

College Procedure

PROCEDURE TYPE:	Employment-Related
PROCEDURE TITLE:	Workplace Violence Prevention
PROCEDURE NO.:	EMPL-313.1
RESPONSIBILITY:	Chief Administrative Officer
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	September 2016
REVISED DATE(S):	
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1. Introduction

Durham College is committed to providing a respectful, supportive, healthy, safe, and violence-free learning/working environment. Any act of Workplace Violence committed by or against any member of the college community or any member of the public, is unacceptable conduct that will not be tolerated. This procedure applies to all activities that occur while at the workplace, on college property, or while engaging in college business such as activities and social events that happen off property, including all forms of direct or indirect communication. All reported incidents are taken seriously and dealt with appropriately and, to the extent possible, confidentially. In determining the appropriate response, the college will take into account the assistance available from law enforcement agencies to supplement the college's resources.

2. Definitions

2.1. Workplace

Workplace means any land, premises, location or thing at, upon, in or near which a worker works. (OHSA S. 1 - Definitions). Pertaining to the college, the workplace includes any college building or property where any employee is present, for the purpose of employment or representing the college, or any other location in which work activities occur. This includes college-related social functions, athletic events in the course of work, visits to academic placement locations and off-campus field trips, employment-related travel or professional development.

2.2. Workplace Violence

Workplace Violence refers to any act in which a person injures a worker through the use of physical force, attempts to injure a worker through the use of physical force, or threatens to use physical force to injure a worker.

2.3. Sexual violence

Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

2.4. Emergency

Emergency refers to an immediate concern that physical violence will occur or has occurred.

2.5. Non-emergency situations

Non-emergency situations refers to situations where no person or property is in immediate danger.

2.6. Domestic violence

Domestic violence refers to a pattern of behavior used by one person to gain power and control over another person with whom they or them has or has had an intimate relationship. This pattern of behavior may include physical violence; sexual, emotional, psychological intimidation; verbal abuse; stalking; and criminal harassment. This behavior can occur regardless of age, race, economic, educational and religious backgrounds, sexual orientation, living arrangements or duration of relationship.

3. Procedure

3.1. Imminent Danger-Immediate Reporting

Any worker who finds or considers themselves or someone else to be imminent danger while on college property or while engaged in any college-approved activity can summon immediate assistance by contacting Campus Security or Durham Regional Police.

3.1.1. On Campus: Campus Security

- Extension: 2400
- Direct line: 905.721.3211
- Code Blue Stations

3.1.2. Off Campus: Durham Regional Police Service

- 911 (emergency)
- 905.579.1520 (non-emergency)

3.2. Violent Incidents/Threats of Violence:

Workers who become involved in or witness a violent incident or a threat of violence or who receive a report of such an incident are required to:

- a) Ensure their own safety;
- b) Do what is safely possible to ensure a victim's safety;
- c) Contact Campus Security immediately (ext. 2400) or call 911 if necessary;
- d) Make a formal report/statement to Campus Security.

3.3. Non-Urgent Threats

3.3.1. Incidents involving statements or behaviours that do not present an immediate risk of physical harm, but make the worker feel threatened or otherwise concerned for his/her safety must be reported promptly to a supervisor. Examples of such unwanted activity include a threatening comment, note, email, voicemail, gesture or a behaviour such as stalking. Alternatively the worker can contact Human Resources, another supervisor, or Campus Security.

3.3.2. An employee may refuse to work or do particular work where workplace violence is likely to endanger them. In such circumstances the employee will promptly report the circumstances to their supervisor/manager and relocate to a place that the employee and supervisor agree on and to remain available for the purposes of an investigation.

3.4. Management responsibilities

3.4.1. Management members responding to an employee's report of Workplace Violence when the alleged offender (employee, student, or visitor) is still on the scene and there is an immediate safety risk should:

- a) Contact Campus Security at extension 2400 or 905-721-3211 to request immediate response and intervention;
- b) Where possible, address any immediate safety concerns without compromising their own personal safety (e.g. evacuation, first aid)

3.4.2. Management members responding to an employee's report of Workplace Violence when the alleged offender (employee, student, or visitor) is still on the scene and there is no immediate safety risk should:

- a) Contact Campus Security at extension 2400 or 905-721-3211 to request Security attend to monitor, if required;

- b) Where the alleged offender is an employee, recognize that if there is a concern for potential continued safety risk, they have the option to suspend an employee (with pay) or, pending the outcome of the investigation. Human Resources should be advised or consulted where one of the above options is exercised;
- c) Where the alleged offender is a student or visitor, notify the Office of Campus Safety in order to engage application of related policies or legislation;
- d) Identify and isolate victim/witnesses;
- e) Gather information and complete an [Incident Report Form](#), as soon as practicable, using all sources of information available.

3.4.3. Management members responding to an employee's report of Workplace Violence when the alleged offender (employee, student, or visitor) is not/no longer on scene and there is no immediate safety risk should:

- a) Where the alleged offender is an employee, recognize that if there is a concern for a continued safety risk, they have the option to suspend an employee (with pay) or, pending the outcome of the investigation;
- b) Where the alleged offender is a student or visitor, notify the Office of Campus Safety in order to engage application of related policies or legislation;
- c) Identify and isolate victim/witnesses;
- d) Gather information and complete an [Incident Report Form](#), as soon as practicable, using all sources of information available.

3.5. Responding to incidents

3.5.1. Throughout these procedures, all information collected remains confidential, except when disclosure is necessary to protect employees from physical injury. Only information that is reasonably necessary will be disclosed.

3.5.2. Upon receipt of information concerning any type of Workplace Violence, a member of the Office of Campus Safety will initiate a preliminary review to determine if the circumstances fall within the purview of this procedure and shall advise the employee and/or manager if:

- a) The matter should be dealt with through other college policies and procedures such as the collective agreement, the Durham College Harassment and Discrimination Policy, the Sexual Violence Policy or the Student Rights and Responsibilities Policy;
- b) The matter is not within the jurisdiction of the college (e.g. Criminal Code offences, civil wrongs and remedies to be sought in the courts); and

- c) The report/complaint cannot be supported under any of the policies or procedures and/or substantiated.

3.5.3. Where a member of the Office of Campus Safety or Human Resources is of the opinion that an informal resolution of the matter is possible and appropriate, informal intervention or mediation may be attempted by a manager of the affected department or other administrator as assigned by Human Resources. In such cases:

- a) Resolution of issues between parties by way of mediation shall be purely voluntary;
- b) The mediator shall meet with the individuals involved and attempt to affect a settlement of the issues between them;
- c) Where a resolution is achieved, it shall remain confidential, be documented and filed within confidential policy investigation files (not within employee files) and the issue will be considered resolved.

3.6. Formal investigation of workplace violence reports

3.6.1. Where a criminal investigation by the police is ongoing, the police investigation shall take priority. The Office of Campus Safety will act as a liaison to ensure that any actions taken by the college do not impede the criminal investigation process.

3.6.2. A formal investigation shall be conducted where, in the opinion of the member of the Office of Campus Safety or Human Resources, the report/allegation(s) of workplace violence, if proven, falls within one of the following areas:

- a) Involves violations of the Criminal Code of Canada or other federal or provincial statutes;
- b) Poses a threat to the safety of college employees;
- c) Reduces the security, health or safety of college employees in the workplace;
- d) Would have an adverse effect on working conditions at the college;
- e) Would have an adverse effect on the college's reputation; and
- f) Warrants disciplinary action.

- 3.6.3.** An investigator will be assigned by the Office of Campus Safety or Human Resources to investigate the allegation/situation. Upon receipt of this assignment, the investigator will investigate the matter and affect a timely and appropriate report for the chief administrative officer. This investigative report will normally be completed within 15 working days of receiving the request to investigate the allegation/situation. If complexities demand, the investigator may apply in writing to the chief administrative officer for an extension up to a maximum of 10 additional working days.
- 3.6.4.** The college reserves the right to retain such expert advice and services including the services of an external investigator where in the opinion of the college, the circumstances of the complaint warrant such action. The process of investigation in such cases shall be determined by the investigator. Extensions of time limits, as outlined in these procedures, may be required in the circumstances of any particular report/complaint.
- 3.6.5.** Within 10 working days of receipt of the investigator's final investigation report, the chief administrative officer, or designate, shall prepare a determination report that will describe what actions, if any, are required to minimize the risk of any recurrence of workplace violence to assure compliance with this procedure. These actions may include but are not limited to education and information about counseling options, sanction and/or redress, directive(s) on future behaviour. The report may include recommendations to amend the Workplace Violence policy and/or procedure.

4. Roles and responsibilities

4.1. Employee responsibilities

Employees share the responsibility for ensuring that their work environment is free from physical violence, including threats and attempts of physical violence, by:

- a) Refraining from acts of violence;
- b) Treating all students, employees and members of the public with respect and dignity;
- c) Reporting to managers any concerns or incidents that occur in the workplace;
- d) Reporting to their manager situations that occur outside of the workplace that may affect workplace safety (e.g., instances where court orders have been issued or threats made by others); and
- e) Co-operating fully and honestly in any investigation.

4.2. Management responsibilities

- 4.2.1.** Where a member of management becomes aware, directly or indirectly, of a threat, an attempt or an incident of physical violence, they must act in accordance with this procedure. They are responsible for assessing situations, making judgments, and responding to reports of or knowledge of workplace violence.
- 4.2.2.** Where a member of management becomes aware of or suspects a victim or threatened victim of violence is reluctant or unwilling to report their circumstances as required by this policy, the manager has an obligation to do so.
- 4.2.3.** If a member of management becomes aware of, or reasonably suspect's domestic violence that might expose an employee or employees to physical injury in the workplace from an individual with a history of violent behaviour, the manager must take every step reasonable in the circumstances to protect all potentially affected employees. This may include sharing personal information as necessary to reduce the risk of harm to any employee.
- 4.2.4.** A member of management may advise an employee to contact the police or, alternatively, may decide that the circumstances warrant the member of management to contact the police directly.

4.3. Office of Campus Safety

The Office of Campus Safety is responsible for responding to, investigating and taking the immediate measures necessary for reported acts of Workplace Violence and for taking reasonable steps to ensure the general safety of individuals associated with the occurrence and others that may be affected.

4.4. Office of Occupational Health and Safety

Under the Occupational Health and Safety Act, the college is required to report the death or critical injury of any person (worker, student, visitor, contractor), to the Ministry of Labour.

4.5. Student Affairs

In the event that Workplace Violence resulting in the death of a student, the Vice-President, Student Affairs, or designate, will follow the Communicating the Death of a Student Procedure ADMIN-220.2.

4.6. Communications and Marketing

In the event that the workplace violence result in a death to a student or employee, the Associate vice-president, Communications and Marketing, or designate, will follow the Communicating with Employees Procedure ADMIN-220.5.

5. Accessibility for Ontarians with Disabilities Act (AODA) Considerations

Durham College's commitment to accessibility and AODA standards has been considered in the development of this policy and it adheres to the principles outlined in the AODA standards and Durham College Accessibility Policy (ADMIN-203).

6. Related policies, procedures and directives

- Academic Employees Collective Agreement
- Criminal Code of Canada
- Durham College Harassment and Discrimination Policy ADMIN-202 and Procedure ADMIN-202.1
- Durham College Health and Safety Policy EMPL-301
- Durham College Sexual Violence Policy ADMIN-244 and Procedure ADMIN-244.1
- Durham College Student Conduct Policy ADMIN-248 and Procedure ADMIN-248.1
- Durham College Workplace Violence Prevention Policy EMPL-313 and Procedure EMPL-313.1
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Support Staff Collective Agreement