

# ADMINISTRATIVE REGULATION 4050

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

## 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 these regulations is to implement the provision of *Board Policy 4050, Workplace Violence*, by defining its components and assigning responsibilities for carrying out the policy. These procedures are designed methods of operations and processes reasonably adequate to create a safe workplace.

### 1. Definition of Workplace Violence

- a. Workplace violence is defined as verbal or electronic threats, violent behavior or physical conduct, which interferes with employee's safety in the workplace.
- b. Workplace violence includes, but is not limited to, making written, physical, or visual contact with verbal threats or violent acts.

### 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, he/she may be subject to criminal prosecution.

Should an employee demonstrate or threaten violent behavior, she/he may be subject to disciplinary action.

The following actions are considered violent acts:

- 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.

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- Engaging in dangerous threatening or unwanted horseplay.
- 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 a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- 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 his/her 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 his/her duties.

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 her/his supervisor or other appropriate person.

No one 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 is hereby designated as the district 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 supervisor\* should assure the employee (alleged victim) that a thorough and prompt administrative and/or criminal investigation will occur, and should ask whether he/she has any suggestions for minimizing the risk of a violent act.

\*The term “supervisor” shall mean the individual supervisor/administrator/manager to whom the employee (alleged victim) customarily reports.

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- b. The supervisor will immediately notify the Office of the Vice Chancellor of Human Resources and, if appropriate, initiate an investigation in consultation with Campus Police of any reported threat of violence to their employees.
- c. The Vice Chancellor of Human Resources or designee shall conduct the investigation or advise the supervisor on any special circumstances required for them to conduct an administrative investigation and report the alleged violent behavior. Such circumstances may include directing the accused employee to remain away from the workplace while the administrative investigation proceeds.
- d. The supervisor or designee will conduct a fair and impartial investigation regarding the threat as advised by Human Resources.
- e. The supervisor or designee in consultation with the Vice Chancellor of Human Resources or designee and the Campus Police should decide how to approach the accused employee. Fairness and due process require that the perpetrator's side of the story be told.
- f. Upon completion of the administrative investigation, the supervisor will confer with the Vice Chancellor of Human Resources or designee and, if appropriate, Campus Police, and an appropriate course of action will be determined. This 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. This may also include the provision of employee assistance counselors to those employees who have been threatened.
- g. The supervisor will report back to the employee (alleged victim) on the action taken concerning the incident to the extent permitted by law.
- h. No one, acting in good faith, who initiates a complaint or reports an incident under this regulation, will be subject to retaliation or harassment.
- i. Any employee, reported to be a perpetrator, will be provided with due process and permitted to request representation before disciplinary action is taken.
- j. In the event the district fears for the safety of the victim or alleged perpetrator, or others, at the scene of a violent act, law enforcement will be called.

5. Defamation Claims

Supervisors and their designees are asked to proceed with the administrative investigation in a cautious manner, working closely with the Vice Chancellor of Human Resources for legal assistance due to possible claims of defamation by the accused employee.

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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

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

- a. Call Campus Police (Irvine Valley College, (949) 451-5234; Saddleback College, (949) 582-4444) and local police (911).
- b. Provide first aid, if necessary (and if qualified).
- c. Observe and keep notes as to the identity of participants and witnesses.
- d. Direct participants and witnesses to administrative offices.
- e. Work with the Campus Police and the Office of Human Resources to secure written statements that are signed and dated from participants and witnesses if practicable.
- f. Advise victims of their right to file a police report which could result in a criminal complaint.
- g. If there are injuries, Campus Police will contact families of victim(s), participants and others with a need to know (Chancellor, college president, Human Resources, college nurse and Risk Manager).
- h. As appropriate, provide for mental health counseling referral to the Employee Assistance Program.
- i. Initiate appropriate disciplinary action, which may include suspension, and appropriate legal action.
- j. Prepare an Incident Report.