

WORKPLACE VIOLENCE

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

The purpose of this administrative regulation is to implement the provision of Board Policy 3510 *Workplace Violence*, by defining its components and assigning responsibilities for carrying out the policy.

1. Definitions

- a. "Workplace violence" is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults including homicide. It can affect and involve employees, students, and visitors. Workplace violence includes, but is not limited to, making written, physical, or visual contact with verbal threats or violent acts. The term workplace violence shall not include lawful acts of self-defense or defense of others.
- b. "Supervisor" shall mean the district administrator/manager to whom the employee (alleged victim) customarily reports.
- c. "Violent acts" include the following actions:
 - Striking, punching, slapping or assaulting another person.
 - Fighting or challenging another person to fight.
 - Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
 - Engaging in dangerous, threatening, or unwanted behavior.
 - Possession, use, or threat of use, of a firearm, knife (having a fixed blade longer than 2 ½ inches), explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
 - Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.

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- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of their employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of their duties.

2. Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, they may be subject to criminal prosecution.

Should an employee demonstrate or threaten violent behavior at anytime, anywhere on District premises, they may be subject to disciplinary action, and/or criminal prosecution.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to their supervisor and the Vice Chancellor of Human Resources or designee immediately.

No one, acting in good faith, who initiates a complaint or reports an incident under this regulation will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, Campus Police will be called.

3. Designation of Responsible Officer

The Vice Chancellor of Human Resources and/or designee is hereby designated as the District's officer responsible for implementing the requirements as set forth in this regulation for the administrative investigation and corrective action to remedy any incidents or alleged incidents of workplace violence.

4. Reporting and Investigating Threats or Violent Behavior

- a. The Vice Chancellor of Human Resources or designee shall ensure a thorough investigation is conducted and that appropriate action is taken should the allegation be substantiated. The Vice Chancellor shall consider whether to seek a temporary

- restraining order and injunction on behalf of the employee who has suffered the unlawful violence or credible threat of violence and, if appropriate, other District employees.
- b. If an employee reports workplace violence to their supervisor, then the supervisor should assure the employee (alleged victim) that a thorough and prompt administrative investigation will occur. The supervisor shall immediately notify the Office of the Vice Chancellor of Human Resources.
 - c. The Vice Chancellor of Human Resources or designee shall conduct the administrative investigation into the alleged violent act and advise the supervisor on any special circumstances required for them to assist with the investigation. Such circumstances may include directing the alleged victim and/or accused employee to remain away from the workplace while the administrative investigation proceeds.
 - d. Administrative investigations shall be conducted in a fair and impartial manner. Fairness and due process require that the perpetrator's (accused employee) side of the story be heard.
 - e. Upon completion of the administrative investigation, the Vice Chancellor of Human Resources or designee shall implement the appropriate course of action, which may include disciplinary action, and/or confirmation that the accused employee does not pose a direct threat, and/or the initiation of a criminal investigation.
 - f. To the extent permitted by law, the Vice Chancellor of Human Resources or designee will notify the employee (alleged victim) on the action taken concerning the incident including the provision of employee assistance counselors to those employees who have been threatened.

5. Defamation Claims

During the administrative investigation, supervisors and their designees shall proceed in a cautious manner, working closely with the Vice Chancellor of Human Resources due to possible claims of defamation by the accused employee. Defamation occurs when a statement, which is communicated to another individual, is false, unprivileged, and causes injury.

6. Training

The Vice Chancellor of Human Resources shall be responsible for scheduling workshops on workplace violence, conflict resolution, and related topics.

7. District Emergency Response Procedures to Workplace Violence

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The following are steps that the supervisor should take when dealing with a violent situation:

- a. Call Campus Police emergency line (ATEP/Irvine Valley College, (949) 451-5234; Saddleback College, (949) 582-4444) or local police (911) and refer the incident.
- b. Provide first aid, if necessary (and if qualified).
- c. Immediately notify the office of the Vice Chancellor of Human Resources.
- d. Prepare an Incident Report.
- e. If there are injuries, Campus Police and/or Office of the Vice Chancellor of Human Resources will contact families of victim(s), participants, and others who have the right to know including the Chancellor, college president, and Risk Manager.
- f. As appropriate, provide employee in need of mental health counseling a referral to the Employee Assistance Program.
- g. Working with the office of the Vice Chancellor of Human Resources, initiate appropriate disciplinary action, which may include suspension, and appropriate legal action.

References:

*California Labor Code, Sections 6300 et seq., 6400, et seq. Occupational Safety and Health
California Code of Regulations, Title 8, Section 3203
California Civil Code, Section 51.7, Freedom from Violence or Intimidation
California Code of Civil Procedure, Section 527.8, Workplace Violence Safety Act
Penal Code Section 273.6*

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