



**San Ysidro**

School District **EST - 1887**

QUALITY EDUCATION AND OPPORTUNITY FOR ALL STUDENTS TO SUCCEED

# **WORKPLACE VIOLENCE PREVENTION PLAN**

**2023-24**

**Date of Last Review: May 9, 2024**

# Contents

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|  |   |
|--|---|
| OVERVIEW .....   | 3 |
| DEFINITIONS (Per Labor Code 6401.9).....                                   | 3 |
| RESPONSIBILITY.....  | 4 |
| STAFF ACTIVE INVOLVEMENT .....   | 4 |
| WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE .....                      | 5 |
| EMERGENCY RESPONSE PROCEDURES .....  | 5 |
| WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION.....               | 6 |
| PROCEDURES FOR POST-INCIDENT RESPONSE, INVESTIGATION, AND CORRECTION ..... | 6 |
| TRAINING AND INSTRUCTION .....   | 7 |
| STAFF ACCESS TO THE WVPP .....   | 8 |
| DISTRICT REPORTING RESPONSIBILITIES .....                                  | 8 |

# OVERVIEW

California Labor Code section 6401.9 (resulting from Senate Bill 553) requires school districts (and other employers) to establish, implement, and maintain an effective, written Workplace Violence Prevention Plan (WVPP). Labor Code 6401.9 requires that a WVPP include:

- Names/Titles of persons responsible for implementing the written WVPP.
- Procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the WVPP.
- Methods the employer will use to coordinate plan implementation with other employers.
- Procedures to ensure that all employees (supervisory and nonsupervisory) comply with the WVPP.
- Procedures to communicate and provide training to employees on workplace violence.
- Procedures to identify, evaluate, and correct workplace violence hazards.
- Procedures on how to respond to actual or potential workplace violence and how to accept and respond to reports of workplace violence, including procedures to prohibit retaliation against employees for reporting workplace violence.
- Procedures for post-incident response and investigation.
- Procedures to review WVPP for effectiveness and revise the plan as needed.
- Procedures or other information required by the division and standards board as being necessary and appropriate to protect the health and safety of employees.

## DEFINITIONS (Per Labor Code 6401.9)

**Workplace Violence** - Any act of violence or threat of violence that occurs in a place of employment, including:

- A threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of ordinary objects as weapons, regardless of whether the employee sustains an injury.

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

Labor Code (LC) 6401.9 creates four workplace violence types or categories (The descriptions below are broad because they are intended for all employers, not just school districts):

**Type 1 violence** - Workplace violence committed by a person who has no legitimate business at the worksite and includes violent acts by anyone who enters the workplace or approaches employees with the intent to commit a crime.

**Type 2 violence** - Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.

**Type 3 violence** - Workplace violence against an employee by a present or former employee or supervisor.

**Type 4 violence** - 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.

**Threat of violence** - Any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral 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.

**Emergency** - Unanticipated circumstances that can be life-threatening or pose a risk of significant injuries to

employees or other persons.

**Serious injury or illness** - Any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by accident on a public street or highway, unless the accident occurred in a construction zone.

## RESPONSIBILITY

The District WVPP administrator is Jose Iniguez, Assistant Superintendent of Administration, Leadership, School Support, and Safety ([jose.iniguez@sysdschools.org](mailto:jose.iniguez@sysdschools.org) and 619 428-4476, x3065).

All supervisors are responsible for implementing and maintaining the WVPP in their work areas and answering staff questions about the WVPP.

## STAFF ACTIVE INVOLVEMENT

The San Ysidro School District believes collaboration with staff and labor partners about the WVPP and workplace violence issues is essential to a safe and productive workplace. The District proactively collaborated with staff and labor partners in the development, implementation, and ongoing assessment of our WVPP, including scheduling regular meetings to:

- Develop and refine staff training related to this WVPP
- Assess the effectiveness of the WVPP and adjust accordingly
- Identifying, evaluating, and determining corrective measures to prevent workplace violence
- Maximize communication with staff about workplace violence prevention and concerns
- Reporting a violent incident, threat, or other workplace violence concerns to the District or directly to law enforcement without fear of reprisal or adverse action
- Investigation procedure related to reports of violent incidents, threats, or other workplace concerns

## OVERLAP WITH EXISTING DISTRICT STRUCTURES/POLICIES

The District intends the WVPP to operate in conjunction with existing structures/policies/timelines, including those listed below:

**Uniform Complaint Procedures (UCP)**- Per Board Policy 1312.3, the District has implemented UCPs to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

**Civility Policy**- Per Board Policy 1313, behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline per law and as specified in district policy 1312.3 (UCP).

**Professional Conduct**- Per Board Policy 4119.21, 4219.21, and 4319.21, the Board of Education expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other school community members. Employees shall engage in conduct that enhances the integrity of the District, advances the goals of the District's educational programs, and contributes to a positive school climate. Inappropriate conduct includes:

- Physical violence, threats of violence, or possession of a firearm or other weapon
- Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying a student is observed

- Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child. An employee who has knowledge of or suspects child abuse or neglect shall file a report according to the District's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

**Title IX Sexual Harassment Procedures-** Per Board Policy 4119.12, The District will address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which the District exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment:

- A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
- Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

**Complaints Concerning District Employees-** Per Board Policy 1312.1, the District has implemented procedures to address complaints against the District and/or an individual employee.

**Complaints-** Per Board Policy 4144, the District has implemented procedures to address complaints alleging misapplication of the District's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to the public

## **WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE**

The District WVPP investigation timeline will parallel our Board Policy 1312.3 (UCP) as follows:

- The District WVPP administrator (Jose Iniguez, Assistant Superintendent of Administration, Leadership, School Support, and Safety) begins a relevant investigation within 10 business days of receiving the complaint.
- Within one business day of initiating the investigation, the WVPP administrator will notify the complainant of the opportunity to present evidence, or information leading to evidence, to support allegations in the complaint.
- Unless extended by written agreement with the complainant, the WVPP administrator will prepare and send to the complainant a written investigation report.
- The respondent shall be informed of any extension of the timeline agreed to by the complainant.

The District prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct within the WVPP framework. An example of retaliation is filing a parallel complaint, without merit, against a coworker who files a complaint about you. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

## **EMERGENCY RESPONSE PROCEDURES**

The District intends the WVPP to operate in conjunction with existing structures/policies, including those listed below:

**Comprehensive School Safety Plan-** Per Education Code 32281, each school district and county office of education is responsible for the annual development of all comprehensive school safety that includes:

- Effective means to alert staff of the presence, location, and nature of workplace violence **emergencies** *and*
- Evacuation or sheltering plans.

We share our plans with the City of San Diego Fire and Police Departments and solicit their feedback. These plans are reviewed and approved by the Board. They are available for viewing, except for the District's tactical responses to criminal incidents and/or vulnerability to terrorist attacks or other criminal acts. (Cal. Educ. Code

section 32281(f)(1).)

**The Emergency Operations Plan (EOP)-** Our schools also annually review and revise EOPs that focus on how the organization functions during a given emergency's mitigation, preparedness, response, and recovery phases. The EOPs, include how each school will:

- \* Manage the emergency
- \* Coordinate organizational responses
- \* Engage with other responders
- \* Respond to an emergency (Hazard Specific Annexes - Disaster Procedures)
- \* Recover from an emergency

**Active Shooter and Shelter-in-Place Training-** The District has provided all staff with active shooter and shelter-in-place training.

**Fire Evacuation Drills and Earthquake Drills-** Per the California Education Code, our schools conduct regular fire evacuation and earthquake drills involving students and staff.

## **WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION**

The District intends the WVPP to operate in conjunction with existing structures/policies, including (not exhaustive) the periodic scheduled inspections listed below.

**Williams Facility Inspections-** Per Education Code Sections 33126 and 33126.1, the District annually inspects facilities for hazardous conditions using the Facility Inspection Tool (FIT). The Office of Public School Construction developed the FIT to determine if a school facility is in "good repair" as defined by Education Code (EC) Section 17002(d)(1) and to rate the facility according to EC Section 17002(d)(2). The tool is designed to identify areas of a school site that are in need of repair based on a visual inspection of the site.

**Annual Inspections by our Insurance Carrier-** In collaboration with our insurance carrier, the District conducts the annual inspections to identify conditions that may pose a risk of injury and/or property damage. Our insurance carrier provides us with recommendations or suggestions to help mitigate safety hazards. Our insurance carrier conducts several inspections annually and upon request, including:

- ReLiEF Inspections- Focused on property and liability. The inspection is conducted in accordance with the Southern California ReLiEF safety inspection policy.
- Hazardous Materials Inventory (HMI) Inspections- Focused on the identification of unsafe conditions, hazards, or hazardous conditions.
- Sexual Assault and Molestation (SAM) Prevention Assessments- Focused on the identification of conditions that may pose a risk of injury related to sexual assault and molestation. The inspection is conducted in accordance with the Southern California ReLiEF safety inspection policy.

**Fire Department Inspections-** The City of San Diego Fire Department conducts annual inspections of our facilities to identify fire and life safety inspections, including building code violations.

**Work Order System-** The District also utilizes a web-based reporting system for safety hazards.

## **PROCEDURES FOR POST-INCIDENT RESPONSE, INVESTIGATION, AND CORRECTION**

After a workplace incident, the WVPP administrator or their designee will implement the following post-incident procedures:

- Visit the scene of an incident as soon as safe and practicable.
- Interview involved parties, such as staff, witnesses, law enforcement, and/or security personnel.
- Review security footage of existing security cameras if applicable.
- Examine the workplace for security risk factors associated with the incident, including any previous reports

of inappropriate behavior by the perpetrator.

- Determine the cause of the incident.
- Take corrective action to prevent similar incidents from occurring.
- Record the findings and ensure corrective actions are taken.
- Obtain any reports completed by law enforcement.
- The violent incident log (See Appendix A) will be used for every workplace violence incident and will include information such as:
  - The date, time, and location of the incident.
  - The workplace violence type or types involved in the incident.
  - A detailed description of the incident.
  - A classification of who committed the violence, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor, spouse, parent or relative, or other perpetrator.
  - A classification of circumstances at the time of the incident, including, but not limited to, whether the staff was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.
  - A classification of where the incident occurred, such as in the workplace, parking lot or other area outside the workplace, or other area.
  - The type of incident, including, but not limited to, whether it involved any of the following:
    - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
    - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
    - Threat of physical force or threat of the use of a weapon or other object.
    - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
    - Animal attack.
    - Other.
  - Consequences of the incident, including, but not limited to:
    - Whether security or law enforcement was contacted and their response.
    - Actions taken to protect staff from a continuing threat or from any other hazards identified as a result of the incident.
    - Information about the person completing the log, including their name, job title, and the date completed.
- Ensure no personal identifying information is recorded or documented in the written investigation report, E.g., name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the perpetrator's identity.

## **TRAINING AND INSTRUCTION**

All staff, including supervisors, will be trained on general and job-specific workplace violence practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will include:

- When and why the WVPP is established.
- Annually, ensure all staff understand and observe the plan.
- Workplace violence hazards specific to the staff jobs, the corrective measures the District has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm.
- The violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.
- Opportunities the District has for interactive questions and answers with a person knowledgeable about the WVPP.
- Whenever a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan. The additional training may be limited to addressing the new workplace violence hazard or changes to the plan.

## STAFF ACCESS TO THE WVPP

The District ensures that the WVPP plan shall be in writing and shall be available and easily accessible to staff, authorized representatives, and representatives of Cal/OSHA at all times. The following records shall be made available to staff and their representatives, upon request and without cost, for examination and copying within **15 calendar days of a request**:

- Records of workplace violence hazard identification, evaluation, and correction.
- Training records.
- Violent incident logs.

## RECORDKEEPING

The District will:

- Create and maintain records of workplace violence hazard identification, evaluation, and correction for at least five (5) years.
- Create and maintain training records for a minimum of one (1) year and include the following:
  - Training dates.
  - Contents or a summary of the training sessions.
  - Names and qualifications of persons conducting the training.
  - Names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for a minimum of five (5) years.
- Maintain records of workplace violence incident investigations for at least five (5) years.
  - The records shall not contain medical information per subdivision (j) of section 56.05 of the Civil Code.
- All records of workplace violence hazard identification, evaluation, and correction; training, incident logs, and workplace violence incident investigations required by [LC section 6401.9\(f\)](#) shall be made available to Cal/OSHA upon request for examination and copying.

## REVIEW AND REVISION OF THE WVPP

The District WVPP will be reviewed for effectiveness:

- At least annually.
- When a deficiency is observed or becomes apparent.
- After a workplace violence incident.
- As needed.

Review and revision of the WVPP will include the procedures listed in the Staff Active Involvement section of this WVPP, as well as the following procedures to obtain the active involvement of staff and authorized representatives in reviewing the plan's effectiveness:

- Review of the District's WVPP will include, but is not limited to:
  - Review of incident investigations and the violent incident log.
  - Assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability (if applicable).
- Review that violence risks are being correctly identified, evaluated, and corrected. Any necessary revisions are made promptly and communicated to all staff.

## DISTRICT REPORTING RESPONSIBILITIES

The San Ysidro School District will immediately report to Cal/OSHA any serious injury or illness (as defined by [CCR, Title 8, Section 330\(h\)](#)), or death (including any due to Workplace Violence) of an employee occurring in a



place of employment or in connection with any employment.

# Appendix A: Violent Incident Log Template

**NOTE: PLEASE FORWARD A COPY OF THIS INCIDENT LOG TO JOSE INIGUEZ AT [JOSE.INIGUEZ@SYSDSCHOOLS.ORG](mailto:JOSE.INIGUEZ@SYSDSCHOOLS.ORG) AS SOON AS POSSIBLE.**

Please complete **each** section listed below:

1. Date of this report:
2. Name, title, and signature of the person completing this report:
  - a. Name:
  - b. Title:
  - c. Signature:
3. Date(s) **the incident** occurred:
4. Location of the incident (This includes the school site and the area within the school site. E.g., Rear staff parking lot at Willow Elementary School):
5. Type of Workplace Violence Type- Circle one of the four types listed below. The purpose of this section is to identify the perpetrator:
  - **Type 1 violence** - Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches staff with the intent to commit a crime.
  - **Type 2 violence** - Workplace violence directed at staff by customers, clients, patients, students, inmates, or visitors (e.g., parents).
  - **Type 3 violence** - Workplace violence against staff by a present or former staff, or supervisor.
  - **Type 4 violence** - 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 a staff member.
6. Type of Incident- Circle the incident category below that best captures what occurred. The purpose of this section is to describe the nature of the incident:
  - Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
  - Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
  - Threat of physical force or threat of the use of a weapon or other object.
  - Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
  - Animal attack.
  - Other.



