

WORKPLACE VIOLENCE PREVENTION AND THREAT ASSESSMENT

(VCCS Policy 3.14.5 (<https://go.boarddocs.com/va/vccs/Board.nsf/goto/?open&id=CZLRJY6B7749>))

Purpose: The purpose of this policy is to establish guidelines for the development of a College/System Office policy for the prevention of workplace and general campus violence. It includes the formation of campus Threat Assessment Teams and the promotion and maintenance of a productive environment for learning and working that is free from threats, intimidation, and violence.

Coverage: These policy guidelines will apply to all faculty, staff, students, visitors, contractors, and other third parties. Students may be covered under additional provisions of their respective college's Student Handbook.

Policy Components:

1. Definitions:

Articulable and Significant Threat of Violence: A knowing and willful statement or course of conduct that would cause a reasonable person to believe that someone is under a threat of an actual, impending, or imminent emergency involving death or serious bodily injury to others.

Mental Health Professional: A person who by education and experience is professionally qualified to provide counseling interventions designed to facilitate an individual's achievement of human development goals and remediate mental, emotional, or behavioral disorders and associated distresses which interfere with mental health and development. A mental health professional who serves on a threat assessment team may be an employee or a member of the community.

Third Parties: Individuals who are not VCCS employees or currently enrolled students, such as relatives, acquaintances, strangers, contractors, or visitors.

Threat of Violence: A knowing and willful statement or course of conduct that would cause a reasonable person to believe that person, including the person making the statement or course of conduct, is under threat of death or serious bodily injury.

Workplace: Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, the buildings and surrounding perimeters, including the parking lots, field locations, alternate work locations (other than an individual's home when telecommuting), and travel to and from work assignments.

Workplace Violence: Any physical assault or threatening behavior occurring in the workplace by employees, students, or third parties. It includes, but is not limited to, beating, stabbing, suicide, shooting, rape, attempted suicide, psychological trauma such as threats, obscene phone calls, intentionally damaging property, an intimidating presence which makes a reasonable person apprehensive of imminent harm, and harassment of any nature such as stalking, shouting so as to cause a disruption, swearing or committing injurious acts motivated by, or related to, domestic violence or sexual harassment.

2. The VCCS prohibits threats and acts of violence on college property, within VCCS facilities, at any VCCS-sponsored event; while engaged in VCCS business, educational or athletic activities; and while traveling in state vehicles. Prohibited conduct includes but is not limited to:

- injuring another person physically;
- engaging in behavior that creates a reasonable fear of injury to self or another person;
- engaging in behavior that would subject a reasonable person to, and does subject another individual to, extreme emotional distress;
- possessing, brandishing, or using a weapon while on state premises by students, except where possession is a result of participation in an organized and scheduled instructional exercise for a course, or where the student is a law enforcement professional, or when the weapon is secured in the student's vehicle;
- possessing, brandishing, or using a firearm, weapon, or other device by faculty or staff that is not required by the individual's position while on college/system office property or engaged in college/system office business; or in violation of law or other college/system office policy, except where the employee is a law enforcement professional, and except when the weapon is secured in the employee's vehicle;
- brandishing, using, or possessing a weapon by third parties while on campus in academic or administrative buildings, and places of like kind where people congregate, or while attending a sporting, entertainment, or educational event. This provision does not apply to law enforcement personnel;
- intentionally damaging property;
- threatening to injure an individual (including oneself) or to damage property;
- committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and,
- retaliating against any employee or student who, in good faith, reports a violation of this policy.

3. Consequences of Policy Violations:

- a. Employees violating this policy will be subject to disciplinary action up to and including termination and criminal prosecution using existing policies and procedures including Section 3 of the VCCS Policy Manual or DHRM Policy 1.60, Standards of Conduct. Additionally, employees who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued employment, to participate in a mental health evaluation as part of a threat assessment process and receive approval from the mental health evaluator that they are not a risk to themselves or others.
- b. Students violating this policy will be subject to disciplinary action as outlined in their respective college's Student Handbook, and other college policies as appropriate. Additionally, students who are identified as engaging in the use of threatening language or behavior may be required, as a condition of continued enrollment, to participate in a mental health evaluation as part of a threat assessment process and receive approval from the mental health evaluator that they are not a risk to themselves or others.
- c. Third parties violating this policy will be subject to applicable local, state, federal laws, and associated regulations, and may be barred from the VCCS property for violating this policy.

4. Violence Prevention Committees and Threat Assessment Teams.

- a. Each college shall establish a violence prevention committee with responsibility for education and violence prevention on campus. The membership of this body shall include representatives from the following areas: student affairs, human resources, law enforcement, a mental health professional or counseling services representative, and others who have knowledge, professional expertise, or responsibilities that could assist the committee with completing its work and shall consult with legal counsel as needed. However, in all cases, the membership of the committee must comply with the requirements of Virginia Code § 23.1-805.
- b. Each violence prevention committee shall publish for its college community a clear statement of its mission and membership, as well as the committee's leadership role in the area of violence prevention.
- c. Each violence prevention committee shall publish periodic guidance to faculty, staff, and students regarding the following:
 - i. How to recognize and report aberrant or potentially harmful behavior that may represent a threat to the community;
 - ii. To whom on the college's threat assessment team potentially threatening behavior should be reported and under which circumstances faculty and staff are required to report such behavior
 - iii. Policies and procedures for the following:
 1. the assessment of individuals whose behavior may present a threat;
 2. appropriate means of intervention with such individuals; and,
 3. actions to resolve potential threats, including but not limited to interim suspension, referrals to community services boards or health care providers, and medical separation to resolve potential physical threats, and notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law. Each college shall establish policies and procedures for interim suspension and medical separation that include procedures to ensure due process.
- d. Each college also shall establish a threat assessment team. Membership of this body shall include representatives from the following areas: student affairs, human resources, law enforcement, and a mental health representative. The violence prevention committee may also be designated the campus threat assessment team if the counseling services representative is also a mental health professional. The threat assessment team may supplement its membership with others as necessary to assist it with fulfilling its purpose. However, in all cases, the membership of the team must comply with the requirements of Virginia law. The threat assessment team shall invite VCCS legal counsel to provide legal advice. The threat assessment team may invite other representatives from campus to participate in individual cases, but no such representative shall be considered a member of the threat assessment team. The threat assessment team shall implement the assessment, intervention, and action policies of the violence prevention committee.
- e. Procedures for reporting or responding to threats or incidents of workplace violence:
 - i. Employee and student responsibilities should include:
 - Reporting incidents or threats of violence to their immediate supervisor, Human Resource Office, campus police/security, Threat Assessment Team members, or other designated individuals or office by state college policy.
 - Providing Human Resources and the immediate supervisor, or a college's counseling services office where a student or employee, with a copy of any Protective Orders from a court which lists specific VCCS property as protected areas, so that appropriate enforcement activities occur.
 - No person who, in good faith, reports threatening or otherwise troubling behavior in accordance with this policy will be subject to retaliation.
 - f. Management responsibilities include:

- Designate a Workforce Violence Prevention Coordinator.
- Colleges must obtain the name(s) of an emergency clinician at each Community Services Board (CSB) in the college's service region to serve as a contact person. Each President must designate a college staff member with responsibility for communication with the CSB contact person(s) to prepare for and respond to potential emergency situations, to include requesting an assessment to determine whether a student, faculty or staff member poses a threat of violence to self or others.
- Establish a college violence prevention committee and a threat assessment team to comply with Virginia law. Each college's administration should ensure that its threat assessment team remains able to quickly receive information about, assess, and respond to potential threats that are reported in accordance with its policies, and to determine corrective actions and prepare necessary reports on given situations. In addition, each college's administration should ensure that its violence prevention committee remains able to publish education and prevention information and recommend ways to, (1) to respond to incidents, (2) investigate all reported incidents of workplace violence, and (3) determine the appropriate response and the actions necessary to address a particular situation.

g. Threat Assessment Team Responsibilities include:

- Establishing or utilizing existing relationships with local and state law-enforcement agencies as well as mental health agencies to ensure compliance with § 23.1-805 of the Code of Virginia and expedite assessment and intervention with individuals whose behavior may present a threat to campus safety.
- Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Virginia Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03.
- Upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, the threat assessment team shall:
 - Obtain any available criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and any available health records as provided in § 32.1-127.1:03;
 - Within 24 hours of making such preliminary determination, notify in writing (i) the campus police department or campus security, (ii) the local law enforcement agency where the college is located, (iii) the local law enforcement agency where the individual resides, (iv) if known to the threat assessment team, the local law enforcement agency where the individual is located, and (v) the local Commonwealth's Attorney in any jurisdiction where the threat assessment team has notified local law enforcement; and,
 - Disclose any specific threat of violence posed by the individual as part of such notification.
- No member of a threat assessment team or invited representative shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team. Each threat assessment team member shall complete a minimum of eight hours of initial training within 12 months of appointment to the threat assessment team and shall complete a minimum of two hours of threat assessment training each academic year thereafter. Training shall be conducted by the Department of Criminal Justice Services (the Department) or an independent entity approved by the Department.
- When otherwise consistent with applicable state and federal law, if the college/System Office/Shared Services Center has reliable knowledge that a student or employee who was determined pursuant to an investigation by the college's threat assessment team to pose an articulable and significant threat of violence to others is transferring to another institution of higher education or place of employment, the college/System Office from which the individual is transferring shall notify the other institution of higher education or place of employment to which the individual is transferring of such investigation and determination. Colleges, the System Office, and the Shared Services Center shall consult with legal counsel prior to making such notification.