

## Policy 3.19 Workplace Violence and Threat Assessment Team

### Purpose

John Tyler is concerned about the safety, health and well-being of all of its students, faculty and staff. In adherence to Virginia Code 23-9.2:10, JTCC has established a Threat Assessment Team (TAT) comprised of representatives of student services, law enforcement, security services, human resources, and faculty. The team meets on a regular basis under the leadership of the Dean of Students and the Security Manager.

The TAT is charged with addressing all reported behavioral issues which occur on a John Tyler campus, at an off-site location, online or on an electronic site, including e-mail, blogs, social media, and Blackboard postings. Off-campus and electronic, social media or online behavior of students, staff, faculty, individuals or third parties may be considered and investigated by the TAT in instances where a threat is thought to exist to the college community.

The mission of the JTCC TAT is to facilitate a safe college community through a coordinated, systemic, collaborative, objective, unbiased, thoughtful, and proactive approach, with strong emphasis on prevention through identification of the potential threats, assessments of said threats, interventions, management and follow up of any and all situations that pose or are thought to pose potential threats to the safety and well-being of individuals on campus as well as to the college community.

### Coverage

These policy guidelines will apply to all faculty, staff, students, visitors, contractors, individuals and other third parties. Students are covered under additional provisions in the JTCC Student Handbook to include:

19.19.10 Student Rights and Responsibilities

19.19.11 Student Code of Conduct

19.19.12 Student Disciplinary Policies and Procedures

19.19.13 Policy on Sexual Violence, Domestic Violence, Dating Violence and Stalking

6.6.21 Admissions of Individuals on the Sex Offender and Crimes Against Minors Registry

### Policy Components

#### A. Definitions:

Direct Threat: A situation where there is a high probability of substantial harm to an individual or individuals.

TAT: Threat Assessment Team

Respondent: A person whose behavior warrants an investigation by the College pursuant to this policy.

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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 the 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.

Third Parties: Individuals who are not state employees, such as relatives, acquaintances, strangers, contractors, or visitors.

Individual(s): Anyone who comes to the attention of the TAT.

Student: A person who has applied to, been accepted, and registered/enrolled at the College.

- B. JTCC prohibits threats and acts of violence on college property, JTCC facilities, and at any JTCC sponsored event; while engaged in business, educational, or athletic activities; and while traveling in state vehicles. Prohibited conduct includes but is not limited to:
1. injuring another person physically;
  2. engaging in behavior that creates a reasonable fear of injury to self or another person;
  3. engaging in behavior that would subject a reasonable person to, and does subject another individual to, extreme emotional distress;
  4. 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;
  5. 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;
  6. brandishing or using a weapon by third parties with a permit to carry a concealed weapon while on campus in academic or administrative buildings, or while attending a sporting, entertainment or educational event, when specifically asked by the college to agree not to possess a weapon as a condition of attendance. This provision does not apply to law enforcement personnel;
  7. intentionally damaging property;
  8. threatening to injure an individual (including oneself) or to damage property;

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9. committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
10. retaliating against any employee or student who, in good faith, reports a violation of this policy.
11. See Student Conduct in the JTCC College Catalog/Student Handbook for additional information specific to student conduct

### C. Consequences of Policy Violations:

1. 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.
2. Students violating this policy will be subject to disciplinary action as outlined in the JTCC 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 or assessment of dangerousness 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.
3. In order to mitigate risk, students may be suspended on an interim basis if it is believed that a direct threat to other students, faculty, staff or to the public exists, or if the student's behavior creates a serious disruption to normal College operations. Before a student may be suspended he or she will be informed of the reasons for the interim suspension and will be provided an opportunity to respond within five (5) business days, except in exigent circumstances, in which case the student will be given said opportunity as soon as possible as determined by the Dean of Students, designee or vice president. The student may respond to the interim suspension in writing to the Dean of Students; however the burden is on the student to prove that his/her presence on campus is not a threat to the college community. The TAT will review the information related to the response and will make a recommendation to the Dean of Students regarding the response. If the student is enrolled in classes at the time of the interim suspension and it is deemed through the TAT process that the student shall be allowed to return to campus, the TAT shall assist the student in gaining access to the college and the student's faculty shall forgive the absences that occurred during the interim suspension and assist the student in making up any missed work. Academic and/or financial decisions as a result of the interim suspension are the responsibility of the student.
4. In the event that a student fails to comply with the recommendation of the TAT, the student may be referred to the Judicial Affairs process.

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5. Visitors and third parties violating this policy will be subject to applicable, state, and federal laws, and associated regulations, and may be barred from John Tyler Community College at JTCC's discretion for violating this policy.

### D. Threat Assessment Team

1. The membership of the committee must comply with the requirements of Virginia Code § 23-9.2:10. The committee should consult VCCS legal counsel when necessary, through established protocols. At least six (6) members of the TAT shall be present during the team meetings in which decisions are being made regarding recommendations on cases.
2. The TAT has published for the JTCC college community, a clear statement of its mission and membership, as well as the committee's leadership role in the area of violence prevention.
3. The TAT has published periodic guidance to faculty, staff and students regarding the following:
  - a. how to recognize and report aberrant or potentially harmful behavior that may represent a threat to the community;
  - b. policies and procedures for the assessment of individuals whose behavior may present a threat;
  - c. appropriate means of intervention with such individuals;
  - d. college/system action to resolve potential threats; and
  - e. to whom on the college's threat assessment team, or through what method, potentially threatening behavior should be reported.

### E. Reporting or responding to threats or incidents of workplace violence:

1. Employee and student responsibilities should include:
  - a. Reporting incidents or threats of violence to their immediate supervisor, Human Resource Office, Campus Community Resource Officers/Security, Threat Assessment Team members, or Dean of Students office staff.
  - b. Providing Threat Assessment Team members, Community Resource Officers, Security or Dean of Students with a copy of any Protective Orders from a court so that appropriate enforcement activities occur.
  - c. No person who, in good faith, reports threatening or otherwise troubling behavior in accordance with this policy will be subject to retaliation.
2. Management Responsibilities include:
  - a. Members of the Threat Assessment Team coordinate Workforce Violence Prevention.
  - b. The TAT serves as the Violence Prevention Committee (VPC) and complies with § 23-9.2:10 of the Code of Virginia. The 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

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situations. TAT/VPC publishes education and prevention information and recommend ways to, (1) 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.

3. Threat Assessment Team Responsibilities include:
  - a. Establishing or utilizing existing relationships with local and state law-enforcement agencies as well as mental health agencies to ensure compliance with § 23-9.2:10 of the Code of Virginia, and expedite assessment and intervention with individuals whose behavior may present a threat to campus safety.
  - b. 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. In these cases the student, staff member, faculty member, individual or respondent may be asked to participate in a mental health evaluation or assessment of dangerousness 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. The mental health evaluator may be responsible for obtaining and reviewing any mental health records.
  - c. No member of a threat assessment team shall disclose 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. Va. Code § 23-9.2:10(E).

### F. Procedures

1. Any faculty, staff, or student who believes a student, staff member, faculty member or individual's behavior on campus is of concern or threatening or who learns information regarding a student, staff, faculty member or individual that may present a threat to the community should contact the Dean of Student's office, Security, Community Resource Officers or Human Resources and/or complete the JTCC threat assessment referral form located at [https://cm.maxient.com/reportingform.php?JohnTylerCC&layout\\_id=2](https://cm.maxient.com/reportingform.php?JohnTylerCC&layout_id=2) .

In the event that the behavior is an immediate threat to the safety of the college community, security should be notified immediately. 911 may be called in addition to notifying security.

2. The Dean of Students or designee or in cases involving staff or faculty, the Vice President of Administration or designee and other needed members of the TAT will review the complaints/concerns/issues and determine the appropriate process to be initiated.

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- a. If the behavior is a violation of the student code of conduct the student disciplinary policies and procedures will be initiated.
  - b. If the behavior is gender based to include sexual violence, dating violence, domestic violence and stalking the JTCC Title IX policy will be initiated. Violations regarding this policy may be reviewed by both the Title IX Review Team and the TAT
  - c. If the student or individual desiring admission to JTCC is on the sex offender and crimes against minors registry the policy on the admissions of individuals on the sex offender and crimes against minors registry will be initiated.
3. The Dean of Students or designee will lead the team discussion. At least six (6) members of the TAT shall be present during the team meetings in which decisions are being made regarding recommendations on cases.
  4. The team members may determine that, owing to the alleged behavior, a meeting may be scheduled for the student, staff, faculty, respondent or individual to meet with a team member or other individual as determined by the team. During this meeting a signature on a release of information may be requested in order for the TAT to gather additional information from sources outside of the college community.
  5. Team members will interview, if needed to gather additional information for team consideration, the individual(s) who reported the behavior and others who may have information or input regarding the behavior.
  6. In some cases, the student, staff member, faculty member, individual or respondent may be required to participate in a mental health evaluation or assessment of dangerousness 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. The mental health evaluator may be responsible for obtaining and reviewing any mental health records.

After gathering all requested/needed information the team will review the information and make a recommendation regarding the status of the student, staff member, faculty member, respondent or individual with the college. The nature, severity and frequency of the behavior and the risk level associated with the behavior will be considered as well as options available to assist the student, staff member, faculty member, respondent or individual with the behavior.

Any recommendations regarding dismissal from the college and a ban from the college of a student, respondent or individual will be forwarded to the Vice President of Learning and Student Success or designee for a final decision. After obtaining the decision, the TAT will notify the student, respondent or individual in writing of the decision, of the transcript notation (see student permanent records section of this policy) and will offer the opportunity to appeal as outlined in this policy.

Any recommendation regarding the status of a staff member or faculty member will be forwarded to the Vice President of Administration or designee for further action.

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### G. Communication and Training

1. The Workplace Violence Prevention Policy will be posted on the college/ web site.
2. Information on the Workforce Violence Prevention Policy, will be included as part of the employee orientation.
3. Training on recognizing and responding to potentially violent or violent situations in the workplace will be provided to employees periodically by the Violence Prevention Committee (same as Threat Assessment Team).
4. A reference to this policy will be shared at student orientation and/or communicated to students via College e-mail and published on the college's web site.

### H. Appeals

The student, respondent or individual may appeal the decision of the Vice President of Learning and Student Success or, in cases of employee dismissals, may appeal the decision of the Vice President of Administration in writing to the Dean of Students within ten (10) business days of the notification of the dismissal. An appeal may be filed based on one (1) or more of the following:

1. New information is available that might affect the outcome of the decision
2. Excessive recommendations by the TAT
3. Violation of due process or procedures outlined in this policy

All appeals should include documentation to support the claim made by the student, respondent, individual, staff member or faculty member.

The Dean of Students will present the appeal in addition to all information gathered by the TAT to the appropriate Vice President. The appropriate Vice President will review the information and communicate the decision in writing within ten (10) business days of the date the appeal was submitted by the student/respondent/individual/staff member/faculty member. This decision is final and cannot be appealed.

### **Student Permanent Records**

#### **Disciplinary Transcript Notations:**

In order to alert other institutions of higher education of a student who was dismissed for exhibiting threatening or dangerous behavior, or otherwise has committed an act of misconduct, JTCC may place a statement on the transcript, which shall state "Misconduct Dismissal."

Prior to making any disciplinary notation on a transcript, the college shall notify the student in writing of such action and give the student the right to appeal as outlined in this policy.

#### **Student Information System (SIS) Records Indicators:**

In addition to the above, the college may place on a student's SIS record an XTA service indicator when a student is dismissed for misconduct, exhibits threatening behavior, or is

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determined to be a potential threat. Colleges shall use the XTA indicator only after a threat assessment team has made a determination that the student poses a threat to the campus community as outlined in this policy.

### **Amending Student Records:**

Under the provisions of the Family Educational Rights and Privacy Act (FERPA), students must have an opportunity to challenge the accuracy of the information that led to the application of the indicator to their record at the college placing the indicator. The challenge may only address the accuracy of the information, any misleading information, or a violation of the student's privacy rights. The college shall decide whether to amend the record as requested within a reasonable time after the college receives the request. If the college decides not to amend the record as requested, it shall inform the student of its decision and of his or her right to a hearing. If the student prevails at the hearing, the record shall be corrected and the indicator should be removed, unless other facts support the continued use of the indicator. If the college prevails, the student has the right to place a statement in his or her record challenging the college's actions. The college must maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates. Students wishing to challenge the accuracy of information may do so by contacting the dean of students.

### **Use of Service Indicators in Admission Decisions:**

If a student with an XTA on his or her student record at one Virginia community college applies to another community college ("the new college") within the VCCS, the new college shall conduct an independent threat assessment to determine whether the applicant continues to pose a threat to the campus community.