appointing authority/designee with a copy of the order as soon as possible after issuance of the order by the court. The employee shall also provide such information concerning the subject of the order as necessary to effectively assist appropriate departmental staff in interdicting violation of the order on state premises under the control of the Secretary of Corrections. All information surrounding the existence of the order shall be treated confidentially, and its existence shall only be divulged by departmental staff on a need-to-know basis.

### **II. What To Do If You Are a Victim or Have Knowledge of Workplace Violence**

- A. Employees shall be responsible to report any unlawful acts or threats that they have witnessed, received, or about which they have been informed. Employees are also responsible for reporting any behavior they have witnessed which they regard as unlawful, physically threatening or violent when that behavior is job-related, or when it involves threats of violence that might be carried out on state-owned or lease property, or in any connection with departmental operations.
- B. Any employee who believes he/she has been a victim of workplace violence, or who has knowledge that workplace violence is occurring, may contact any of the following to make a report:

1. The agency's Human Resources Director.
  2. The Human Resources Manager of the correctional facility or office where the employee works or where the workplace violence is occurring.
  3. The appointing authority of the correctional facility or office where the employee works or where the workplace violence is occurring.
  4. The employee's immediate supervisor.
    - a. No employee shall be required to report workplace violence to his/her immediate supervisor in order for the allegation to be investigated.
  5. Any person in a management position with the Kansas Department of Corrections not otherwise mentioned above.
  6. By calling 1-844-522-1956.
    - a. Employees are encouraged to provide their identity if contact is made through these options, although this is not mandatory.
    - b. In order to ensure an adequate investigation is conducted regarding the allegation of workplace violence, employees are urged to provide specific and detailed information about the workplace violence they believe is occurring or has occurred.
  7. During non-business hours, these reporting procedures shall be followed:
    - a. If an employee at a correctional facility needs to make a report of workplace violence, the employee may make the report to the shift supervisor on duty at the facility; or
    - b. If the employee has a legitimate reason for not making the report to the shift supervisor on duty, the employee may make the report to the facility duty officer.
      - (1) The shift supervisor shall assist the employee by providing the means to contact the facility duty officer.
- C. A complaint or report of workplace violence may be made by any employee to any of the individuals identified in Section II.B., above, in writing or verbally, by regular mail, by electronic mail, by facsimile, in person, or by telephone.
1. Any employee who wants to make a complaint or report of workplace violence is strongly encouraged to set out the details of the complaint by completing the Workplace Violence Complaint/Report form (Attachment B).
  2. The fact that this form has not been completed shall not preclude an investigation into allegations of workplace violence.
- D. Any employee to whom a complaint or report of workplace violence is made whether or not the employee is included in the listing of persons/positions in Section II.B., shall:
1. Request that the complainant complete the Workplace Violence Complaint/Report Form (Attachment B); or
  2. If the complainant is unwilling to make a written report on his/her own, immediately complete the official complaint/report form (Attachment B) incorporating all of the information known; and,

3. Immediately notify the appointing authority of the report of workplace violence and provide him/her with a copy of the written report.
- E. An employee may make a complaint or report of workplace violence anonymously.
1. The fact that the identity of a victim is not known shall not preclude investigation of the complaint or report if adequate information is available to conduct an investigation.
  2. If an employee reports workplace violence, but does not claim to be the victim of the same, and asks that his/her identity be protected and remain anonymous, that request shall be honored to the fullest extent possible.
- F. If any employee complains of or reports workplace violence, the appointing authority shall ensure that an investigation is conducted in accordance with the procedures set out in Section III. below.
1. If a complaint or report is made against an appointing authority, the complaint or report shall be referred to the agency's Human Resources Director or designee who shall determine, in consultation with the Chief Legal Counsel or designee, the appropriate course of the investigation.
- G. If the agency receives notice of an employment related complaint or charge concerning workplace violence from an outside agency, or in any court, the procedures for processing such a complaint, as outlined in Section III. of this policy shall be followed.
- H. No employee who claims to be the victim of or who reports workplace violence shall be threatened with or subjected to retaliation. Any employee who has been threatened with or subjected to retaliation shall immediately notify his/her appointing authority or the Human Resources Director or designee(s).

### **III. Investigation and Correction of Workplace Violence**

- A. The appointing authority or designee, in consultation with the Human Resources Director and Chief Legal Counsel or their respective designees, shall review the complaint/report to make a determination concerning whether the report or complaint is, in fact, on the topic of workplace violence. If the reported conduct, taken as true, does not constitute workplace violence, the complaining or reporting party (if known) shall be referred to the agency's general grievance procedure (see IMPP 02-115D).
1. If the identity of the complaining or reporting employee is not known, a statement shall be made on the complaint or report form that the conduct complained of, taken as true, does not constitute workplace violence, and the complaint or report shall be maintained by the agency's Human Resources Director or designee(s).
- B. If it is determined the complaint/report pertains to workplace violence, the appointing authority or designee shall refer the allegations to Enforcement, Apprehensions, and Investigations (EAI) staff for an investigation. The investigation shall be completed within a reasonable time.
1. If a determination is made to refer the allegations for investigation, the appointing authority shall notify the complainant or reporting party and the victim (if known) that an investigation of the allegations will be conducted.
  2. Unless circumstances warrant otherwise, within two (2) working days of a determination to conduct an investigation, a meeting shall be scheduled for the accused to meet with the appointing authority or designee. At that meeting, the accused shall be notified a report of workplace violence has been filed and receive a verbal explanation of the allegations.
    - a. During this meeting, the provisions of this policy shall be reviewed with the accused. The accused shall also be given the opportunity to respond, but need not do so immediately. If the accused chooses not to respond during this meeting, the employee shall be reminded of his/her obligation to cooperate in

investigations pursuant to IMPP 02-118D, Section IV.T., and a follow up interview shall be scheduled promptly to allow assigned investigators to interview the accused concerning the allegations of workplace violence.

3. As a part of each notification required under this section, each person notified shall be specifically informed of this policy's requirements concerning confidentiality and non-retaliation including the penalty for failing to comply.
- C. If at any time during the investigation, the appointing authority, the investigator, and/or Human Resources Director/Human Resources Manager can achieve a mutually agreeable resolution of a complaint/report of workplace violence through information resolution or mediation, they should do so and draft a written agreement of the results of informal resolution or mediation. The appointing authority shall approve the results of any resolution or mediation.
1. All parties to the agreement shall sign the written agreement resolving the complaint/report of workplace violence.
  2. The Human Resources Director/Human Resources Manager shall maintain the original agreement. A copy of the agreement shall be provided to the appointing authority and to each of the parties to the agreement. Copies shall not be placed in an employee's official personnel file unless that employee received formal disciplinary action directly related to events alleged in the complaint/report.
- D. Upon completion of the investigation, the appointing authority shall make a final determination concerning the resolution of the complaint after consultation with the agency's Chief Legal Counsel or designee and the Human Resources Director or designee concerning appropriate disciplinary action.
1. The appointing authority shall inform the complainant/victim of the outcome of the investigation including whether action will be taken. If the complainant/victim is unknown, that fact shall be noted in the file.
    - a. The appointing authority shall also advise the complainant/victim of the right to pursue the matter further with any entity having jurisdiction over such matters.
  2. If the investigation resulted from a report made by someone other than a victim, the reporting employee shall be notified the investigation is complete. The reporting employee shall not be informed of the specific outcome.
  3. In the event the appointing authority determines no further action is required, the accused shall be provided with notice that the investigation has been completed and closed.
  4. Once all actions stated in the determination have been completed, the matter shall be considered closed and KDOC will take no further action toward resolution. However, nothing shall prevent an employee from filing another complaint should significant additional information become available or should subsequent incidents of retaliation be alleged.
- E. All workplace violence investigations and supporting documentation shall be maintained in a secure area with limited access.

#### **IV. Confidentiality of Investigative Information**

- A. Information obtained or shared during an investigation shall be considered confidential to the greatest extent possible. No employee involved in the investigation shall discuss or divulge any information obtained in the course of the investigation with anyone other than the investigator, the Human Resources Director, Chief Legal Counsel or designee, Human Resources Manager, investigators from outside enforcement entities or the appointing authority.

1. Breach of confidentiality may result in disciplinary action against the person committing the breach.
  2. The appointing authority, Chief Legal Counsel or their respective designees may direct employees to share information with people other than those on the above list.
- B. Each employee involved in a workplace violence investigation shall sign the Workplace Violence Acknowledgment of Confidentiality (Attachment C).

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

K.S.A. 75-2949(e), 75-2949(f)  
State of Kansas Workplace Violence Policy  
IMPP 02-118, 02-120, 03-104  
ACO 2-CO-1C-04, 2-CO-1C-05

#### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Workplace Violence Acknowledgment	1 page
B	Workplace Violence Complaint/Report Form	1 page
C	Workplace Violence Acknowledgment of Confidentiality	1 page

**KANSAS DEPARTMENT OF CORRECTIONS  
WORKPLACE VIOLENCE ACKNOWLEDGMENT**

**Receipt of KDOC Workplace Violence Prevention, Intervention, and Resolution Policy**

I, \_\_\_\_\_, the undersigned, am employed by the  
(Please Print)

Kansas Department of Corrections in the position of \_\_\_\_\_, and hereby acknowledge, by my signature below that on this date I was provided with a full and complete copy of the KDOC Workplace Violence Prevention, Intervention, and Resolution policy (IMPP 02-122), was afforded adequate time, on the job, to read the same, and was informed by my supervisor that I could ask any questions of said supervisor, the appointing authority, or human resources personnel, necessary to understand the policy. I further acknowledge that I understand and agree to fully abide by the policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Agency Representative/Human Resources Official

**AFTER THIS FORM HAS BEEN SIGNED BY THE EMPLOYEE AND AN AGENCY REPRESENTATIVE OR HUMAN RESOURCES OFFICIAL, IT SHALL BE FORWARDED TO THE HUMAN RESOURCES OFFICE OF THE FACILITY OR CENTRAL OFFICE WHERE THE EMPLOYEE WORKS, AND SHALL BE MADE A PERMANENT PART OF THE OFFICIAL PERSONNEL FILE OF THE EMPLOYEE.**

**KANSAS DEPARTMENT OF CORRECTIONS  
WORKPLACE VIOLENCE COMPLAINT/REPORT FORM**

1. Name of person reporting or filing complaint: \_\_\_\_\_

Position \_\_\_\_\_ Facility/Office \_\_\_\_\_

At what phone number should we call you? \_\_\_\_\_

2. Name(s) of person(s) alleged to have committed the actions:

\_\_\_\_\_  
Name Position Title/Rank

\_\_\_\_\_  
Name Position Title/Rank

\_\_\_\_\_  
Name Position Title/Rank

Facility/Office \_\_\_\_\_

3. Date(s) of incident(s) \_\_\_\_\_

4. Describe the incident(s) in detail. Include names, dates, locations, approximate time of day, etc. (use additional pages and attach if necessary)

5. State the name and phone number or work location of any person(s) who witnessed any of the alleged workplace violence. Briefly explain what you think they know about this complaint and how they were involved or observed the alleged incident:

6. Have you discussed this alleged incident with any other person(s) within the Kansas Department of Corrections? If so, tell us their name(s), phone number(s), work location(s), the dates on which such discussions occurred, and what, if anything, happened as a result of your discussion.

7. How would you like to see this complaint resolved?

\_\_\_\_\_  
Signature of Complainant/Reporter Date of Filing Signature of Person Receiving Complaint Date Received

=====

**FOR OFFICE USE ONLY**

Resolution:

Date of Resolution: \_\_\_\_\_

**KANSAS DEPARTMENT OF CORRECTIONS  
WORKPLACE VIOLENCE ACKNOWLEDGMENT OF CONFIDENTIALITY**

I, \_\_\_\_\_, an employee of  
(Print Name)

\_\_\_\_\_, hereby affirm that the Kansas  
(Facility or Office)

Department of Corrections' policies on maintaining confidentiality related to workplace violence investigations has been made available to me. I further acknowledge that I have read and fully understand the policy as it applies to any involvement I may have in a workplace violence investigation. I understand that I am not to discuss or divulge any information I have obtained or will obtain in the course of a workplace violence investigation with anyone other than the investigator, the Human Resources Director, General Counsel, Human Resources Manager, investigators from outside enforcement entities, or the appointing authority unless directed to do so by the appointing authority, General Counsel, or their respective designees, and that a breach of confidentiality can result in disciplinary action up to and including termination.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date