



Zero Tolerance of Violence Policy & Plan

From the office of the Executive Director, MSGC, State of Minnesota

Version: 1.0

Effective Date: June 14, 2019

Approval:

Policy Statement

Pursuant to Minn. Stat. § 15.86, adopted in 1992, the following is the MSGC Zero Tolerance of Violence Policy & Plan.

It is the goal of the MSGC to achieve a work environment which is free from threats and acts of violence. The agency will not tolerate work place violence of any type, from any source. This includes threatening or violent actions by employees directed against other employees, by employees against agency customers or other workplace visitors, and by agency customers or visitors directed against agency employees.

Reason for the policy

It is the policy of the MSGC, and the responsibility of its Executive Director and all employees, to maintain a workplace free from threats and acts of violence. The agency will work to provide a safe workplace for employees and/or visitors to the workplace. Each employee, and everyone with whom we come into contact in our work, deserves to be treated with courtesy and respect.

The objectives of this policy and procedure are to:

- Communicate MSGC's adoption of the State of Minnesota's policy of zero tolerance of violence and belief that every person in the state has a right to live free from violence.
- Describe how MSGC will seek to eliminate any potential for violence in and around the MSGC workplace.
- Describe how MSGC will seek to eliminate the potential for violence by affecting the attitudes and behaviors of people that MSGC serves or regulates.

Policy and Plan for Implementation

It is the policy of MSGC to eliminate the acceptance of any type of violence in the workplace. Any form of violence against employees from any person will not be tolerated, including but not limited to verbal abuse or physical violence of any nature.

The following behaviors, although not intended to be an exhaustive list, provide examples of **prohibited** conduct:

- Causing physical harm to another in the course of employment.
- Acting in an aggressive or hostile manner that creates a reasonable fear of injury to another or subjects another to emotional distress.
- Bullying other individuals in the course of employment.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.
- Making threatening remarks that subject another individual to extreme emotional distress in the course of employment.
- Intentionally damaging agency property or the property of another individual in the course of employment.
- Brandishing or using a weapon while on agency property or while on agency business in a manner not required for work or self-defense.
- Unlawfully possessing a weapon while on agency property or while on agency business.
- Retaliating against any individual, who, in good faith reports a violation of this or any other policy.

1. Agency Management Responsibilities

Agency management is responsible to:

- Train each employee on their duties and responsibilities under this policy. New employees will be trained within [30] days of their start date.
- Require every employee to certify their knowledge of, and agreement to abide by, the requirements of this policy within 30 days of their start date.
- Provide retaliation-free mechanisms and communication channels for employees to report suspected violations of this policy occurring within MSGC or at any other state agency.
- Document, investigate when necessary, and resolve all reasonable and good faith reports of suspected violations of this policy, received internally or externally, in a timely manner.
- Take appropriate action against any employee found to be in violation of the requirements of this policy.

- Provide immediate support to employees who experience abusive, violent, or aggressive incidents by listening to the account of the incident and discussing with the employee options available to them, including the Employee Assistance Program (EAP).
- Assessing environmental factors such as cleanliness, lighting, temperature, staffing, control of access, and signage in an effort to ensure that the physical features of the workplace do not trigger or exacerbate issues.

2. Employee Responsibilities

Each MSGC employee is responsible to:

- Ensure they understand and comply with the requirements of this policy.
- Attend appropriate training and apply principles learned to the workplace.
- Report incidents of violence when they occur.
- Ensure they do not put themselves or co-workers at a risk of violence intentionally or unintentionally.
- Support co-workers who have been the victim of a violent incident or witness to it.
- Co-operate fully in any subsequent investigation of an incident and take appropriate steps to protect themselves or others.

Training and Certification

1. New Employee Training and Certification

The MSGC new employee orientation will include a step reminding supervisors of all new employees of the requirement to have the employee(s), within 30 days of their start date, read and become familiar with this policy and other applicable and statutes and complete and sign the appropriate certification form. Upon completion of the training and appropriate certification form, the employee must provide the Executive Director with the signed certification form which the Executive Director will either forward to HR or file within the employee's personnel file.

2. Annual Employee Recertification

Once each biennium, the MSGC Executive Director is required to:

- Discuss the Zero Tolerance of Violence Policy requirements with their staff and determine whether related refresher training is needed.
- Ensure all staff complete and sign a new Zero Tolerance of Violence certification form; and
- Include completed certification forms in the employee's personnel file within the timeframes identified.

3. Agency-wide Training

All agency employees must have Zero Tolerance of Violence related training (and refresher training, as needed). The Management Analyst 4 in coordination with the Executive Director, will determine the type(s) of training to be provided, will schedule and coordinate/prepare the training session(s), and maintain documentation of the training sessions and who attended.

Reporting Incidents of Violence

1. Reporting Channels

Any employee who witnesses, discovers evidence, receives a report from an external source, or has other reasonable basis to suspect that within MSGC a violation of this policy, must immediately report their suspicions and evidence through one of the following designated communication channels:

- to the Executive Director; or
- to the designated contact at the Department of Corrections Human Resource department (DOC HR).

Upon receipt of a report of a suspected policy violation, the Executive Director must immediately document the report, collect all relevant information available, and pass the report and supporting documentation to the designated contact at the DOC HR.

If Executive Director is unavailable or believed to be a party to the suspected violation, the MSGC employee should attempt to contact the designated contact at the DOC HR to report the violation and begin the process of documenting the incident(s).

If the designated contact at the DOC HR receives a report of a suspected policy violation directly from a staff member they must document the report and collect all supporting information available. Provided that the Executive Director is not a party to the suspected violation, the designated contact at the DOC HR should attempt to contact the Executive Director as soon as possible.

The designated contact at the DOC HR and the Executive Director will determine if and how all reports of policy violations will be investigated and resolved, and make a determination of whether or not other authorities need to be notified.

Employee Discovery

Any employee who discovers evidence, personally witnesses, or receives a report from a member of the general public or another state agency employee about a violation of this policy that has taken place or is taking place at a state agency other than MSGC must immediately report their suspicions/evidence to the Executive Director. If the Executive Director is not available, they must immediately report to the designated contact at the DOC HR.

The Executive Director is responsible for documenting the report, determining the legitimacy of the report, determining how to effectively communicate the information to the applicable state agency and to which individual(s) at that agency, and make a determination of whether or not other authorities need to be notified.

2. Suspected Violations

The Executive Director will treat each report of a violation it receives as a serious matter, and will respond as such by initiating an investigation to determine the legitimacy, scope, and severity of the reported conduct within a reasonable period of time.

Investigation and Resolution of Suspected Code Violations

The Executive Director will take steps to document all reports of suspected policy violations and to collect all available/applicable evidence and to the extent possible, to protect that evidence from loss, corruption, and access by unauthorized persons.

The names of the reporting employee and the person(s) accused/suspected of the policy violations will not be disclosed to anyone who does not have a business need to know. The reporting employee is prohibited from discussing the facts of the matter, including the name of the suspected code violator, except where necessary for the investigation and resolution of the matter. To protect the integrity of the investigation, the nature and specifics of the suspected violation will be shared only with those with a business need to know, such as law enforcement and/or those tasked with performing the investigation.

Generally, the designated contact at the DOC HR and the Executive Director will determine the type of investigation to be performed and the individual(s) who will perform the investigation. The type of investigation and individual(s) involved will be dependent upon the specific nature of the suspected violation. However, depending upon the nature of the reported violation, the MSGC may be required to follow the directions of, or relinquish control of the investigation to a third-party investigator and/or other law enforcement entities.

At the outcome of an investigation, HR or the lead investigator will provide the MSGC Executive Director written notification of the final resolution of the matter within 30 days or as soon as possible of the final determination. If applicable and appropriate, the reporting employee may be notified of the final determination.

Forms and References

- [Minn. Stat. § 1.50](#) (Freedom from Violence Act)
- [Minn. Stat. § 15.86](#), subd. 1 (mandating each state agency to “adopt a goal of zero tolerance of violence,” and encouraging them to develop a plan that describes how the agency will seek to eliminate any potential for violence in and around the agency workplace”)

Applicability

This policy and plan applies to all staff employed by MSGC.

Copies of this policy and plan will be distributed to all employees, and will be discussed at new employee orientations. The policy and plan will also be on file with the Legislative Reference Library.

The Executive Director will continue to have primary responsibility for ensuring a safe workplace, for monitoring and resolution of employee conflicts or disputes, and for taking appropriate corrective action when potentially violent situations develop.

History

Version	Description	Date
1.0	Zero Tolerance of Violence Policy & Plan	6/14/2019

Contact

sentencing.guidelines@state.mn.us

ACKNOWLEDGMENT FORM

I, the undersigned, acknowledge that I have received and read a copy of the “Minnesota Sentencing Guidelines Commission Zero Tolerance of Violence Policy and Plan.”

PRINT NAME: _____

SIGNATURE: _____

DATE: _____