Workplace Violence Prevention

Responsible Executives: Executive Vice Chancellor & Provost
Vice Chancellor-Administration

Responsible Offices Academic Personnel Office
Human Resources

Contacts:
Violence in progress: UCPD (911 from campus phone, 642-3333 from cell phone)
Hostile situation in progress: UCPD (911 from campus phone, 642-3333 from cell phone)
Violence or hostile situation in progress away from campus: local police (911)
Hostility or threat of violence, but no immediate threat: UCPD, 642-6760, and Human Resources, 642-9046
Hostility or threat of violence of a sexual nature, but no immediate threat: Campus Climate and Compliance Office, 643-7985 or UCPD, 642-6760

For questions about this policy: Jeannine Raymond, Assistant Vice Chancellor, Human Resources, jraymond@berkeley.edu, 642-9022

Policy Statement

The University of California, Berkeley is committed to promoting and maintaining a safe environment for its employees. Threatening, intimidating, or violent behavior will not be tolerated in the University of California, Berkeley workplace. If such conduct occurs, it should be promptly reported to the proper authority and investigated.

Employees found to have violated this policy will be subject to disciplinary action up to and including immediate dismissal under the applicable code of conduct, collective
bargaining agreement, or personnel policy. The University may assist in pursuing civil penalties, criminal penalties, or other appropriate action, against the offender regardless of the offender’s relationship to the University. Student offenders will be subject to the Student Code of Conduct in addition to this policy.

Anyone who is a victim of threatening or violent conduct in the workplace, or who observes such behavior or believes a credible threat of such behavior exists, is required to immediately report the conduct. Those who make such reports will be protected from retaliation to the fullest degree possible.

**Prohibited Conduct Under This Policy**

Prohibited conduct in the University of California, Berkeley workplace includes violent behavior, intimidation, bullying, stalking, threats, physical attack, domestic violence, and property damage committed by or against any faculty, staff, postdoctoral, graduate, or undergraduate student employed at the University of California, Berkeley.

**Definitions:**

**Workplace** is defined as any location owned, leased, or rented by The Regents of the University of California on behalf of the University of California, Berkeley, or any location where a University employee is acting in the course and scope of employment. This includes, but is not limited to, buildings, grounds, and surrounding perimeters, including parking lots, field locations, classrooms, and residence halls. It also includes vehicles when those vehicles are used for University business.

**Violent behavior** involves a physical assault on a person, or a physical action intended to damage property. Does not include lawful acts of self-defense or the defense of others.

**Intimidation** is engaging in actions that include but are not limited to behavior intended to frighten, coerce, or induce duress.

**Bullying** is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate, or demean the recipient.

**Stalking** involves harassing or pesterling an individual, in person, in writing, by telephone, or by electronic format. Stalking also involves following an individual, spying on an individual, alarming the recipient or causing the recipient distress and may involve violence or the fear of violence.

**Threat** is the expression of intent to cause physical or mental harm whether verbal or written that would cause a reasonable person to fear for his or her safety or the safety of others. It includes bringing a firearm, knife, or other weapon of
any kind onto campus property. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

**Physical Attack** is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

**Domestic Violence** is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together, or date or who have been married, lived together, or dated.

**Property Damage** is intentional damage to property and includes property owned by the University of California, Berkeley, or its employees, visitors, vendors or others.

### Who Is Affected by This Policy

All faculty, staff, postdoctoral, graduate, and undergraduate employees

### Who Administers This Policy

- Managers and Supervisors
- UC Police Department (UCPD)
- Human Resources
- Academic Personnel Office
- University Health Services
- Campus Climate and Compliance Office

### Why We Have This Policy

The purpose of this policy is to codify the University’s commitment to the safety and security of all campus workplaces. This is consistent with California statutes that establish an explicit public policy requiring employers to provide a safe and secure workplace. This responsibility includes the duty for employers to take steps to adequately address credible threats of potential violence in the workplace. A credible threat is one that an employee “reasonably believes will be carried out, so as to cause the employee to fear for his or her safety or that of his or her family.” (California Labor Code § 6400 et seq. and California Code of Civil Procedure § 527.8.)
Responsibilities

Everyone at UC Berkeley:
- Reports warning signs of actual or potential violent or hostile behavior that may affect the workplace and that are inconsistent with time, place, and manner regulations as soon as possible to the UCPD, Human Resources, Academic Personnel Office, or Campus Climate and Compliance Office.

Managers and Supervisors:
- Ensure awareness of this policy by faculty, staff, postdocs, graduate, and undergraduate student employees within their areas of supervision.
- Notify the appropriate office of an actual or impending threat of violence.
- Assist in protecting from retaliation those who report threatening behavior.
- Participate as necessary in planning and response efforts to mitigate the risk of workplace violence.

UCPD:
- Responds to reports of current or imminent workplace violence.
- Advises Human Resources, Academic Personnel Office, Graduate Division, Dean of Students, Campus Climate and Compliance Office, Risk Management, and affected departments on appropriate responses to threats of workplace violence.
- Works with employees in at-risk areas to develop safety plans.
- Assists in protecting from retaliation those who report threatening behavior.
- Submits cases to the District Attorney for prosecution.

Human Resources and Academic Personnel Office:
- Ensure the effective implementation of this policy by collaborating with hiring units/departments as appropriate;
- Review reports of potential workplace violence or hostility affecting employees, consult other campus units as appropriate, and recommend appropriate responses.
- Oversee disciplinary action against employees who have violated the policy.
- Coordinate preventive measures to encourage a safer, more secure workplace.
- Review this policy periodically for its effectiveness and revise the policy as appropriate.
- Assist in protecting from retaliation those who report threatening behavior.

University Health Services
- Provides crisis counseling, advocacy, and management consultation for those affected by workplace violence, hostility, or harassment.
- Provides consultation regarding behavioral risk factors in the prevention and management of potential workplace violence.
- De-briefs with campus units, individuals or groups who may experience secondary trauma from a violent incident.
Campus Climate and Compliance Office

- Responds to reports of current or imminent workplace violence of a sexual nature.
- Works with Human Resources, Academic Personnel Office, Graduate Division, Dean of Students, and UCPD on appropriate responses to workplace violence of a sexual nature.
- Works with employees in areas at risk of sexual violence to develop safety plans.
- Works with University Health Services to coordinate support for those affected by workplace violence of a sexual nature.
- Coordinates and conducts prevention education efforts to ensure a workplace climate free from violence, intimidation, or harassment.

Procedures for Reporting Violence or the Threat of Violence

It is the responsibility of every member of the campus community to take any violence or threat of violence seriously and to report workplace violence or threats of violence to the appropriate authorities as follows:

*Violence in progress:* UCPD (911 from campus phone, 642-3333 from cell phone)

*Hostile situation in progress:* UCPD (911 from campus phone, 642-3333 from cell phone)

*Violence or hostile situation in progress away from campus:* local police (911)

*Hostility or threat of violence, but no immediate threat:* UCPD, 642-6760, and Human Resources, 642-9046

*Hostility or threat of violence of a sexual nature, but no immediate threat:* Campus Climate and Compliance Office, 643-7985, or UCPD, 642-6760

If you are not sure whether there is an immediate threat of violence or hostility, contact the UCPD.

Most personal situations do not have to be reported under the guidelines above unless they pose a risk of violence in the workplace. Examples of personal situations that pose a risk of violence in the workplace and should be reported to the employee's manager or UCPD include, but are not limited to:

- Incidents or threats of domestic or intimate violence against an employee where it is possible that the threatening party could seek out the employee at work;
- Receipt of threatening or harassing telephone calls, emails, or other communications;
- Unwanted pursuit or threats by an outside party who has been observed at or near the workplace;
Any situation in which an employee has obtained a protective or restraining order naming his or her workplace as a prohibited area of contact.

Members of the campus community facing personal situations that involve violence or the potential for violence are encouraged to seek confidential professional help through University Health Services’ CARE Services program at 643-7754. CARE Services is a confidential resource which cannot disclose any information without permission from the client except as required by law.

**Campus Response**

The police will respond to immediate violence or hostile situations in progress, as well as reports of potential violent behavior. UCPD’s Threat Management Unit and other campus departments will work to develop a coordinated response to the situation.

All reports of potential violence will be taken seriously. The appropriate campus office will take steps to prevent harm to individuals in the workplace.

**Support for Those Affected by Violence**

University Health Services will respond to requests for assistance from victims of violence or threats of violence by providing counseling, advocacy, safety planning, and other support as appropriate.

**Web Site Address for This Policy**

http://campuspol.chance.berkeley.edu/policies/workplaceviolence.pdf

**Glossary**

**At-Risk Individual:** any employee or member of the UC Berkeley workplace who is a potential target of violence.

**Campus Community:** those enrolled at or employed by the University of California, Berkeley, as well as individuals engaged in activities sponsored by the campus or an organization affiliated with the campus. More broadly, the campus community is a group of people who have the campus in common and are socially interdependent, participate together in discussion and decision-making, and share certain practices.

**Credible Threat of Violence:** a statement or course of conduct that would cause a reasonable person to believe that he or she is under threat of death or serious bodily injury. A course of conduct is any series of acts over a period of time, however short, that evidences a continuity of purpose, such as following or stalking an individual to or from
the workplace, telephone calls to the individual, and correspondence with the individual, whether by public or private mail, e-mail, text messaging, interoffice mail, or fax.

**Employee:** for purposes of this policy, any faculty, staff, post doc, graduate or undergraduate student, who performs work for the University of California and is paid for it by the University of California.

**Firearm:** any gun, rifle, pistol, or handgun designed to fire bullets, BBs, pellets, or shots, including paint balls, regardless of the propellant used.

**Hostility:** a state of enmity between individuals. An act or series of acts displaying antagonism.

**Victim:** an individual who has experienced or witnessed an act or acts of violence or threats of violence as defined in the Prohibited Conduct section of this policy.

**Violence:** for purposes of this policy, includes but is not limited to physical attack, intimidation and/or the perception thereof, threats, or property damage committed by anyone against University employees in the workplace. Does not include lawful acts of self-defense or the defense of others.

**Weapon:** any instrument of combat, or any object not designed as an instrument of combat but carried for the purpose of inflicting or threatening bodily injury. Examples include but are not limited to firearms, knives with fixed blades or pocket knives with blades longer than four inches, razors, metal knuckles, blackjacks, hatchets, bows and arrows, or any explosive or incendiary device.

**Related Documents**

- University of California Collective Bargaining Agreements: [http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_agreements.html](http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_agreements.html)

- University of California Faculty Code of Conduct: [http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf](http://www.ucop.edu/acadadv/acadpers/apm/apm-015.pdf)


- University of California Personnel Policies for Staff Members: [http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/personnel_policies/index.html](http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/personnel_policies/index.html)

- University of California Policy on Sexual Harassment: [http://ccac.berkeley.edu/policies.shtml](http://ccac.berkeley.edu/policies.shtml)
University of California, Berkeley Code of Student Conduct: http://students.berkeley.edu/uga/conduct.asp

University of California, Berkeley Policy on Respect and Civility in the Campus Community: http://students.berkeley.edu/uga/respect.stm