When a Campus is Threatened by Violence: What Administrators Can Do To Ensure Safety

Presented by:
Pilar Morin, Partner, Liebert Cassidy Whitmore & Lisa Sugimoto, President, Pasadena City College
Agenda

- Duty to Provide a Safe Campus and Workplace
- Cal/OSHA Workplace Guidelines
- Cal/OSHA Mandatory IIPP
- Campus Safety Plan
- Emergency Response Plan
- Preventive Measures to Ensure Campus and Workplace Safety
- Responding to Threats/Violence on Campus
Providing a Safe Campus & Workplace

Parallel Duties:

• Prevent
• Respond
• Report
Duty to Provide Safe Campus & Workplace

- Education Code §§ 67380, 67381, 67385, 67385.7
- Penal Code §290.01
- Federal Campus Security Act
- Education Code § 32210
- Campus Sex Crimes Prevention Act
- Workplace Violence Safety Act
- Cal/OSHA
Duty to Provide Safe Campus & Workplace

- **Students**: Campus Safety Plan
- **Employees**: Workplace Security Plan Focused on Preventing Workplace Violence
- **Students and Employees**: Workplace Emergency Response Plan

**Practice Tip:**

*Coordinate Prevention Strategies*
Cal/Osha Mandatory IIPP

Injury and Illness Prevention Program (Program) IIPP

• Must Address Workplace Violence
• Strategies Depend on Workplace Classification
Cal/Osha Mandatory IIPP

What is Workplace Violence?

• Workplace Homicides
• Non-lethal Assaults
• Conflicts with Aggressive Behavior
• Direct or Veiled Threats
• Harassment
• Stalking
• Emotional Instability with Potential for Violence
• Domestic Violence that Impacts Workplace
Three Classifications of Workplace Violence

• “Type I” Workplace Violence:
  – Involves Individual with no Legitimate Relationship to the Workplace
  – Most Common Type of Fatal Workplace Event
  – Retail Establishments at High Risk
  – Note: Unique Issues for Community Colleges Due to Open Campuses
Three Classifications of Workplace Violence

• “Type II” Workplace Violence:
  – Violence by Clients, Customers, Service Recipients
  – Specifically Includes Teachers as Service Providers
  – Student Violence is “Type II” Violence
  – Applies Mainly to Service Providers
Three Classifications of Workplace Violence

• “Type III” Workplace Violence:
  – Involves Employees or Individuals Known to the Employee Such As:
    • Employee, Supervisor, Manager
    • Spouse, Relative, or Friend
  – Includes Domestic Violence Occurrence at Work
  – Any Workplace at Risk
What Counts as Workplace Violence?

- Violent Confrontation in the Workplace
- Threats of Violence by an Employee
- Suicide in the Workplace
- Some Forms of Sexual Harassment
Cal/OSHA’s Mandatory IIPP

What’s Required:

• Develop Safe Practices
• Identify Security Hazards
• Communicate Security Hazards
• Investigate Injuries
• Correct Unsafe Conditions
• Train & Instruct
Train & Instruct

Set Expectations for Student and Employee Conduct

- Anti-Harassment Policy
- Anti Workplace Violence policy
- Electronic Communications Resources Policy
- Personnel rules
- Student Code of Conduct
Campus Safety Plans

• Post Prominently:
  – Availability/Location of Security Personnel
  – Methods of Summoning Security Personnel
  – Special Safeguards
  – Particular Facilities/Activities
  – Prior Actions to Increase Safety - Past 18 Months

Education Code § 67380
Campus Safety Plans: Agreement with Law Enforcement

• Designate Responsibility to Investigate Violent Crimes

• Delineate Geographical Boundaries

**Practice Tip:**

*Update, discuss and train regularly. You don’t want to be debating jurisdiction during a crisis!*

Education Code § 67381
Campus Safety Plan: Sexual Assault Protocols

- Campus Sexual Assault Policy;
- Personnel to be Notified;
- Legal Reporting Requirements and Procedures;
- Services Available for Victims and Personnel Responsible;

Education Code § 67385
Campus Safety Plan: Sexual Assault Protocols

• Description of Campus Resources for Victims;
• Ongoing Case Management Procedures;
• Confidentiality Procedures;
• Information to Victims re: Options

Practice Tip:

Cross-Reference Date-Rape orientation training, materials and community groups

Education Code § 67385
Campus Safety Plan:
Implementing an Effective Plan

- **Include Prevention Strategies**
  - Training/Orientation
  - Early Detection
  - Diversity Training

- **Include Response Protocols**
  - Lockdowns
  - Notifications and Alerts
  - Police Involvement
Emergency Response Procedures

• Must Publish in Annual Security Report

Emergency Response Procedures:
– To Notify Campus Community of Immediate Threats to Health and Safety
– Must Publish Annually in a Forum Designed to Reach Staff and Students
– Must Test Emergency Response and Evacuation Procedures Annually
– Must Cover Use of Electronic and Cellular Communication

20 U.S.C. § 1092(f)
Preventive Measures to Ensure Campus & Workplace Safety

1. Encourage Respectful, Supportive Educational/Workplace Environments
2. Recognize Warning Signs
3. Restrict Access to Campus
Preventive Measures to Ensure Campus & Workplace Safety

• Create Respectful, Supportive Environments
  – Train and Educate on Anti-harassment Policies/Procedures
  – Encourage Early Reporting of Complaints
  – Publicize and Enforce No-retaliation Policy
  – Implement Conflicts Resolution Programs

Other Ideas?
How / Where To Look For “Warnings Signs”

- Temporary Restraining Orders
- Custody Orders
- School & District Crime Incident Reports
- Harassment Complaints
- Cal-OSHA “300 Log”
- Suspension & Expulsion Records
- Insurance Claims & Losses
- Accident Reports
- Vandalism Work Orders
- Local Crime Reports and Law Enforcement Records
- Personal Observations
Personal Observations of What?

- Patterns or Clusters of
  - Decrease in Productivity
  - Lack of Motivation
  - Unusual or Bizarre Behaviors
  - Restless, Agitated, Withdrawn
  - Drug and/or Alcohol Abuse
  - Disheveled Appearance
  - Excessive Absenteeism or Tardiness
  - Argumentative; Short Tempered
  - Increased Stress
  - Excuses or Blame
  - Concentration Problems, Confusion
  - Risky / Unsafe Behavior
Personal Observations of What?

• Alarming Conduct
  – Threats
  – Gun Fascination
  – Harassment/Stalking
  – Obsessions
Factors Re: Hiring Considering Criminal Behavior

- Nature and Seriousness of Offense
  - Community Colleges cannot Hire Employees who have been Convicted of
    - “Sex Offenses”
    - Controlled Substance Offenses
  - Circumstances Surrounding Conviction

Ed. Code §§ 87406, 88022
Factors Re: Hiring
Considering Criminal Behavior (con’t)

• Length of Time
• Age at Time of Incident
• Rehabilitation
• Social or Environmental Concerns
Administrator's Awareness of Conflict

• Observed Conduct
• Overheard Conversations
• Best to Address Conflict as soon as it Starts
Responding to Threats / Violence on Campus

• Secure Location
• Ensure the Safety of Students and Staff
• Communicate Threat of Danger to Staff and Students as Appropriate
• Contact Law Enforcement if Appropriate
• Obtain Control Over Situation
Responding to Threats / Violence on Campus

• Threat Assessment/Investigation
• Place on Leave or Suspension Pending Investigation
• Consider TRO Option
• Discipline Appropriately for Threats Made
• Provide Student / Staff Counseling
Threat Assessment

• Violence is a Process

• Assess Actual Risk of Violence Posed by Person
  – Investigate Subject and Potential Targets
  – Evaluate Possibility of Attack

• Manage Risks Presented by Subject
  – Plan for Both Subject and Targets

• Consult Professionals
Contacting Local Support Agencies

- Appoint Someone to Act as a Police Liaison
- Establish a Relationship with Local Medical and Emergency Personnel
- Develop a List of Local Agencies, Telephone Numbers and Persons to be Contacted in Time of Crisis
Beware of Communication During Conflict

- Body Language
- Sound of Voice
- Words
- Context
Steps For Dealing With Emotionally Charged Employees/Students:

• Observe
• Remain Calm
• Show Respect
• Identify the Problem
• Alert Campus Officials if Necessary
• Report the Incident
Steps For Dealing With Emotionally Charged Employees/Students:

• Let Person Leave if Desires - Do Not Touch Person!
• Call 911 if Necessary
• Document Observations
• Follow Up (meeting)
  – within 48 hours
  – within 1 week
  – within 2 weeks
  – within 4 weeks
The Meeting

- Initiate Meeting
- Thank Employee/Student For Attending
- Focus on Behavior (Not Person, Not Personality)
- Listen (Without Judgment)
- Summarize What You Heard
- Discuss Impact
- Ask for Solutions
Investigate/Discipline Employee or Student

- During Investigation, Use Paid Leave or Suspension as Necessary
- Following Investigation, Take Appropriate Disciplinary Action
- Determine if Discipline Adequately Addresses Safety Issues
Investigation Checklist

- Timeliness
- Confidentiality
- Written Statements of Detailed and Concrete Facts
Report of Assault by Student Against Employee

• When Employee is Attacked, Assaulted or Menaced, by Any Student
• Duty to Report Incident
• Duty of Employee’s Supervisor with Knowledge of Incident to Promptly Report Incident
• Report Incident to Lower Foremost Authorities of County or City in Which Occurred

Ed Code § 87014
Workplace Violence Safety Act

• Employer May Obtain TRO/Injunction Against Someone Who Poses Threat to an Employee or to Workplace

• Employee Can Also Obtain TRO/Injunction
“Credible Threat of Violence”

• Statement or Course of Conduct that Causes Reasonable Person and Victim to Believe He/She is Under Threat of Death or Serious Bodily Injury
“Course of Conduct”

- Following or Stalking an Employee to or From the Place of Work
- Entering the Workplace
- Following an Employee During Hours of Employment
- Telephone Calls to an Employee
- Correspondence with an Employee
Civil Harassment Restraining Order

• Requires Course of Conduct which “Seriously Alarms, Annoys or Harasses”
Duty to Warn

• “Special relationship” may include Employment/College Relationship
• Knowledge of Particularized Threat
• Notify Professors of Student who has engaged in or is reasonably expected to have engaged in Violence
• Notify Student/Employee who may be Target of Violence
Wrap-Up

• Coordinate Workplace and Campus Safety Plans
• Investigate & Respond
• Record and Report Workplace Injuries and Campus Crimes
Wrap-Up (con’t)

• Be Aware of Warning Signs
• Listen
• Follow Your “Gut”
• Don’t Ignore Threats
• Be Proactive
• Do Not Condone Inappropriate Behavior