Workplace Violence Prevention Plan (WVPP)

SB553 Compliant

Date of Last Review
7/2024

Date of Last Update
7/2024
Introduction

SDSU Research Foundation (SDSURF) aims to provide a working environment that minimizes the potential for workplace violence and other safety/security risks. Violence in the workplace poses a significant threat to the safety and wellbeing of our employees and the general public. It is the responsibility of all employees to help minimize workplace violence. This policy establishes procedures to minimize the threat of violence in the workplace and provides guidelines for responding promptly and effectively to workplace violence.

Scope

The WVPP applies to all members of the SDSURF community when engaged in SDSURF academic, business, or co-curricular programs and activities, whether on or off-campus. The WVPP does not apply to SDSURF employees when telecommuting from a location of the employee’s choice, not under the control of the SDSURF. University auxiliary organizations are responsible for applying similar practices to their respective employees, programs, and activities.

Note: The following are notable exemptions to this plan:

- Places of employment where there are fewer than 10 employees working at any given time and that is not “accessible to the public.
- Employees teleworking from a location of the employee’s choice, which is not under the SDSURF’s control.

Purpose

The purpose of this plan is to:

- Identify the names and job titles of the persons responsible for the implementation and maintenance of the Workplace Violence Prevention Program (WVVP).
- Highlight how employees can report violent incidents, threats, or other workplace violence concerns, and how to respond to reports.
- Reinforce against unlawful retaliation for reporting, in good faith, violent incidents, threats, or other workplace violence concerns, and participating in any related investigations of such reports.
- Outline procedures to respond to actual or potential workplace violence emergencies.
- Detail training requirements about this plan, including the frequency of training.
- Outline procedures to identify and evaluate workplace violence hazards.
- Communicate post-incident response and investigation processes.

Authority

California Labor Code Sections 6401.7 and 6401.9.
Definitions

**Emergency** Unanticipated circumstances that can be life threatening or pose a risk of significant injuries/harm to an individual.

**Engineering controls** an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between an individual and the hazard.

**Log** The violent incident log required by Labor Code Section 6401.9

**Workplace violence** refers to any act of violence or threat of violence that occurs in a place of employment. It includes, regardless of whether an employee sustains an injury, the threat or use of physical force against an employee that results in or is likely to result in injury, trauma, or stress, as well as incidents involving a threat or use of a firearm or other dangerous weapon.

A “threat of violence” means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavior or physical conduct that conveys an intent, or that is reasonably perceived to convey an intent to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

**Work practice control** Procedures and rules which are used to effectively reduce workplace violence hazards.

There are four common types of workplace violence:

- **Type 1**: Workplace violence committed by a person who has no legitimate business at the worksite, including violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
- **Type 2**: Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- **Type 3**: Workplace violence against an employee by a present or former employee, supervisor, or manager.
- **Type 4**: Workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

Roles and Responsibilities

The team below has the authority and responsibility for implementing and maintaining the provisions of this WVPP for SDSURF.
<table>
<thead>
<tr>
<th>Responsible Person</th>
<th>Job Title/Position</th>
<th>WVPP Responsibilities</th>
<th>Contact</th>
</tr>
</thead>
</table>
| Jaroslav Zeman      | Enterprise Risk Management Officer | • Plan review and update  
• Reporting workplace violence  
• Responding to workplace violence  
• Identification and evaluation of workplace violence hazards  
• Post-incident response and investigations in coordination with Human Resources  
• Record keeping of non-confidential data  
  o Maintaining violence incident log for each incident | 619-594-3550  
jzeman@sdsu.edu |
| Melinda Swearingen  | Director of Human Resources        | • Plan review and update  
• Reporting workplace violence  
• Responding to workplace violence  
• Identification of and evaluation of workplace violence hazards  
• Post-incident response and investigations  
• Record keeping of confidential data  
  o Create and maintain records of workplace violence hazard identification, evaluation, and correction  
  o Maintain records of workplace violence incident investigations | 619-594-1087  
mswearingen@sdsu.edu |
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• Create and maintain training records | 619-594-1087  
gdarbonne@sdsu.edu |
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• Reporting workplace violence  
• Responding to workplace violence  
• Emergency response procedures  
• Identification of and evaluation of workplace violence hazards | 619-597-0961  
eelson@sdsu.edu |
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tloren@sdsu.edu |
| Steve Torok         | Director of Sponsored Research Development | • Plan review  
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• Responding to workplace violence  
• Emergency response procedures  
• Identification of and evaluation of workplace violence hazards | 619-594-4478  
steve.torok@sdsu.edu |
| Cody Lee            | Communications Officer             | • Communications regarding workplace violence | 619-594-5410  
celee@sdsu.edu |
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<tbody>
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Senior Management Team

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Employee Involvement

SDSURF has implemented the following policies and procedures to ensure active involvement of employees and authorized employee representatives in the development and implementation of the plan:

- Establishing, evaluating, and preventing workplace violence by identifying potential threats, concerns, hazards, and corrective actions.
  - Managers to meet with employees during department meetings to remind employees to identify and communicate any workplace violence-related concerns/hazards.

- Developing and implementing training.
  - It is encouraged that employees participate in the development and implementation of training programs. Any employee input relevant to the needs of this program are incorporated into trainings.

Employee Compliance

All SDSURF employees, including managers and Principal Investigators, are expected to adhere to this plan and are responsible for ensuring they have read this plan and act in compliance with it.

To ensure that employees comply with the rules and safe work practices included in this plan, we will take the following steps at a minimum:

- Inform employees of the provisions of this plan.
- Educate employees about what does (and doesn’t) constitute workplace violence, as well as the workplace hazards that are relevant to their specific roles.
- Establish accessible channels for employees to report workplace hazards and violence, including anonymously.
- Provide training to all employees when the plan is created, and as new hazards are identified.
- Conduct post-incident investigations and implement corrective measures.
- Discipline employees who fail to comply with the WVPP.

Vendors with employees who regularly work on or off-campus must ensure that they are in compliance with California Labor Code Sections 6401.7 and 6401.9 and have provided workplace violence
prevention training to their employees that includes information on how to report concerns or incidents to SDSURF. Vendors will immediately report to SDSURF any threats or incidents reported to them by their employees or affiliates that may impact SDSURF.

**Reporting Workplace Violence**

Members of SDSURF community who witness or perceive an act of violence or a threat of violence on or off campus may report that incident of workplace violence or other workplace violence concern using one or more of the following means.

- 9-1-1 (when safe to do so) if the situation warrants immediate attention.
- Online Incident Reporting Form (preferred method for reporting non-urgent incidents of violence and threats)
- Their immediate Supervisor or department Chair/Supervisor*
- Management team, Risk Management (sdsurfriskmanagement@sdsu.edu or 619-594-4076), and Human Resources (sdsurfhr@sdsu.edu or 619-594-4139).

*Offices and supervisors who receive reports directly are advised to submit an online report to assist with record keeping.

**Anonymous Reporting:** Individuals will have the ability to anonymously report incidents of workplace violence through the online reporting form. SDSURF cautions that anonymous reports that do not include significant detail may be difficult to investigate, but SDSURF will investigate such reports to the fullest extent possible.

SDSURF strictly prohibits and does not tolerate any form of unlawful retaliation for engaging in any protected activity, including good faith reporting of incidents of workplace violence, or filing, testifying, assisting, or participating in any manner in any related investigation, proceeding, or hearing.

- Prohibited retaliation includes, but is not limited to: demotion, suspension, reduction in pay, denial of a merit salary increase, failure to hire or consider for hire, refusing to promote or consider for promotion; harassing another employee for reporting a violation, denying employment opportunities because of reporting a violation or for cooperating in an investigation, changing someone’s work assignments, treating people differently such as denying an accommodation, not talking to an employee when otherwise required by job duties, or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

**Communications Regarding Workplace Violence**

Managers are responsible for communicating with all employees about workplace violence in a form readily understandable by all employees. All employees are encouraged to inform their managers about workplace hazards and may do so without fear of reprisal.

Our communications efforts include the following:

- New employee orientation, including a discussion of workplace hazards and reporting channels.
- Regularly scheduled training.
A system through which employees can inform management about workplace hazards, violent incidents, threats, and other workplace violence concerns, which includes anonymous reporting channels.

Responding to Workplace Violence

Following any incident, SDSURF will conduct a thorough investigation, implement necessary security measures, offer necessary support services to those impacted, and take disciplinary action where required along the way. Our response procedures reflect our commitment to maintaining a workplace where safety is paramount, fostering a culture of trust and well-being for all.

Training

All employees, including managers, are required to have training and instruction on this plan, including:

- Knowledge of how to access the most up-to-date version of this plan.
- How employees can participate in the development and implementation of this plan.
- Key definitions.
- How to report workplace violence incidents or concerns.
- Workplace violence hazards specific to an employee’s role.
- How to seek assistance to prevent or respond to violence.
- Strategies to avoid physical harm.

Any such training will be conducted through CSU Learn training courses.

Training and instruction about this plan are provided:

- When this plan is first established.
- To all employees annually.
- Whenever new or previously unrecognized workplace violence hazards have been identified; or
- When changes are made to this plan.

To the extent that training is provided when a new or previously unrecognized workplace violence hazard has been identified — or when changes are made to this plan — such training will only cover the new hazards and/or changes to this plan.

Identification and Evaluation of Workplace Violence Hazards

SDSURF will proactively identify and evaluate workplace violence hazards to help ensure the ongoing safety and security of our employees. Our comprehensive approach involves:

- Regular risk assessments conducted by those listed in the Roles & Responsibilities section.
- Inspections that will be conducted when the plan is first established, after each workplace violence incident, and whenever SDSURF is made aware of a new or previously unrecognized hazard.

Additionally, we encourage open communication with employees, providing a platform for any employee to report concerns, observations, or experiences related to workplace violence hazards.
Workplace Violence Physical Hazard Correction

- SDSURF and Facilities Services, will direct the evaluation and timely correction of identified workplace violence physical hazards.
- All corrective actions taken/engineering controls adopted will be documented, dated, and recorded.
- When an imminent hazard exists which cannot be immediately abated without endangering employee(s), we will work to remove all endangered employees from the area except those necessary to address the existing hazard. Employees who are required to address the hazard shall be provided with the necessary protection.

- Corrective measures and/or engineering controls for workplace violence physical hazards will be specific to a given work area, for example:
  - Improve lighting around and at the workplace.
  - Install and utilize surveillance measures, such as cameras and mirrors, to provide information as to what is going on outside and inside the workplace and to dissuade criminal activity.
  - Provide workplace security systems, such as door locks, swipe card access control based on authorized person and day/time, security windows, physical barriers, emergency alarms, and restraint systems.
  - Post emergency telephone numbers for law enforcement, fire, and medical services.
  - Install effective systems to warn others of a violence danger or to summon assistance, e.g., alarms or panic buttons.

- SDSURF will undertake corrective measures and/or engineering controls to correct physical hazards in a timely manner based on the severity of the hazard.

Workplace Violence Unsafe Work Practice Hazard Identification, Evaluation and Correction
- SDSURF will coordinate and conduct annual reviews of employment practices to mitigate and reduce the likelihood that such practice could underlie a threat or act of violence.
- Members SDSURF may report unsafe work practices or other workplace violence concerns using the following means:
  - SDSURF Management team
  - Risk Management (sdsurfriskmanagement@sdsu.edu or 619-594-4076)
  - Human Resources (sdsurfrhr@sdsu.edu or 619-594-4139)

SDSURF will mitigate and/or reduce such practices in a timely manner based on the severity of the hazard.

Emergency Response

In the event of a workplace violence emergency, SDSURF will communicate through the following means in a manner readily understandable by all members of SDSURF.

- Send alerts to members of the SDSURF community through the Urgent Campus Information
  - Emergency Notification, and/or Safety Bulletin process.
- When information is available and appropriate, these alerts will:
  - Provide the presence, location and nature of the workplace violence emergency.
  - Note evacuation or sheltering plans appropriate and feasible for the situation.
Inform recipients how to obtain assistance from the University Police Department (UPD) or other law enforcement agencies.

SDSURF has implemented the following emergency response procedures for dealing with active or potential workplace violence emergencies:

- Evacuation or sheltering plans to respond to actual or potential workplace violence emergencies.
- Effective means to alert employees of the presence, location, and nature of workplace violence emergencies.
- How to obtain help from staff, security personnel, or law enforcement.
  - Panic buttons
  - Call 9-1-1

### Post-Incident Response and Investigations

Any workplace violence incident must be thoroughly investigated. Procedures for investigations shall include:

- Assessment of the incident scene as soon as possible.
- Interviews of all parties involved including employees, security, patrons, and witnesses.
- Reports from law enforcement.
- Examining the location for factors associated with the incident.
- Review of security footage.
- Review of all previous incidents.
- Determining the cause of the incident.
- Taking corrective action to prevent the incident from recurring.
- Recording the findings and taking corrective action.
- Document in the violent incident log.

### Violent Incident Log:

The SDSURF Risk Management is primarily responsible for maintaining the Log, which will be used to record. The log must include the following information:

- Date/time/location of the incident.
- The workplace violence type or types involved in the incident.
- A detailed description of the incident.
- Classification of the perpetrator (e.g., client, customer, friend, coworker, etc.).
- Classification of circumstances at the time of incident (e.g., working regular job duties, rushed, working during low staffing, isolated/alone, working in unfamiliar or new location, poorly lit area, etc.).
- Classification of the location where the incident occurred.
- Whether security or law enforcement was contacted.
- Actions taken by the employer to protect the employee or other hazards identified because of the incident.
• Information about the person completing the log, including name, job title, and date completed.
• The type of incident.
  o Physical attack without a weapon (e.g. biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, spitting).
  o Attack with a weapon or other object.
  o Threat of physical force or threat of the use of a weapon or other object.
  o Sexual assault or threat (e.g. rape, attempted rape, physical display, or unwanted verbal or physical sexual contact).
  o Animal attack.
  o Other.

Please contact Risk Management for copies of any of these records by emailing sdsurfriskmanagement@sdsu.edu

Recordkeeping

SDSURF is required to:

• Create and maintain records of workplace violence hazard identification, evaluation, and correction, for a minimum of five (5) years.
• Create and maintain training records for a minimum of one (1) year and include the following:
  o Training dates.
  o Contents or a summary of the training sessions.
  o Names and qualifications of persons conducting the training.
  o Names and job titles of all persons attending the training sessions.
• Maintain a violent incident log for each workplace violence incident and maintain such records for at least five (5) years.
• Maintain records of workplace violence incident investigations for a minimum of five (5) years.
  o The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.

Employee Access to Written WVPP

A copy of SDSURF’s WVPP shall be kept in writing and made available and easily accessible to employees, authorized employee representatives, and representatives of Cal-OSHA at all times. This information may be requested by emailing sdsurfrhr@sdsu.edu or sdsurfriskmanagement@sdsu.edu.

Employee Access to Records

The following records shall be made available to employees and their representatives, upon request and without cost, for examination and copying within 15 calendar days of a request:

• Records of workplace violence.
• Training records.
• Violent incident logs.

Plan Review and Update

This plan will be reviewed and updated for effectiveness:
• At least annually.
• When a deficiency is observed or becomes apparent.
• After a workplace violence incident.
• As needed.

Review of the WVPP will include:

• Incident investigations and the violent incident log.
• Control measures in place and the effectiveness of those controls.

General Provisions

SDSURF will take the following measures to obtain the active involvement of members of SDSURF and authorized employee representatives in developing and implementing the WVPP.

• Ensure members of SDSURF and authorized employee representatives have opportunities to participate in and communicate with those responsible for the WVPP regarding the following:
  o Identifying, evaluating, and determining corrective measures (engineering or work practice controls) to prevent workplace violence.
  o Designing and implementing any campus-specific training.
  o Reporting workplace violence incidents.
  o Reviewing post-incident investigations.
• Communicate all policies and procedures within the WVPP to SDSURF and authorized employee representatives using a variety of approaches, including in writing and verbally, in a form that is readily understandable.
  o Require all members of SDSURF to follow the WVPP and assist in maintaining a safe work and learning environment.
  o Ensure the WVPP addresses the hazards and corrective measures for all work areas/operations and learning environments.
• To promote work practices designed to make the workplace more secure, SDSURF will:
  o Provide training to the members of SDSURF regarding the elements of the WVPP.
  o Develop and implement measures to promote compliance with the WVPP.
  o Retrain and counsel those who do not follow the WVPP.
  o Recognize those who demonstrate safe work practices that promote the WVPP in the workplace.
  o Counsel and/or discipline, as permitted by applicable laws, rules, regulations and collective bargaining agreements, those who fail to comply with the WVPP.

Accountability

Any faculty, staff, student, or volunteer who engages in an act or threat of violence or who retaliates against another member of SDSURF for reporting a workplace violence incident or concern is subject to disciplinary action under SDSURF policies and/or applicable collective bargaining agreements up to dismissal or expulsion. If a contractor, vendor, or visitor engages in an act or threat of violence or who retaliates against another member of SDSURF for reporting a workplace violence incident or concern, they may be barred from SDSURF -owned or leased property and have their business relationship with SDSURF suspended or terminated.