

PREVENTION OF WORKPLACE VIOLENCE AND DISRUPTION

AP No. 3510

Board Reviewed: 6/8/16

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NOTE: *This procedure is **legally required** as a safety issue and corresponds with BP No. 6800.*

Commented [S51]: Ref. CCLC AP 3510 Workplace Violence. The Chancellor's office is clear in the purpose of this policy. It is a safety policy consistent with Cal/OSHA; Labor Code Sections 6300 et seq., Title 8, Section 3203, Code of Civil Procedure Section 527.8, Penal Code Sections 273.6; 626.9; 626.10; and 12021.

I. Purpose

~~The purpose of this Administrative Procedure is to provide and maintain a safe work and learning environment that is free of violence and the threat of violence. Rio Hondo Community College District ("District") is committed to making this a top priority, providing and maintaining a safe work and learning environment.~~

~~The purpose of this Administrative Procedure is to provide a means to quickly address behavior that is disruptive of or threatens the safety of the workplace.~~

II. Definitions

~~Workplace violence includes, but is not limited to: bullying, intimidation, stalking, threats, unwanted physical contact, property damage, physical attack, or violent behavior. This includes acts of violence committed by or against district employees. Such incidents may also involve students, visitors or vendors.~~

~~The following definitions are provided to assist individuals in identifying disruptive or violent behavior that should be reported to allow the District to promptly address such behavior.~~

~~Disruptive Behavior consists of persistent, intentional behavior or conduct, whether in person, in writing, by telephone, or by other electronic means, that may seriously disturb, interfere with or prevent normal work functions or activities of the workplace, including, but not limited to, the following:~~

~~Bullying – unwanted offensive or malicious behavior which includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient through persistently negative attacks. Examples include but not limited to: yelling, using profanity, waving arms or fists, verbally abusing others, derogatory remarks, insults, and epithets.~~

~~In cases of reported bullying, a subcommittee will be formed composed of the District's Title IX officer, and a CSEA designee, RHCFA designee, and administrative designee, all of whom must be trained in Title IX requirements, to determine whether the action meets the definition of bullying. The Title IX Officer serves as a resource (non-voting member.)~~

~~Intimidation – unwarranted behavior intended to frighten, coerce, or induce duress. Examples include but not limited to: making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, or which have the intent to hurt others' reputations.~~

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~~In cases of alleged intimidation, a subcommittee will be formed composed of the District's Title IX officer, and a CSEA designee, RHCFA designee, and administrative designee, all of whom must be trained in Title IX requirements to determine whether the action meets the definition of intimidation.~~

~~Stalking—behavior involving harassing or pestering an individual, in person, in writing, by telephone or by electronic format, including following, spying on, alarming the individual, or causing them distress, which may involve physical violence or the fear of physical violence.~~

~~Threat—expression of intent to cause physical or mental harm, which may be direct, indirect, conditional, or contingent, regardless of whether the individual has the present ability to carry out the threat.~~

A. Violent Behavior consists of behavior or attempted behavior of a violent nature in the workplace including, but not limited to, the following:

1. Unwanted Physical Contact - behavior such as grabbing, hitting, kicking, pushing, tripping, shoving, throwing objects, or the use of a weapon against an individual, or any other conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.
2. Property Damage - behavior that intentionally damages an individual's work area, an individual's property, or other District property.
3. Threat of Violent Behavior - expression of intent to engage in unwanted physical contact (e.g., moving closer aggressively), or property damage including a threatening statement or threatening behavior that gives an individual reasonable cause to believe that the individual is at risk of injury. Examples include, but not limited to: "You better watch your back" or "I'll get you" as well as implicit threats "you'll be sorry" or "this isn't over". A threat of violent behavior also includes bringing a firearm, knife or other weapon of any kind onto campus property, unless such possession or use is a job requirement.
4. Physical attack - unwanted or hostile physical contact including but not limited to hitting, fighting, shoving, restraining, or throwing objects.
5. Violent behavior - any physical assault, with or without weapons; behavior that a reasonable person would interpret as being potentially violent [e.g., throwing things, pounding on a desk or door, or destroying property].

B. The following actions are considered examples of violent acts:

1. Striking, punching, slapping, or assaulting another person.

Commented [SS2]: Withdrawn. Title IX process is designed to address instance of Sexual Harassment, with Sexual Violence, and Sexual Misconduct being forms of Sexual Harassment under Title IX. (Dear Colleague 2011, p2, paragraph 1)
Behaviors such as bullying, intimidation and stalking are part examples of harassing conduct. (OCR, 2001 Guidance, pg. 3, paragraph 4). Harassing conduct creates a hostile work environment if the conduct is sufficiently serious that it interferes with or limits ability of employee to perform work. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single or isolated incident of sexual harassment may create a hostile work environment if the incident is sufficiently severe. (Dear Colleague 2011, p3, paragraph 3).
Any investigation for harassment would need to be through the Title IX policy, consistent with the requirement to take immediate action to eliminate the harassment, prevent its recurrence, and address the effects (Dear Colleague, pg. 4, paragraph 2) Such investigation must be "prompt, thorough, and impartial." (Dear Colleague, pg. 5, paragraph 1) Confidentiality is important in the investigation. The District will take "all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality". (Dear Colleague, pg. 5, paragraph 2) One of the reasons for confidentiality according to Title IX is to protect the "alleged harasser's rights." (Dear Colleague, pg. 5, paragraph 3)

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- 2. Fighting or challenging another person to fight.
- 3. Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- 4. Engaging in dangerous, threatening, or unwanted horseplay.
- 5. Possession, use or threat of use of a firearm, knife, 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 requirement of the job.
- 6. Threatening harm or harming another person, or any other action or conduct that implies that threat of bodily harm.
- 6-7. Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the campus, 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.

Commented [SS3]: From AP 3510 CCLC as examples of Violent Acts

IV. Procedure.

A. District's Response to treats of violence:

- 1. 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.
- 4-2. Violent Behavior: Any supervisor, department head or other District official who receives a report of alleged Violent Behavior shall call Campus Security or 911 immediately.
- 2-3. If Violent ~~or Disruptive~~ Behavior ~~occured~~ in violation of BP 3510 or this procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. Disciplinary actions against faculty, staff and students will conform to all relevant statues, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.
- 3-4. The District shall also take reasonable steps to protect the complainant from further Violent ~~or Disruptive~~ Behavior, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation.
- 4-5. The District will make efforts to protect ~~victims~~ Complainants of workplace

Commented [SS4]: In the spirit of the reason for this procedure, I felt compelled to move the districts response to violence to the top of the procedure.

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violence by offering all feasible security measures. ~~Complainants~~~~Victims~~ may also need support, special accommodations or adjustments to their work schedule, work location or working conditions in order to enhance their safety. The District will accommodate these requests and needs whenever possible and appropriate.

6. Prosecution - a non-employee on District property demonstrating or threatening violent behavior may be subject to criminal prosecution.

A.B. Roles.

1. ~~The Executive Director of Human Resources has responsibility delegated from the Board of Trustees through the President for the implementation of this administrative procedure.~~

Commented [SS5]: CalOSHA Guidelines

4.2. All persons on campus are expected to respect the rights and welfare of others in the workplace and on District property. Individuals who experience or witness ~~Disruptive Behavior or~~ Violent Behavior are encouraged to report such behavior pursuant to this Administrative Procedure.

2.3. Supervisors are responsible for training and implementing sound practices to ensure a safe and secure workplace, and shall implement appropriate corrective action in accordance with applicable District policies and procedures.

3.4. All supervisors and managers have a mandatory duty to report violent ~~and disruptive~~ behavior to Superintendent/President, the division Vice President, or Executive Director of Human Resources.

C. Reporting

3.1. Emergency - Violent ~~or Disruptive~~ behavior that is of a criminal nature that requires immediate intervention and/or assistance from police, fire or medical personnel shall be reported by calling 911.

4.2. Non-Emergency - Violent ~~or Disruptive~~ behavior that is not an emergency shall be reported to any of the following:

- The supervisor or appropriate department head
- Human Resources Department
- ~~Dean of Student Affairs~~ Executive Director of Human

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Resources/Compliance Officer

- Campus Security

An employee should normally report violent ~~or disruptive~~ behavior to the employee's supervisor or appropriate department head. If the employee (complainant) is uncomfortable doing so, due to extenuating circumstances or a conflict of interest, the employee may report the violent ~~or disruptive~~ behavior to any of the above. A conflict of interest may exist when the accused is the complainant's supervisor/department head, which may directly influence the accused's own interests or interests treated as the accused's own (perceived or actual), such as interests relating to the accused's spouse or friend, or personal gain

~~B-D.~~ No person who in good faith initiates a complaint or reports an incident under this policy shall be subject to retaliation or harassment.

~~C-E.~~ Restraining Orders/Court Orders: An employee shall notify the District of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order to the Compliance Officer, Room SS-204. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact the Compliance Officer, ensure he/she is aware of it, and that he/she has a copy of the restraining order on file.

~~D-F.~~ Prohibition On Retaliation

1. All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, students, visitors or vendors and shall report all acts of violence and threats of violence to the employee's supervisor or appropriate department head as provided in this procedure.
2. This procedure prohibits retaliation against any employee who, in good faith, reports a violation of this policy. All reports of violence will be handled in a confidential manner, with information released on a need-to-know basis. District supervisors and administrators shall be sensitive and responsive to fears from the reporting employee of reprisal.

~~E.~~ District's Response

- ~~5. Disruptive Behavior: The District supervisor, appropriate department head or Compliance Officer shall take appropriate action to promptly investigate and review the factual information gathered to determine the validity of the complaint and/or the extent and nature of the problem, and, if the report is substantiated after investigation, the District supervisor, appropriate department head, or Compliance Officer shall take reasonable steps to~~

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~~ensure that the disruptive behavior in the workplace stops by undertaking efforts to address the behavior by, including but not limited to: mediation, rearrangement of work/academic schedules; reassignment; obtaining apologies; providing informal counseling and/or training, etc. and shall report the behavior to the Director of Human Resources or appropriate official.~~

Commented [SS6]: Per Title IX and OSHA

F.G. Education and Prevention

The District shall provide education and prevention information about workplace violence ~~and disruption~~ to all of its employees, which shall include: ~~diversity and cultural awareness in the workplace~~, conflict resolution, definitions of violent and disruptive behaviors, preventative steps to maintain a safe workplace, identifying problem behavior, how to respond to violent ~~or disruptive~~ behavior, reporting protocol, and record keeping. This information shall be disseminated to all employees and posted on the college website. Targeted on-going training will be provided to those employees responsible for responding to workplace violence incidents.

V. Reference and Related Policies:

A. Board Policies and Procedures

1. BP & AP 3410, BP & AP 3430, BP & AP 3500, BP & AP 3505, 3515, BP & AP 3530, BP & AP 3540, BP & AP 5500, and AP 7365
2. District Collective Bargaining Agreements
3. District Code of Ethics Statement
4. District Mission and Values Statement

B. Legal References:

Cal/OSHA; Labor Code Sections 6300 et seq., Title 8, Section 3203, Code of Civil Procedure Section 527.8, Penal Code Sections 273.6; 626.9; 626.10; and 12021.