

NIH Policy Manual

1310 - Workplace Violence Prevention and Response

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Release Date: 6/08/2014 ? **Technical Revision Date:** 3/05/2025 ?

Transmittal Notice

- 1. Explanation of Material Transmitted:** This chapter describes the NIH policies (not specific procedures) regarding preventing and responding to workplace violence. This issuance differs from the previous manual chapter by updating and expanding upon policy-related material.
- 2. Filing Instructions:**

Remove: NIH Manual Chapter 1310, dated 12/15/00.

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PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Division of Management Support, Office of Management Assessment (OMA) on 301-496-1873, or the following URL:
<http://oma.od.nih.gov/public/MS/manualchapters/Pages/default.aspx>

A. Purpose

This chapter establishes the National Institutes of Health's (NIH) policies regarding responsibilities for preventing and appropriately handling threatening or intimidating behavior, potentially violent situations, or incidents of workplace violence.

B. Background

The name Civil is not an acronym but was chosen to represent the goal of "civil behavior in the workplace." The NIH Deputy Director signed the charter for Civil in July 1999 and updated it in 2013. Additionally, an updated policy memorandum from the NIH Deputy Director on maintaining a safe work environment was issued on February 18, 2000. All documents referenced here may be found on [Civil's website](http://civil.nih.gov/) at <http://civil.nih.gov/>.

C. Policy

All individuals physically located at an NIH facility or representing NIH at any place or time are to conduct themselves in a courteous and professional manner reflecting respect for all individuals and are to report threats and acts of violence in accordance with the guidance provided in this chapter. Anyone reporting what they believe to be a legitimate concern about a threat or participating in an investigation of a reported action shall be assured of protection from any reprisals. Threats of violence, bullying, intimidation, or other disruptive behavior are unacceptable in the workplace at NIH and will be handled with administrative, disciplinary, and/or legal action, as appropriate.

D. References

For more information on the following references, please call Civil at 301-402-4845 or refer to [Civil's website](#).

1. Standards of Ethical Conduct for Employees of the Executive Branch ([5 CFR 2635](#))
2. [President's Memorandum Establishing Policies for Addressing Domestic Violence in the Federal Workplace \(April 18, 2012\)](#)
3. [NIH Manual 1743](#), Keeping and Destroying Records, Appendix 1

E. Definitions

These definitions are provided for use in the context of this document and should not be construed as legal definitions. Please contact Civil (301-402-4845) if you have any questions as to whether these definitions apply in a specific situation.

1. **Workplace Violence:** An action at an NIH facility or by an individual while officially representing NIH that constitutes a threat of harm to a person or damage to property; or action (verbal, written or physical aggression) that results in intentional infliction of physical harm to a person or damage to property. Workplace violence includes intimidating or bullying behavior as defined below.
2. **Intimidating or Bullying Behavior:** Conduct which in the opinion of a reasonable person creates a troubling/disturbing environment, impairs agency operations, or frightens, alarms, or inhibits others. This may include making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Physical intimidation may include holding, impeding or blocking movement, following, stalking, touching, or other inappropriate physical contact or advances, including attacks involving the use of a weapon, and actions such as hitting, punching, pushing, poking, or kicking. Intimidating or threatening behavior includes bullying and may cause bodily or emotional injury, pain and/or distress.
3. **Harassment:** Unwelcome verbal or physical conduct that denigrates, shows hostility or aversion toward an individual based on any characteristic protected by law, which includes race, color, religion, sex, national origin, age, disability, genetic information,

parental status, marital status, political affiliation, military service, or retaliation. This may include, but is not limited to, telling off color or offensive jokes, making derogatory comments, comments about physical attributes, displaying insensitive or suggestive pictures or objects, using demeaning or inappropriate terms or epithets, ridicule or mockery, using indecent gestures, name calling, using crude language, sabotaging the victim's work, and engaging in hostile physical contact. Harassment becomes unlawful where: 1) Enduring the unwelcome conduct becomes the condition of receipt of a tangible employment action which involves a significant change in status, such as, change in pay, work status, dismissal, demotion, hire, failure to promote, transfer, undesirable reassignment, and work assignments, or 2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

4. **Civil:** A team of NIH experts which helps address and prevent workplace violence through: a) policy development; b) education; c) assessment of potentially violent incidents; and d) response to violent or potentially violent incidents. Civil is not an acronym but was chosen to represent the goal of "civil behavior in the workplace" and the number to call Civil from an NIH phone for assistance is 301-40CIVIL = 24845 or 301-402-4845. Its advisory services and assistance are available to all individuals at NIH facilities Monday through Friday, 8:00 a.m. to 4:30 p.m. Callers may be helped directly or referred to other resources. Emergency situations and all responses to and investigations of emergency or potentially criminal workplace violence incidents remain the responsibility of the Division of Police, Office of Security and Emergency Response (SER), Office of Research Services (ORS), Office of Management (OM), Office of the Director (OD), or local police authorities.
5. **Domestic Violence:** Acts of physical and psychological violence, including intimidating or threatening behavior that occurs as part of personal relationships outside of work. Included in the concept of domestic violence are spousal abuse; abuse among intimates; as well as sexual and physical abuse of children and/or the elderly or the infirm.
6. **Employee Assistance Program (EAP):** A professional assessment, referral, and short-term consulting service available to all individuals at NIH and, in some situations, to their family members. The EAP can help address workplace and non-workplace situations which may affect the individual's job performance. EAP services are voluntary, confidential, and are paid for by NIH.
7. **Office of the Ombudsman, Center for Cooperative Resolution:** The ombudsmen provide a confidential, impartial, and informal environment where individuals affiliated with NIH can consider options to analyze and address work-related conflicts and complex or sensitive situations. The ombudsmen function impartially to help resolve workplace problems and design strategies to prevent or mitigate future incidents. They can also clarify policies, provide referrals, serve as mediators, facilitate discussions and address systemic issues. As neutrals the ombudsmen do not have any reporting requirements to any Institute or Center (IC) nor do they represent any person or advocate for specific outcomes.
8. **Local Authorities:** Municipal, county, state, and federal law enforcement or public safety personnel, such as police, fire fighters, arson investigators, bomb/threat

- investigators, etc., of the civil jurisdictions where NIH facilities are located.
9. **NIH Facility:** A building, or part thereof, including grounds and parking lots, utilized or under the control of, assigned to or leased by or on behalf of NIH and/or its components where its employees or contractors are present for the purpose of performing their official duties.
 10. **Response Coordinator:** The member of Civil's Response Team who takes the initial call on Civil's line (301-402-4845), assesses the urgency of the situation, provides guidance (including answering questions, giving advice, making referrals) and, as necessary, identifies and convenes the Response Team to meet with Institute or Center (IC) officials. The Civil Response Team is not intended to be used as a substitute for calling 911 when an individual feels police or other emergency help is needed.
 11. **Response Team:** A group of specialists convened at the request and/or with the concurrence of involved IC staff members, including the supervisor, human resources contact, and/or Executive Officer, among others, to help assess the potential seriousness of reported incidents of workplace violence or of an intimidating, disturbing, or threatening situation. Civil members of the Response Team may vary depending on the circumstances but typically will include the Response Coordinator and representatives of the Employee Assistance Program, the Center for Cooperative Resolution, and/or the NIH or local police. The NIH Equal Employment Opportunity, OD or other expert resources will be called as needed. NIH facilities located out of the Bethesda/Rockville/Frederick/Baltimore area may have their own response teams; however, they should consult with and draw upon Civil's resources.
 12. **Threat:** Any oral or written expression or gesture that could be interpreted by a reasonable person as conveying intent to cause physical harm to persons or property. Statements such as, "I'll get him" or "She won't get away with this" may be examples of threatening expressions.

F. General Responsibilities

1. **The Deputy Director for Management (DDM), NIH, is responsible for:**
 - a. supporting management and employee efforts to eliminate intimidating or threatening/bullying behavior and violence at NIH; and
 - b. supporting NIH's Civil program.
2. **IC Directors are responsible for:**
 - a. promoting management and employee efforts to eliminate intimidating and threatening/bullying behaviors and violence at their IC; and
 - b. supporting NIH's Civil program within their IC.
3. **Executive Officers (EO's) are responsible for:**
 - a. ensuring managers and supervisors have the resources necessary: to inform employees of NIH policies on violence prevention and response; to train their staff in prevention techniques; and to carry out their duties as listed below;

- b. serving as the primary IC contact in response to concerns raised to them by Civil's Response Coordinator;
- c. speaking on behalf of IC management in response to and resolution of threats or acts of violence in the workplace; and
- d. informing the Response Coordinator, upon request, of any incidents of violence that have been resolved within the IC without the assistance of Civil.

4. All employees and individuals at NIH facilities are responsible for:

- a. their own behavior and interacting responsibly with all;
- b. promptly reporting any acts of violence, threats, and intimidating, or bullying behavior in the workplace to appropriate authorities (such as the immediate supervisor, the Civil Coordinator, or the NIH police.);
- c. cooperating fully in investigations/assessments of allegations of intimidating, threatening, or violent behavior; and
- d. respecting the integrity of the process by refraining from making false allegations.

All employees and individuals at NIH facilities are encouraged to:

- e. seek appropriate assistance (e.g., Employee Assistance Program, the Office of the Ombudsman, or the immediate supervisor) if they are experiencing stressful personal or work circumstances, emanating from any source, which may adversely affect their productivity or lead to intimidating and bullying behavior;
- f. if they feel they have been the victim of discrimination or harassment, they should contact the NIH Equal Employment Opportunity, OD; and
- g. inform appropriate persons in the agency (such as supervisors, the Civil Coordinator, *and* the NIH Police) about restraining orders and other protective court orders related to domestic situations so that assistance can be offered at the work site.

5. Managers and Supervisors are responsible for:

- a. acting promptly to prevent and respond to workplace violence;
- b. ensuring that all individuals at NIH facilities are provided information on the NIH workplace violence policy and procedures;
- c. being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties;
- d. being sensitive to stress generated by the workplace and considering changes that could alleviate excessive work-related stress;
- e. providing information to all about the resources offered by such organizations as the Employee Assistance Program and the Office of the Ombudsman.
- f. consulting with the Employee and Labor Relations Branch, Workforce Relations Division (WRD), Office of Human Resources (OHR), OM, OD and/or Civil's Response Coordinator on how to prevent or respond to an incident;
- g. documenting allegations of intimidating, threatening, or violent behavior in a timely fashion, evaluating the results, and taking necessary action;

- h. conducting an administrative inquiry where there are allegations of harassment and hostile work environment as a result of a legally protected status;
- i. ensuring that employees have time and opportunity to attend training for understanding and responding to threats or violence in the workplace;
- j. assuring that thorough and appropriate pre-hire reference screening is performed to increase awareness of individuals with a history of violent, threatening, or intimidating behavior; and
- k. working with Civil and/or other appropriate NIH organizations or local authorities in restoring the workplace to a safe and productive state after an act of violence.

6. Employee and Labor Relations Branch (ELRB), WRD, OHR, OM, OD:

- a. providing guidance in investigating allegations of workplace violence raised by supervisors, managers, Civil's Response Coordinator, law enforcement personnel, and other individuals at NIH facilities;
- b. providing advice and assistance to managers and supervisors regarding appropriate personnel and administrative actions related to violent behavior, threats of violence, or other intimidating or bullying behavior;
- c. informing supervisors and managers of the importance and proper methods of screening applicants to avoid hiring an individual with a history of or the potential for violent behavior;
- d. consulting with Civil's Response Coordinator, as necessary, on how to prevent or respond to an incident.

7. The Division of Police, SER, ORS, OM, OD, is responsible for:

- a. providing technical advice and support regarding physical security matters;
- b. participating in conducting threat assessment reviews as part of a Response Team;
- c. assisting in the provision of training to managers and employees on dealing with violent and threatening behavior in the workplace;
- d. conducting investigations of threats or incidents of workplace violence and placing criminal charges as appropriate;
- e. providing an NIH Police representative on Civil who will help establish liaison with local police for all off campus facility issues potentially requiring police intervention, and will act as a liaison between local authorities and outside law enforcement agencies;
- f. maintaining an ongoing security awareness program;
- g. gathering incident reports on workplace violence in NIH; and
- h. preparing trend reports and other analyses of the incident report data.

8. The NIH Equal Employment Opportunity is responsible for:

- a. providing agency-wide leadership and guidance on issues of equal employment opportunity;

- b. providing equal employment opportunity (EEO) counseling to resolve allegations of unlawful discrimination and harassment expeditiously and at the lowest possible level;
- c. investigating complaints of unlawful discrimination and harassment based on race, color, sex, religion, national origin, disability (mental and/or physical), age, genetic information, and reprisal for all NIH employees and applicants;
- d. providing training and guidance to managers and employees on their rights and responsibilities in regard to EEO laws and policies;
- e. promoting a diverse and inclusive working environment where NIH employees and applicants are treated equitably and valued for their individuality;
- f. examining employment policies, procedures, and practices to identify barriers to EEO;
- g. eliminating identified barriers to EEO;
- h. providing guidance to managers and supervisors as appropriate, and when requested, on how to conduct an administrative inquiry where there are allegations of unlawful harassment as a result of a legally protected basis; and
- i. participating as an *ad hoc* member of the Civil Advisory Committee.

9. The Employee Assistance Program (EAP), Division of Occupational Health and Safety (DOHS), Office of Scientific Resources (SR), ORS, OM, OD, is responsible for:

- a. providing consultation and guidance to supervisors in dealing with employees with performance or conduct problems;
- b. providing consultation and guidance for people in dealing with colleagues with whom they have interpersonal difficulties;
- c. providing short-term counseling;
- d. referring individuals needing long-term counseling to appropriate treatment resources;
- e. assisting in the provision of training about dealing with violent and threatening behavior in the workplace; and
- f. participating in conducting threat assessments as part of a Response Team and as *ad hoc* members of the Civil Advisory Committee.

10. The Office of the Ombudsman, Center for Cooperative Resolution is responsible for:

- a. providing confidential, informal, and neutral assistance to NIH employees to address and resolve work-related conflicts and issues;
- b. providing consultation, coaching, and mediation and facilitation services to individuals as appropriate, and when requested, to help resolve work-related conflicts;
- c. providing training to NIH employees on conflict resolution, negotiation, communication, and other topics to help prevent and mitigate workplace problems;

- d. providing consultation and guidance to supervisors and managers to address and resolve work-related conflicts on individual, group, and organizational levels.
- e. participating as a member of the Civil Response Team and as *ad hoc* members of the Civil Advisory Committee.

G. Civil Responsibilities

Civil consists of the Civil Advisory Committee defined in its Charter and a Response Team composed of some of the Advisory Committee members and other resources as needed. The Civil program and coordinator are located in the ELRB, WRD, OHR, OM, OD. Civil's website is <http://civil.nih.gov/>.

1. The Advisory Committee:

- a. develops, recommends, consults on, or implements policies, practices and education tools regarding the prevention of and response to workplace violence;
- b. prepares, maintains, and distributes statistical information on workplace violence incidents;
- c. maintains a web site providing information on workplace violence guidance, resources, and policy; and
- d. documents and evaluates Civil's effectiveness.

2. The Response Coordinator:

- a. serves as the administrator for Civil;
- b. as appropriate, notifies the IC EO of requests for guidance from employees and managers and of any incidents reported to Civil; and
- c. provides the initial response to calls to Civil at 301-402-4845, convening the Response Team as needed.

3. The Response Team:

- a. helps assess the potential seriousness of a threatening situation;
- b. provides consultation and intervention strategies from trained staff; and
- c. assists in managing the aftermath of a violent incident and its effect on staff.

H. Records Retention and Disposal

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records", Appendix 1, "NIH Records Control Schedule," Items 1100-M-1 and 2300-410-2, parts a and b respectively. Refer to the NIH Chapter for specific disposition instructions.

NIH e-mail messages, including attachments that are created on NIH computer systems or transmitted over NIH networks that are evidence of the activities of the agency or have

informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Liaison for additional information.

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Back-up files are subject to the same requests as the original messages.

I. Internal Controls

The purpose of this issuance is to establish NIH policies regarding responsibilities for preventing and appropriately handling threatening or intimidating behavior, potentially violent situations, or incidents of workplace violence.

1. Office(s) Responsible for Reviewing Internal Controls Relative to this Chapter:

The OD, OM, Office of Human Resources (OHR), Workforce Relations Division (WRD), Employee and Labor Relations Branch (ELRB), Civil has operational responsibility for this policy.

2. Frequency of Review: Reviews will be conducted once every three years.

3. Method of Review:

1. Review of NIH Civil policy to ensure that the policy and procedures are current.
2. Review of annual report by Civil documenting and tracking cases and accomplishments.

4. Review Reports: Reports are sent to the Deputy Director for Management (DDM), NIH.