

STATE OF MARYLAND
JUDICIARY

Policy on Workplace Violence

I. PURPOSE

The purpose of this policy is to set forth a uniform practice to effectively report, investigate, and address situations in the workplace involving threatening acts or acts of harassment and violence in the workplace.

II. DEFINITIONS

A. Administrative Official (for purposes of this policy):

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District Court for the district in which the employee works; or
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

B. Violence or Other Inappropriate Behavior – includes, but is not limited to:

1. Threats of any kind;
2. Threatening, physically aggressive or violent behavior, such as intimidation or attempts to instill fear in others;
3. Belligerent speech, excessive arguing, or sabotage of Judiciary property;
4. Defacing Judiciary property or causing physical damage to Judiciary facilities;
5. Bringing weapons or firearms of any kind on Judiciary premises, on Judiciary parking lots, in personal or Judiciary vehicles, or while conducting Judiciary business; and/or
6. Using any object in a threatening or weapon-like manner.

C. Violence, Domestic – Abusive behavior whereby a person intends to establish or maintain power and control over a person with whom he/she has, or had, a significant personal relationship. Power and control are exerted through physical, sexual, psychological, and/or economic means. Examples include, but are not limited to:

1. Intimidation;
2. Threat of intent to cause harm, damage, or injury;

3. Verbal or written harassment;
4. Annoy, insult, heckle, or make unlawful demands upon a person;
5. Disorderly conduct;
6. Crimes against property;
7. Violation of an ex parte or protective order;
8. Display or discussion of weapons;
9. Homicide;
10. Assault and battery;
11. Stalking; and
12. Rape.

III. SCOPE

This policy applies to all employees of the Maryland Judiciary.

IV. POLICY STATEMENT

The Judiciary is committed to the prevention and elimination of harassment, threats, intimidation or violence in the workplace. The Judiciary seeks to create a supportive workplace environment in which employees feel comfortable reporting acts of violence and seeking assistance.

A. Violence or Other Inappropriate Behavior

Threatening employees, customers, visitors, or vendors, or engaging in threatening or violent behavior in our workplace is a serious matter. Such conduct places the safety and health of our employees and customers in jeopardy, and will not be tolerated.

Employees engaging in such activities in state offices, facilities, work sites, vehicles or while conducting any state business, will be subject to appropriate disciplinary action up to and including termination of employment.

An employee who is found using any state resources such as work time, workplace phones, facsimile machines, mail, electronic mail, or other means to commit or threaten to commit an act of violence may be subject to disciplinary action, up to and including termination of employment.

B. Domestic Violence

To protect your safety and the safety of your co-workers, immediately report to your supervisor (personal) situations that could create potential violence in our workplace. By being forewarned, appropriate measures may be taken to protect you and your co-workers.

Employees who report potential workplace violence from a domestic or personal dispute do not need to fear disciplinary action or retaliation. Any and all information related to domestic violence or the Judiciary's response to domestic violence will only be disclosed on a "need to know" basis.

V. RESPONSIBILITIES

A. Employee

All employees shall:

1. Immediately report to an available supervisor, manager, security officer, or an agency designee any threats or acts of violence experienced or witnessed in the workplace. This includes having knowledge of facts reasonably causing him or her to believe a violent situation is presented or threats or violent acts by co-workers, customers, visitors, or others who have come onto the premises.
2. In making reports, an employee shall provide as much factual information and detail as possible and shall, if requested by a supervisor or Administrative Official, legal or employee relations professional, prepare a report in writing.

B. Victim

1. Employees who are witnesses or victims of violence shall:

- (a) Attempt to restore calm by courteously asking the person to cease his or her abusive or harassing actions;
- (b) Notify the supervisor as soon as possible;
- (c) Request the assistance and aide of coworkers;
- (d) If necessary and possible, leave the presence of the threatening person;
- (e) Work with the supervisor to ensure adequate safety measures are in place; and
- (f) If necessary, contact law enforcement.

2. Employees who are witnesses or victims of violence may:

- (a) Call the local police if in immediate danger;
- (b) Work with a local service provider to create a safety plan; and
- (c) Speak to the Judiciary Human Resources Department about available assistance.

C. Administrative Official

The Administrative Official shall:

1. Ensure that each employee is provided with a copy of this Workplace Violence Policy;
2. Participate in violence in the workplace training;
3. Maintain the confidentiality of all information related to an employee's involvement in a situation relating to workplace violence;
4. Take appropriate disciplinary action against employees who engage in violence in the workplace; and
5. Prominently post educational materials on workplace violence as provided by the Human Resources Department.

D. Human Resources

The Judiciary Human Resources Department shall:

1. Sponsor workplace violence training;
2. Make referrals, as appropriate, to counseling services, legal services and intervention programs;
3. Maintain the confidentiality of all information related to an employee's involvement in a situation relating to workplace violence; and
4. Cooperate with investigating agencies prior to making a final determination.

VI. INVESTIGATIVE PROCESS

- A. Should a workplace investigation be conducted, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances;
- B. The Administrative Official will conduct a preliminary investigation unless it is determined that another person or office should conduct the investigation;
- C. An investigation may consist of the following:
 1. Interviewing the reporting employee and documenting the interview in writing;
 2. Determining who made the threat or committed the act of violence, and against whom the threat was made;
 3. Documenting the specific language of the threat and any physical conduct by the threatening employee;
 4. Listing the names of any witnesses to the threat or violent conduct, interviewing these witnesses and documenting the interviews;
 5. Establishing the time and place where the threat of violent conduct occurred;
 6. Documenting any previous threats or violent conduct prior to the incident;
 7. Interviewing the threatening employee and documenting the interview.

D. An employee shall cooperate fully in any investigation conducted under this policy.

VII. DISCIPLINE FOR EMPLOYEES ENGAGING IN PROHIBITED CONDUCT OR VIOLATING OTHER ASPECTS of this POLICY

A. An employee engaging in conduct prohibited by this policy shall be disciplined. Appropriate sanctions will be determined by the Administrative Official after consultation with the employee relations unit of the Judiciary Human Resources Department or legal professionals and may include:

1. Written reprimand;
2. Suspension, either without pay or with a loss of leave;
3. Demotion; or
4. Termination of employment.

B. An employee failing to report violent acts or situations required by this policy, or failing to cooperate with investigations conducted under this policy shall be disciplined. Appropriate sanctions will be determined by the Administrative Official after consultation with the employee relations unit of the Judiciary Human Resources Department or legal professionals and may include those sanctions listed in paragraph A of this section.

VIII. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program, which includes counseling and referral services, is available to all employees, and should be used both to prevent and deal with violent acts and situations occurring in the workplace.

IX. SAFETY

The Judiciary shall make reasonable efforts to maximize the safety of all employees. These efforts may include, but are not limited to: security escort services, working closely with the appropriate law enforcement agencies, relocation of an employee's work station, and strict enforcement of current security procedures.

X. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.