

WORKPLACE VIOLENCE PREVENTION PROGRAM for Birmingham Community Charter School



It shall be the policy of Birmingham Community Charter High School ("BCCHS" or the "School") to provide its employees with a safe and healthy work environment. To that end, BCCHS shall take appropriate actions to prevent acts of violence, threats, intimidation, and harassment from occurring on campus and during the performance of employees' job duties. The School's Workplace Violence Prevention Plan (WVPP) addresses the hazards known to be associated with the four types of workplace violence as defined by [Labor Code \(LC\) section 6401.9](#).

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DEFINITIONS

For purposes of this Plan, the following definitions apply:

Emergency - Unanticipated circumstances that can be life threatening or pose a risk of significant injuries to employees or other persons.

Log - The violent incident log required by LC section 6401.9.

Plan - The workplace violence prevention plan required by LC section 6401.9.

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 an accident on a public street or highway, unless the accident occurred in a construction zone (Cal OSHA).

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.

Workplace violence - Any act of violence or threat of violence that occurs in a place of employment.

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Workplace violence includes, but is not limited to, the following:

- The 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 common objects as weapons, regardless of whether the employee sustains an injury.
- There are four workplace violence types:

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, supervisor, or manager.

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.

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

Work practice controls - Procedures and rules which are used to effectively reduce workplace violence hazards

RESPONSIBILITY

The Human Resources Director is the WVPP administrator and has the authority and responsibility for implementing the provisions of this plan for BCCHS. All managers and supervisors are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the WVPP.

EMPLOYEE ACTIVE INVOLVEMENT

BCCHS utilizes the following policies and procedures to obtain employee feedback and input from authorized employee representatives to contribute to this plan's development. Feedback is reviewed and revisions deemed warranted are implemented into the plan:

- Management will work with and allow employees and authorized employee representatives to provide feedback in:
 - Identifying, evaluating, and determining corrective measures to prevent workplace violence. The School maintains a safety committee, led by an administrative director, which meets with employees and their representatives no less often than once per quarter to discuss identification of workplace violence related concerns/hazards, evaluate those hazards and/or concerns, and brainstorm ideas on how to correct them. These meetings may involve brainstorming sessions, discussions of recent incidents, and reviews of safety procedures.
 - Participating in training. Upon hiring, and annually thereafter, employees will be provided with a copy of this plan and participate in a training on the awareness and prevention of workplace violence. Upon employee request, or when deemed necessary by a manager or supervisor, the WVPP will be reviewed with current employees.
 - Reporting and investigating workplace violence incidents. Employees wishing to report an incident of workplace violence will be directed to report the incident to the Human Resources Director, either by written report or email.
- Management will ensure that all workplace violence policies and procedures within this written plan are clearly communicated to all employees. Managers and supervisors are responsible to enforce all safety rules fairly and uniformly.
- All employees must follow all workplace violence prevention plan directives, policies, and procedures, and assist in maintaining a safe work environment.
- The plan shall be in effect at all times and in all work areas

EMPLOYEE COMPLIANCE

To ensure that employees follow safety rules and practices, do not create security or safety hazards, and do not engage in threats or violent acts, the Plan includes (but is not limited to) the following compliance measures:

- Training employees, supervisors, and managers in the provisions of the School's Workplace Violence Prevention Plan (WVPP)
- Any employee found in violation of the WVPP will be subject to progressive discipline, in a manner consistent with the procedure for addressing other violations of BCCHS policy.
- Provide retraining to employees whose safety performance is deficient with the WVPP.
- Recognizing employees who demonstrate safe work practices that promote the WVPP in the workplace.

COMMUNICATION WITH EMPLOYEES

We recognize that open, two-way communication between our management team, staff, and other employees, about workplace violence issues is essential to a safe and productive workplace. The following communication system is designed to facilitate a continuous flow of workplace violence prevention information between management and staff in a form that is readily understandable by all employees. Plan communication measures include but are not limited to:

- New employee orientation shall include workplace violence prevention policies and procedures
- Regularly scheduled meetings that address security issues and potential workplace violence hazards
- Effective communication between employees and supervisors about workplace violence prevention and violence concerns where:
 - Employees may report concerns to a manager or supervisor in their preferred language
 - Managers or supervisors will promptly report such concerns to the Human Resources Director, or another appropriate administrator, depending on the nature of the concern (e.g. a concern about a student making a threat would be best reported to a dean or to the administrative director in charge of student discipline).
- Employees will be informed that they can report a violent incident, threat, or other workplace violence concern to employer or law enforcement without fear of reprisal or adverse action.
- Employees will be informed that in the event of an emergency, they should first call 911 and then notify an administrator.
- Employees will not be prevented from accessing their mobile or other communication devices to seek emergency assistance, assess the safety of a situation, or communicate with a person to verify their safety.
- Employees' concerns will be investigated in a timely manner, and they will be informed of the results of the investigation and any corrective actions to be taken.
 - Updates on the status of workplace violence investigations are provided to employees through email. These updates may include information about the progress of the investigation the outcome of the investigations, and corrective measures taken to resolve the hazard.

WORKPLACE VIOLENCE INCIDENT REPORTING PROCEDURE

- All threats or acts of workplace violence shall be reported to an employee's supervisor or manager, who will inform the WVPP administrator via written report or email. Employees may also report incidents directly to the WVPP administrator, the Human Resources Director, if it is impossible or impractical to notify their direct supervisor.
- A strict non-retaliation policy is in place, and any instances of retaliation are dealt with swiftly and decisively. Any employee who retaliates against a coworker for reporting an incident will be subject to disciplinary action, up to and including termination.

EMERGENCY RESPONSE PROCEDURES

The School maintains a Safe School Plan, pursuant to California Education Code 35294, which describes specific actions to be taken in the event of an emergency. A link to the current Safe School Plan can be found at <https://www.birminghamcharter.com/accountability-compliance>.

WORKPLACE VIOLENCE HAZARD IDENTIFICATION AND EVALUATION

The School reviews all submitted/reported concerns of potential violence hazards. Such hazards should be reported the Human Resources Director via written report or email. All workplace violence hazard evaluation reports shall be kept as records pursuant to the recordkeeping requirements outlined in this Plan. Preventative measures for reducing workplace violence include, but are not limited to, the following:

- employing campus aides and having them patrol the workplace;
- partnering with Los Angeles School Police;
- installing security surveillance cameras in and around the workplace;
- controlling access to, and freedom of movement within, the workplace by non-employees, (include recently discharged employees or persons with whom one of our employees is having a dispute);
- ensuring employees have access to a telephone with an outside line;
- conducting emergency drills to review escape routes; and
- limiting the amount of cash on hand.

WORKPLACE VIOLENCE HAZARD CORRECTION

Workplace violence hazards will be evaluated and corrected in a timely manner.

- The Principal/ CEO or his designee shall approve, deny, or approve with modification any recommendation for corrective action and provide a justification for any denial or modification.
- The recommendation for corrective action and response of the Principal/ CEO or his designee shall be kept as a record pursuant to the recordkeeping requirements outlined in this Plan.
 - If an imminent workplace violence hazard exists that cannot be immediately abated without endangering employee(s), all exposed employee(s) will be removed from the situation except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition will be provided with the necessary protection.
- All corrective actions taken will be documented and dated on the appropriate forms.
- If any corrective actions require revisions to an employee handbook, those changes shall be implemented within a reasonable time.

PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION

After a workplace incident, the WVPP administrator or their designee may implement the following post-incident procedures as appropriate for the specific incident:

- Visit the scene of an incident as soon as safe and practicable.
- Interview involved parties, such as employees, 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 ensuring corrective actions are taken.
- Obtain any reports completed by law enforcement.

The violent incident log 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 parent/ guardian, student, family or friend of a student or parent/ guardian, stranger with criminal intent, coworker, supervisor, or manager

A classification of circumstances at the time of the incident, including, but not limited to, whether the employee 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 employees 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.
- Reviewing all previous incidents.
- BCCHS will also provide supportive services to victims of violence. This may include support from counselors, psychiatric social workers, and/ or outside services as appropriate and as requested by the victim.

BCCHS will take reasonable efforts to ensure that no personal identifying information is recorded or documented in the written investigation report. This includes information which would reveal identification of any person involved in a violent incident, such as the person's name, address, email address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person's identity.

TRAINING AND INSTRUCTION

All employees, including managers and supervisors, will have training and instruction on workplace violence prevention practices. These sessions could involve presentations, discussions, and practical exercises. Training and instruction will be provided as follows:

- upon hiring;
- annually; and
- when a manager or supervisor determines an employee is deficient in such practices.

Upon employee request, or when deemed necessary by a manager or supervisor, the Human Resources Director will review with any employee the definitions found on page 1 of this plan and the requirements listed below:

- the employer's WVPP, how to obtain a copy of the employer's plan at no cost, and how to participate in conversations about concerns pertaining to workplace violence;
- how to report workplace violence incidents or concerns to the employer or law enforcement without fear of reprisal;
- the violent incident log and how to obtain copies of records pertaining to hazard identification, evaluation and correction, training records, and violent incident logs.

EMPLOYEE ACCESS TO THE WRITTEN WVPP

BCCHS ensures that the WVPP plan shall be in writing and shall be available and easily accessible to employees, authorized employee representatives, and representatives of Cal/OSHA at all times. This will be accomplished by placing the plan on the School's website at <https://www.birminghamcharter.com/accountability-compliance>. Additionally, the human resources office will provide a hard copy of the plan upon request.

RECORDKEEPING

BCCHS will:

- 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:
 - training dates,
 - contents or a summary of the training sessions,
 - names and qualifications of persons conducting the training, and names and job titles of all persons attending the training sessions.
- Maintain violent incident logs for minimum of five (5) years.
- Maintain records of workplace violence incident investigations for a minimum of 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.

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 fifteen (15) **calendar days of a request**:

- records of workplace violence hazard identification, evaluation, and correction;
- training records; and
- violent incident logs.

REVIEW AND REVISION OF THE WVPP

The BCCHS WVPP will be reviewed for effectiveness:

- at least annually,
- when a deficiency is observed or becomes apparent,
- after a workplace violence incident, and
as needed.

Review of the School's WVPP will include, but is not limited to:

- review of incident investigations and the violent incident log; and
- assessment of the effectiveness of security systems, including alarms, emergency response, and security personnel availability.

Any necessary revisions will be made promptly and communicated to employees as appropriate.

EMPLOYER REPORTING RESPONSIBILITIES

As required by California Code of Regulations (CCR), Title 8, Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries, BCCHS 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.

CERTIFICATION

I, Ari Bennett, Principal/ CEO of BCCHS, hereby authorize and ensure the establishment, implementation, and maintenance of this written workplace violence prevention plan and the documents/forms within this written plan. I am committed to ensuring the safety and well-being of our employees and believe that these policies and procedures will help us achieve that goal.

Signature: _____

Date: _____

Violent Incident Log

This log must be used for every workplace violence incident that occurs in our workplace. At a minimum, it will include the information required by LC section 6401.9(d).

The information that is recorded will be based on:

- information provided by the employees who experienced the incident of violence;
- witness statements; and
- all other investigation findings.

All information that personally identifies the individual(s) involved will be omitted from this log, such as:

- Names
- Addresses – physical and electronic
- Telephone numbers
- Social security number

Date of Incident: _____

Approximate Time of Incident: _____

Workplace Violence Type (1, 2, 3, or 4): _____

Location of Incident: _____

Highlight or circle any of the following that describe the incident, and explain in detail:

- 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.

Who Committed the Workplace Violence? (Include a description, not a name):

What were the circumstances of the incident? This includes, but is not limited to, whether the employee 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.

What were the consequences of the incident? This includes, but is not limited to whether security or law enforcement were contacted and their response and any actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.

Were there any injuries? If so, describe them.

Were emergency medical responders other than law enforcement contacted, such as a Fire Department, Paramedics, On-site First-aid certified personnel? Yes or No. If yes, explain below:

Did the severity of the injuries require reporting to Cal/OSHA? If yes, document the date and time this was done, along with the name of the Cal/OSHA representative contacted.

A copy of this violent incident log needs to be provided to the employer. Indicate when it was provided and to whom.

This violent incident log was completed by:

Name: _____

Title: _____

Reporter's Signature: _____

Date: _____