

Article 21

Work Environment/Safety

21.1 Safety

Safety is a mutual concern to both employees and employer. Unit members recognize their responsibility to follow safe working procedures, to utilize appropriate safety gear and to advise administration representatives of unsafe conditions. In the case of a clear and present dangerous condition (as defined by Section 830 of the Government Code, Labor Code 6401.7 and other applicable laws), the member has the obligation to suspend activities and to immediately notify the area supervisor.

Faculty working extended hours shall be provided with appropriate information regarding campus supervision during their scheduled hours and notification procedures in the event of a safety related concern or incident.

Emergency preparedness plan(s) and training shall be provided by the District. Section 830 of the Government Code states as follows:

“Dangerous condition’ means a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used.”

21.2 Removal of Student

21.2.1 Faculty have the authority to remove a student from a class or immediate instructional environment for non-classroom faculty (i.e. counselors, librarians, etc.) for the day of removal and the next class meeting (Education Code §76032).

21.2.1.1 Within one (1) day of the removal, the faculty member will notify the College President or other appropriate college official.

21.2.1.2 The sole basis for imposing disciplinary sanctions on a student is the student’s behavior.

21.2.2 When a student(s) is being recommended for removal from a class for any length of time beyond that referenced in Education Code §76032 as a result of any incident described in District Regulation 2441, Article 3.0 or the Student Code of Conduct, the following process should be followed before any decision is made to allow the student(s) to return to the class.

21.2.2.1 Within one (1) day of the removal, the faculty member will notify the College President or other appropriate college official.

- 21.2.2.2 Prior to the class period when the student is eligible to return, the college Student Discipline Officer (SDO) and the faculty shall meet to discuss the issue at a mutually agreeable time.
- 21.2.2.3 Allowing sufficient time to file an appeal before the beginning of the next class period, the SDO will notify the faculty member regarding the outcome of the disciplinary action, including any stated expectations or conditions of student behavior when the student returns to class.
- 21.2.2.4 Within one (1) working day after being notified of the SDO's decision, the faculty member may appeal, in writing, the decision to the College President. This appeal shall identify the "Good Cause" justification for the removal as identified in Education Code §76033.
- 21.2.2.5 If the decision of the SDO is appealed by the faculty member, the College President or designee, upon showing of "Good Cause", shall extend the suspension of the student from class until the appeal decision is finalized (Education Code §76031).
- 21.2.2.6 The decision of the College President or designee (other than the SDO) shall be final.

21.3 **Threat to Faculty Member**

In the event a threat of bodily harm or injury to a faculty member within the faculty member's scope and course of employment:

- 21.3.1 In accordance with Education Code §87014, any faculty member who is attacked, assaulted or menaced by any student within the faculty member's scope and course of employment shall report the incident promptly to the appropriate law enforcement authorities and the dean or management employee directly responsible for the faculty member.
- 21.3.2 The Dean or other management employee directly responsible for the faculty member, who either has knowledge of the incident or has been informed by the faculty member, also shall report the incident promptly to the appropriate law enforcement authorities.
- 21.3.3 As necessary, the faculty member may immediately have the offending individual(s) removed from the instructional area.
- 21.3.4 The District shall assist the faculty member to seek necessary protection. This protection may include providing police assistance, support for obtaining restraining orders, and providing release time if needed to attend any related legal proceeding.

21.3.4.1 Protection of a faculty member shall include a threat assessment carried out by the Los Rios Police Department (LRPD) when a direct and serious threat to the safety of the faculty member exists. A student shall not be allowed to return to the classroom until such threat assessment has been completed.

21.3.4.1.1 The LRPD shall be responsible for conducting and reporting the results of a threat assessment to the faculty member within three (3) instructional days. This timeline may be extended due to extenuating circumstances. Should an extension be required, the faculty member will be notified of the expected completion date and status of the student.

21.3.4.1.2 Faculty may appeal the conclusion of the threat assessment to the Vice Chancellor of Finance and Administration.

21.3.4.1.3 The Vice Chancellor of Finance and Administration will usually respond in writing to the appeal within six instructional days, unless exceptional circumstances exist in which case the faculty member will be notified of the status, provided regular updates, and the response will be completed in writing within thirty calendar days.

21.3.5 To the extent allowed by law, if a management employee knows, through appropriate documentation of a credible notification, that there are circumstances which pose a direct and serious threat to the safety of any faculty member(s), the District shall notify the faculty member(s) in a timely manner regarding the threat, unless public safety officials direct otherwise. Where the serious threat is against the District as a whole, the District will notify LRCFT representatives accordingly.

21.4 Any on-the-job disputes over safety conditions that cannot be resolved between the member and the area supervisor will be addressed to the Location Safety Officer. No member shall be required to return to the work location until the District decides that the location is safe.

21.4.1 Location Safety Officers designated by the Chancellor (or designee) are as follows:

College: Vice President of Administration

Facilities Management/District Office: Associate Vice Chancellor of Facilities Management.

21.4.2 If the Location Safety Officer determines that the conditions, other than those described in Section 21.1, are safe, the employee is expected to proceed with the required tasks. In the case of immediate problems, the Location Safety Officer may call or contact the District Safety Officer. An employee may report the incident to the location safety committee if they find the decision unsatisfactory. The committee will review the matter at a regularly scheduled meeting.

21.5 Location Safety Committees

To ensure employer's/employees' recognition of the importance of a safe working environment and safe working conditions, Location Safety Committees shall be constituted on each college of the District and Facilities Management/District Office.

21.5.1 A representative from each employee unit including Blue Collar, White Collar, Supervisors, Management/Confidential and Faculty will be invited to serve on a safety committee. LRCFT will appoint its representative. The Location Safety Officer will assume responsibility for coordinating these meetings. Other individuals with concerns and/or expertise in the area of health and safety may be invited to serve on these committees as well.

21.5.2 A Safety Coordinator will be appointed from each safety committee to act as a safety representative to a District-wide committee.

21.6 District Safety Committee

The District Safety Committee shall be appointed by the IIPP Program Administrator. It should include representatives from school sites, maintenance and management, and the LRCFT to meet the District's needs. The District Safety Committee will include at least one faculty member from a career education area, and the committee must be composed of at least one member appointed by the LRCFT. This committee may meet during off contract time in order to be responsive to safety needs.

21.7 Procedure

The Location Safety Committees shall meet periodically to review and make recommendations on the following items:

- a. Accident reports filed by employees during the intervening period. The committee will examine the cause and develop a follow-up procedure for correction, if possible.
- b. Reports filed by employees or others of alleged safety deficiencies or problems or health hazards.

- c. Safety equipment, safety classes and other related safety matters, including safety procedures, safety handbooks, and the responsibility of employees concerning safety practices.

21.7.1 Location Safety Committee members shall first attempt to resolve safety problems on each college or work site. Any unresolved safety problem not settled at the college / Facilities Management level may be appealed to the Director of General Services.

21.8 **District Appeals Committee**

A District Appeals Committee is hereby established composed of one (1) District safety representative appointed by the Chancellor (or designee) and one (1) member appointed by each employee organization. Any disputes involving safety which have not been settled at the college level will be presented at a scheduled hearing arranged by the District Appeals Committee. Every effort will be made to provide a satisfactory solution to safety concerns. Recommendations of the Appeals Committee will be presented to the Chancellor (or designee) whose decisions shall be final. This appeal procedure is provided in lieu of the regular grievance procedure of Article 13 and its use for safety problems is exclusive. Should the appeal process be completed without satisfactory resolution, the administrative remedy has been deemed exhausted.