

UC SANTA BARBARA POLICY AND PROCEDURE

Sustaining Community and Preventing Violence

Contact: **Academic Affairs or Administrative Services**

New Policy: July 1, 2009

Pages: 5

SUSTAINING COMMUNITY AND PREVENTING VIOLENCE

INTRODUCTION

The University of California, Santa Barbara (University) can best perform its missions of teaching, research, and public service when faculty, students, and staff co-exist in a climate that supports the free exchange of ideas and utilizes constructive methods of conflict resolution.

Intimidation, threats, and acts of violence erode discourse and are detrimental to individuals, our community, and the university's ability to achieve its mission. Moreover, these destructive behaviors rob individuals of rights protected by California law and university policy. (See appendices.) The purpose for this policy is to succinctly communicate: (a) how the university will respond to intimidation, threats, and acts of violence, (b) how to report these types of behavior, and (c) to whom one may go for assistance in preventing violence and sustaining our community.

Free Speech and Academic Freedom

This policy is intended to protect members of the University community from intimidation, threats, and acts of violence, not to regulate protected speech. Therefore, this policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also recognizes principles of academic freedom as a special area of protected speech.

Due Process

In responding to allegations of violations of this policy, the University shall act in accordance with its established rules and principles to ensure the treatment of individuals is fair, reasonable, and objective.

I. SCOPE

This policy governs all academic and staff employees, emeriti, retirees, and students, as well as visitors, volunteers, vendors, and contractors when 1) on/in university owned or managed property, 2) at university sponsored activities, or 3) when acting within the scope of university employment.

II. POLICY

- A. To sustain a community that encourages discourse and the exchange of ideas and knowledge, every individual on or in university owned or managed property, attending university sponsored activities, or acting within the scope of university employment is expected to act in accordance with the laws and university policies that protect the rights of individuals to be free from violence. Specifically, intimidation, threats of violence, and acts of violence are unacceptable conduct and a violation of university policy.
- B. The university shall respond to allegations of intimidation, threats of violence, and acts of violence with available campus resources. When the university acts to investigate allegations, facilitate mediation and conflict resolution, prevent violence, and reduce the occurrence of unacceptable conduct, it will do so in accord with the applicable principles of due process.
- C. The executive vice chancellor shall appoint a team of professionals to develop and implement a violence intervention and prevention program. The team shall be named the

Threat Management Team (TMT). The program shall be designed to raise awareness, train, and assist individuals and departments with the identification and use of constructive methods for conflict resolution, promoting civility, and responding to and preventing violence. The Dean of Students or designee shall be an incident coordinator on the TMT. Incidents involving students shall be managed by the Dean of Students. For more information on TMT see the Threat Management Team Web site.

- D. The dean of students, as designated by the vice chancellor, Student Affairs shall lead the response to incidents involving students and is responsible for implementing a student violence intervention and prevention program.
- E. Every individual plays a role in creating a safer community; therefore, each individual is urged to respond promptly and decisively, and actively work to create a respectful climate that supports the free exchange of ideas and uses constructive methods of conflict resolution. Intimidation, threats of violence, and acts of violence are not to be ignored, condoned, or tolerated. Each individual is strongly encouraged to report any suspected violations of this policy.
- F. No person shall possess or have control of any firearm, deadly weapon, explosive device, or prohibited knife, as defined in the California Penal Code, except as required in the lawful course of business or as authorized by the UCSB Police Chief. Possession, storage, and use must comply with California law.
- G. It is a violation of this policy to retaliate against another for reporting intimidation, threats of violence, or acts of violence.
- H. If allegations of violations of this policy are substantiated, in accordance with the university's established rules and principles that ensure the treatment of individuals is fair, reasonable, and consistent with due process rights, the university shall administer appropriate sanctions. Sanctions include, but are not limited to, mandatory training, disciplinary actions up to and including dismissal and/or being barred from University property and activities. In addition, violators of law may be subject to civil and/or criminal prosecution as determined by the District Attorney's Office.

III. REPORTING PROCEDURES

A. Witnesses and Subjects

1. If you are a witness to or subject of an act of violence, a potentially dangerous situation, or imminent danger call 9-911 immediately.

In addition, you are strongly encouraged to notify your supervisor or unit head or the Threat Management Team. If the situation involves a student, contact the dean of students.

2. If you are a witness to or subject of intimidation, or threats of violence, report the incident to your supervisor or unit head or to the Threat Management Team. If the situation involves a student, contact the dean of students.

B. Supervisors, Academic and Administrative Officers, and Threat Management Team Incident Coordinators

If you receive a report of an act of violence, a potentially dangerous situation, or imminent danger, verify that the Police have been notified. If you cannot verify that they have been notified, call them immediately.

If you receive a report of intimidation or threat(s) of violence, notify the Threat Management Team. If the situation involves a student, contact the dean of students. TMT will assist you in taking appropriate action to respond to the situation(s), with the goal of preventing violence, resolving conflict, and reducing the occurrence of unacceptable conduct. Sanctions for those who have been found to have threatened or perpetrated violence shall be administered only in accordance with established university processes.

C. Threat Management Team

TMT incident coordinators and advisors, upon report of an act of violence, a potentially dangerous situation, or imminent danger, shall verify that the Police have been notified. TMT shall serve as a resource to the Police as needed.

TMT incident coordinators and advisors, upon report of concerns about potential violence, intimidation, or threats or acts of violence shall coordinate resources and assist individuals, supervisors, and administrators with assessments and responses that reduce risks, prevent violence, resolve conflict, and reduce the occurrence of unacceptable conduct.

For information about TMT visit the [Threat Management Team Web site](#).

APPENDICES

I. DEFINITIONS

Intimidation: Conduct directed toward another person, the purpose of which is to coerce or frighten, and the result of which reasonably causes that person to fear for his/her safety or the safety of others. See appendix II for examples.

Threat of Violence: An expression of an intention to physically harm one's self, another person or thing, or damage property, the result of which reasonably causes that person to fear for his/her safety or the safety of others or of property. See appendix II for examples.

Act of Violence: The exercise of physical force against one's self, another person, or property with the intent to cause physical harm, whether or not it causes actual harm.¹

Dangerous Situation: A set of circumstances that presents risk of imminent physical harm to one's self, another person, or damage to property.

Imminent Danger: Any condition or practice that could reasonably be expected to cause death, serious physical harm to one's self, another person or substantial damage to property.

University Property: Any land, facilities or other improvements or assets, vehicles, or objects owned or managed by The Regents of the University of California.

¹ The lawful exercise of force by a police officer performing his/her official duties or other lawful use of force, such as self-defense, shall not be considered an act of violence for the purposes of this policy.

II. EXAMPLES OF UNACCEPTABLE CONDUCT

This list is not exhaustive, but is provided as an aid for understanding the types of behavior that harm individuals, our community, and the university's ability to achieve its mission. (For additional examples for faculty, see [APM 015, Faculty Code of Conduct.](#))

- ◆ Physically injuring another person intentionally, such as offensively hitting/punching someone
- ◆ Brandishing a weapon or firearm
- ◆ Committing injurious or threatening acts, such as sexual assault, stalking, dating violence or domestic violence. Engaging in conduct, the result of which reasonably causes an identifiable individual to fear physical injury
- ◆ Engaging in threatening or violent behavior based on race, ethnicity, gender, or sexual orientation
- ◆ Threatening to physically injure an individual or to damage property
- ◆ Repeated (a pattern of) yelling at another individual
- ◆ Repeated (a pattern of) pounding on desks or walls or purposefully slamming doors in the presence of another
- ◆ Blocking or cornering an individual, making it difficult for an individual to leave without physical contact
- ◆ Sending threatening voice-mails, e-mails, or other written or expressed threats
- ◆ Defacing or intentionally damaging property, including data, research, or product destruction
- ◆ Retaliating against an individual who, in good faith, reports a violation of this policy

III. RELATED RESOURCES

Programs and Services

[Academic and Staff Assistance Program](#)
[Counseling Services](#)
[Emergency Planning](#)
[Ombuds](#)
[Responding to Distressed Students Guide](#)
[Student Health Services](#)
[Threat Management Team](#)

Laws

[Your Rights](#)

The Ralph Civil Rights Act (California Civil Code Section 51.7) forbids acts of violence against individuals because of their race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political party, or their part in a labor dispute.

The Bane Civil Rights Act (California civil Code Section 52.1) forbids anyone from interfering by force or by threat of violence with individuals' federal or state constitutional or statutory rights.

[The California Gun Free School Zone Act of 1995 and Amendments](#)

Policies

[Academic Personnel Manual](#) (APM)

[Faculty Code of Conduct](#)

[Non-affiliate Conduct Rules](#)

[Sexual Assault Policy](#)

[Sexual Harassment Policy](#)

[Substance Abuse](#)

[Whistle Blower Policy](#)

Disciplinary Processes

Academic Employees – [Academic Personnel Manual - 016](#)

Contract Employees -- [Contracts](#)

Represented Staff Employees – [Collective Bargaining Contracts](#)

Unrepresented Staff Employees —[Personnel Policies](#)

Students – [Campus Regulations](#)

Residential Housing Students for residential issues -- [Housing Judicial Affairs](#)