

RESOLUTION REGARDING CAMPUS POLICY ON ZERO TOLERANCE
FOR WORKPLACE VIOLENCE
(#03-00/01-FA)

- WHEREAS, The campus has a policy on Zero Tolerance for Workplace Violence (Executive Memorandum P99-8 attached); and
- WHEREAS, The policy includes provision for serious personnel actions including reprimand and disciplinary action (dismissal, demotion, suspension without pay) in the event of a violation; and
- WHEREAS, The policy does not define violence; and
- WHEREAS, The policy contains confusing language regarding "intimidation, harassment, and/or coercion"; and
- WHEREAS, All intimidation, harassment and/or coercion is not violence or even potentially violent; and
- WHEREAS, Intimidation, harassment and/or coercion that is not violent or potentially violent is better dealt with by other policies of the university (i.e., the Collective Bargaining Agreement, Appendix U, student disciplinary procedures, etc.); and
- WHEREAS, Investigations of complaints made under the policy on Zero Tolerance for Workplace Violence are potentially damaging to the reputations of those accused; and
- WHEREAS, The current policy provides no due process for those accused; and
- WHEREAS, The current policy can potentially be used to abridge the right to free speech by intimidation; and
- WHEREAS, The policy provides for a thorough investigation even in the absence of a *prima facie* case of workplace violence; and
- WHEREAS, The policy contains no sanctions for false and malicious complaints; now, therefore, be it
- RESOLVED: That the Academic Senate of Humboldt State University recommend that the campus policy on Zero Tolerance for Workplace Violence be amended to clearly define "violence" as it is used in the Cal/OSHA Guidelines for Workplace Security (8/15/94) as a synonym for "assault" and as it is defined in the California Code, [California Business and Professions Code 7500.1 (t) "Violent act" means any act which results in bodily harm or injury to any party involved; and California Penal Code 242. Battery defined. A battery is any willful and unlawful use of force or violence upon the person of another; and California

Penal Code 240. Assault defined. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.]; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the campus policy on Zero Tolerance for Workplace Violence be amended to provide a preliminary investigation by a committee with broad representation (to be recommended by the Academic Senate) to make a determination regarding a *prima facie* case, and lacking a *prima facie* case, no further investigation will occur; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the campus policy on Zero Tolerance for Workplace Violence be amended to include language cautioning members of the campus community from making false and malicious complaints of violations; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the campus policy on Zero Tolerance for Workplace Violence be amended to provide for sanctions for those filing false and malicious complaints; and be it further

RESOLVED: That the Academic Senate of Humboldt State University recommend that the campus policy on Zero Tolerance for Workplace Violence be amended to recognize the right to due process provided by the Collective Bargaining Agreement with respect to reprimands and disciplinary action (Article 18 and Article 19); and be it further

RESOLVED: That the Academic Senate of Humboldt State University establish a committee to review and revise the policies and procedures on campus workplace violence as directed by this resolution, and as otherwise necessary, that shall report to the Academic Senate such that the Academic Senate may submit a revision to the President within the current academic year; and be it further

RESOLVED: That the Academic Senate of Humboldt State University invite participation in this committee of faculty, staff, administrators, and students.



EXECUTIVE MEMORANDUM

September 1999

Office of the President

P99-8

Supersedes P97-6 and P96-4

SUBJECT: ZERO TOLERANCE FOR WORKPLACE VIOLENCE

Humboldt State University is committed to creating and maintaining an environment that is free from violence for all members of the University community. Toward the maintenance of this safe environment, and in view of the increase in violent incidents in the workplace across the nation, threatening behaviors (including intimidation, harassment, and/or coercion), acts of aggression, or violence, which involve or affect Humboldt State University or which occur on Humboldt State University property, will not be tolerated, and will result in action by the University, up to and including dismissal. Civil and criminal penalties will be pursued if deemed appropriate.

For purposes of this policy, violence and threats of violence include, but are not limited to, the following:

- All threats or acts of violence occurring on the HSU premises, regardless of the relationship between HSU and the parties involved in the incident.
- All threats or acts of violence occurring off the HSU premises involving someone who is acting in the capacity of a representative of HSU.
- All threats or acts of violence occurring off the HSU premises involving an employee of HSU if the threats or acts affect the legitimate interests of HSU.
- Any acts or threats resulting in the conviction of an employee or agent of HSU under the criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of HSU.

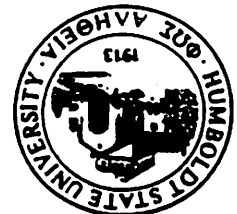
The University will work to prevent violence from occurring and will enforce federal and state laws, as well as University regulations prohibiting violence. In this context, it is the responsibility of students, faculty, and staff to take any threatening behavior and/or violent act seriously and to report it to the appropriate University authority (Public Safety at campus extension 3456, Human Resources, Faculty Personnel Services, Department Chair, Supervisor, Housing staff, etc.). Supervisors, Department Chairs, Directors, Managers and other administrators are encouraged to consult with the Crisis Consultation Team* via the Department of Public Safety (campus extension 3456) for assistance in assessing the level of danger, designing an intervention, and choosing appropriate safety measures. If there is imminent danger, call 9-1-1.

Nothing in this policy alters any other reporting obligations established in Humboldt State University policies or in state, federal, or other applicable law.

**The Crisis Consultation Team was established by Executive Memorandum P93-3. It is charged with coordinating University response to potentially violent situations on our campus.*

Distribution: All Faculty and Staff

EXECUTIVE MEMORANDUM



September 1999

Office of the President

P99-9
Supersedes P97-7 and P93-3

SUBJECT: HUMBOLDT STATE UNIVERSITY CRISIS CONSULTATION TEAM

The Humboldt State University Crisis Consultation Team is charged with coordinating University response to potentially violent situations on the Humboldt State University campus community which involve students, staff, and/or faculty members collectively, individually, or any combination thereof.

FUNCTIONS

1. At the request of any Crisis Consultation Team member, to consult with appropriate persons on the crisis at hand and serve as a communication link between/among individuals and offices by communicating relevant information on a "need to know" basis.

2. To make recommendations to the President on response to crisis situations.
3. To document and retain records of meetings, events, and recommendations, and following the crisis, to ensure debriefing of the team and appropriate others.

4. To work with the Executive Director of University Advancement in the timely provision of information to the media and others as appropriate.
5. Under the direction of the Emergency Operations Center Director, to assist with crisis management during and following a major emergency/disaster.

MEMBERSHIP

The Crisis Consultation Team reports directly to the President through the Executive Assistant to the President. Meetings may be called by any member. Members are:

- Director of Public Safety
- Director, Faculty Personnel Services
- Director, Human Resources
- Staff Psychologist
- Assistant to the Vice President for Student Affairs
- Executive Assistant to the President
- Others as identified by the core membership (above), on a per-case basis, dependent upon the circumstances and person(s) involved.

Distribution: All Faculty and Staff



Office of the President

UNIVERSITY MANAGEMENT LETTER 99-03

WORKPLACE VIOLENCE PREVENTION PROGRAM

SEPTEMBER 1999

(Supersedes University Management Letter 96-04)

This Workplace Violence Prevention Program is integral to Humboldt State University's efforts to maintain a safe working environment. In addition to this program, Humboldt State University has adopted a Zero Tolerance for Workplace Violence policy (Appendix A) and established a Crisis Consultation Team (described in Appendix B).

RESPONSIBILITY

The Director of Public Safety has authority and overall responsibility for implementing the provisions of the Workplace Violence Prevention Program. All managers and supervisors are responsible for implementing and maintaining this program in their work areas and for answering employee questions about it.

COMPLIANCE

All faculty and staff are responsible for using safe work practices, for following all directives, policies, and procedures, and for assisting in maintaining a safe and secure work environment.

Retaliatory action of any kind by an employee of the University against any other employee of the University as a result of that person's informing appropriate personnel of security risks, cooperating in an investigation, or other participation in this program is prohibited and may be regarded as the basis for disciplinary action.

COMMUNICATION AND TRAINING

Training and information on workplace security and safe work practices will be provided periodically. New employee orientation will include information on workplace security policies and procedures. A copy of this Workplace Violence Prevention Program is available from each vice president, dean, director, and department chair.

Arcata, California 95521-8299 • (707) 826-3311 • Fax (707) 826-3505

ASSESSMENT

Cal-OSHA has defined three categories of workplace violence: Type I, Type II, and Type III. In Type I workplace violence, an individual who has no legitimate business relationship to the workplace enters the workplace in order to commit a criminal act. In Type II, the individual who perpetrates the violence is either the recipient, or the object, of a service provided by a department or employee. In Type III, the individual has some employment-related involvement with the affected workplace and may be a current or former employee or some other person who has a dispute involving an employee.

An important first step in the prevention of violence in the workplace is an assessment by each campus office or department to identify workplace security issues and potential vulnerability to each of these three categories of violence. There are a number of factors that have been shown to contribute to the risk of violence in the workplace, including the following:

- exchange of money;
- performing campus Public Safety functions;
- working alone at night and during early morning hours;
- working with patients, clients, customers, or students known or suspected to have a history of violence;
- availability of valued items, e.g., money and/or jewelry;
- employees, including former employees, with a history of assaults or who exhibit belligerent, intimidating, or threatening behavior to others;
- availability of prescription drugs;
- employees who have been the object of belligerent, intimidating, or threatening behavior from family members or significant others.

If any indicators of violence have been identified in the workplace, the Director of Public Safety should be notified at the earliest possible time.

INCIDENT INVESTIGATION AND CORRECTION

Reported incidents which threaten the security of University employees will be investigated in a timely manner. The Department of Public Safety should be consulted for recommended measures, including periodic inspections, with a view toward correcting or reducing potential security risks. These inspections consist of identification and evaluation of workplace security risks and changes in employee workplace practices. Consistent with police practices and

personnel procedures, investigation of incidents of workplace violence will include the following, as appropriate:

- reviewing all previous incidents;
- if appropriate, visiting the scene of an incident as soon as possible;
- interviewing threatened or injured employees and witnesses;
- examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator;
- determining the cause of the incident;
- taking corrective action to prevent the incident from recurring;
- recording the findings and corrective actions taken.

The Workplace Violence Prevention Program is documented via records of University workplace security inspections, including the name(s) of person(s) conducting the inspection, the unsafe conditions and work practices that have been identified, and the action taken to correct those identified unsafe conditions and work practices; and documentation of security training for University employees, including the employee's name or other identifier, training dates, type(s) of training, and training providers. Inspection records and training documentation are maintained for three years.

Distribution: All Faculty and Staff