

# VIOLENT OR THREATENING BEHAVIOUR POLICY AND PROCEDURE

The Policy and Procedure are available online at [http://umanitoba.ca/admin/governance/governing\\_documents#students](http://umanitoba.ca/admin/governance/governing_documents#students). ([http://umanitoba.ca/admin/governance/governing\\_documents/#students](http://umanitoba.ca/admin/governance/governing_documents/#students))

## Violent or Threatening Behaviour Policy

### Part I: Reason for Policy

1.1 The purpose of this Policy is to:

- (a) Outline the University's commitment to creating and maintaining a safe, positive and productive work and learning environment that is free of Violence; and
- (b) Set out the actions and measures that the University will take to address the risk of Violence within the University.

### Part II: Policy Content

#### Definitions

2.1 The following terms are defined for the purpose of this Policy and related Procedures:

- (a) "Policy" means this Violent or Threatening Behaviour Policy.
- (b) "Procedure" means the Violent or Threatening Behaviour Procedure.
- (c) "University" means The University of Manitoba.
- (d) "University Community" means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, students, volunteers, external parties, contractors and suppliers.
- (e) "University Matter" has the same meaning as defined in section 2.3 of this Policy.
- (f) "Violence" means:
  - (i) The attempted or actual exercise of physical force against a person; or
  - (ii) Any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

#### Scope

2.2 This Policy applies to members of the University Community in relation to any University Matter. Nothing in this Policy is intended to detract from the academic freedom of the University's academic staff.

2.3 "University Matter" means any activity, event, or undertaking in which a member of the University Community participates, which has a substantial connection to the University, such as:

- (a) University-related activities or events, including but not limited to:

- (i) Any activity or event on property owned or controlled by the University;
- (ii) The leasing of space, including student residence rooms, on property owned or controlled by the University;
- (iii) The offering of any service by the University, including educational services;
- (iv) Student placements, practica, or clinical training;
- (v) University research activities, whether on or off campus;
- (vi) Student and/or employee exchanges arranged in connection with the University;
- (vii) Social events or networking, where matters regarding the University or members of the University Community are a significant focus of the activity;
- (viii) University field trips, travel-study tours, service-learning activities, and similar activities;

(b) Activities or events involving members of the University Community, where the actions of those members of the University Community may reasonably reflect upon or affect the University, including but not limited to:

- (i) Any aspect of the employment or engagement of employees and contractors for roles and projects substantially connected to the University;
- (ii) Participation on a committee or board as a representative of the University;
- (iii) Writings, photographs, artwork, audio or video recordings, and/or electronic communications, including communications through social media, where matters regarding the University or members of the University Community are a significant focus of the communication;
- (iv) Matters related to The University of Manitoba Students' Union, the Graduate Students' Association, and their affiliated student groups to the extent that it affects the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments; or
- (v) Matters of off-campus conduct that have, or might reasonably be seen to have an adverse effect on the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments.

#### Policy Statement

2.4 Individuals who commit Violence in relation to a University Matter will be subject to discipline under the Procedure.

2.5 The University will establish a protocol in accordance with the Procedure for reporting and responding to incidents of Violence and to provide a mechanism to support the maintenance of a safe work and learning environment. The University will make the protocol easily and readily available to the University Community.

2.6 This Policy and the Procedure are not intended to discourage or prevent a complainant from reporting instances of Violence to the police

or exercising any other rights, actions or remedies that may be available to him or her under any other law.

### **Part III: Accountability**

3.1 The Office of Legal Counsel is responsible for advising the Vice-President (Administration) that a formal review of this Policy is required.

3.2 The Vice-President (Administration) is responsible for the implementation, administration and review of this Policy.

3.3 Board of Governors members, Senate members, faculty/college/school councils, employees, anyone holding an appointment with the University, Students, volunteers, external parties, contractors and suppliers are responsible for complying with this Policy.

### **Part IV: Authority to Approve Procedures**

4.1 The Vice-President (Administration) may approve Procedures, if applicable, which are secondary to and comply with this Policy.

### **Part V: Review**

5.1 Governing Document reviews shall be conducted every three (3) years. The next scheduled review date for this Policy is June 22, 2019.

5.2 In the interim, this Policy may be revised or repealed by the Approving Body if:

- (a) the Vice-President (Administration) or the Approving Body deems it necessary or desirable to do so;
- (b) the Policy is no longer legislatively or statutorily compliant; and/or
- (c) the Policy is now in conflict with another Governing Document.

5.3 If this Policy is revised or repealed all Secondary Documents, if applicable, shall be reviewed as soon as possible in order that they:

- (a) comply with the revised Policy; or
- (b) are in turn repealed.

### **Part VI: Effect on Previous Statements**

6.1 This Policy supersedes all of the following:

- (a) Violent or Threatening Behaviour Policy, effective March 22, 2006;
- (b) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
- (c) all previous Administration Governing Documents on the subject matter contained herein.

### **Part VII: Cross References**

6.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) Violent or Threatening Behaviour Procedure;
- (b) Sexual Assault Policy;
- (c) RWLE and Sexual Assault Procedure;
- (d) Vice-President (Administration) Bylaw;

(e) Student Discipline Bylaw;

(f) Student Non-Academic Misconduct and Concerning Behaviour Procedure;

(g) Use of Computer Facilities Policy and Procedure;

(h) The Workplace Safety and Health Act, C.C.S.M. c. W210; and

(i) The Workplace Safety and Health Regulation, W210 – 217/2006.

## **Violent or Threatening Behaviour Procedure**

### **Part I: Reason for Procedure**

1.1 The reason for this Procedure is:

(a) To establish a protocol for reporting and responding to incidents of Violence that occur with respect to University Matters and to provide a mechanism to support the maintenance of a safe, positive and productive work and learning environment; and

(b) To comply with The Workplace Safety and Health Regulation, W210 – 217/2006.

1.2 The Policy and this Procedure are not intended to discourage or prevent a complainant from exercising any other rights, actions or remedies that may be available to him or her under any other law.

### **Part II: Procedural Content**

#### **Definitions**

2.1 The following terms are defined for the purpose of this Procedure:

(a) "Bylaw" means the Student Discipline Bylaw.

(b) "Disciplinary Authority" means the discipline authority designated to determine a matter of student discipline for Non-Academic Misconduct under the Student Discipline Bylaw, the Student Non-Academic Misconduct and Concerning Behaviour Procedure, and Table 2: Jurisdiction of Disciplinary Authorities for Non-Academic Misconduct.

(c) "LASH" means the Local Area Safety and Health committee established by the University of Manitoba in accordance with the provisions of The Workplace Safety and Health Act (Manitoba).

(d) "OSHA" means the Organizational Safety and Health Advisory committee established by the University that will look at safety and health issues that cross department/faculty lines or affect the University as a whole.

(e) "Policy" means the Violent or Threatening Behaviour Policy.

(f) "Procedure" means this Violent or Threatening Behaviour Procedure.

(g) "STATIS" means the Student/Staff Threat Assessment Triage Intervention Support team comprised of the following representatives:

- (i) Vice-Provost (Students);
- (ii) Associate Vice-President (Human Resources);
- (iii) Director, Security Services;

(iv) Executive Director, Student Support;

(v) Student Support Case Manager; and

(vi) Legal Counsel.

(h) "UMSS" means the University of Manitoba's Security Services.

(i) "Unit" means a faculty, school, college, institute, centre, academic support unit (for example, libraries) or administrative unit whose Unit Head reports to the President or a Vice-President, Associate Vice-President or Vice-Provost. An academic department within a faculty or school is not a Unit as the term is used within these Procedures.

(j) "Unit Head" refers to the individual with direct supervisory authority over a Unit, including Deans, Directors, the University Librarian, the President, Vice-Presidents, Associate Vice-Presidents and Vice-Provosts with respect to their Units.

(k) "University" means The University of Manitoba.

(l) "University Community" means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, students, volunteers, external parties, contractors and suppliers.

(m) "University Matter" has the same meaning as defined in section 2.3 of this Procedure.

(n) "Violence" means:

(i) The attempted or actual exercise of physical force against a person; or

(ii) Any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.

(vii) Social events or networking, where matters regarding the University or members of the University Community are a significant focus of the activity;

(viii) University field trips, travel-study tours, service-learning activities, and similar activities;

(b) Activities or events involving members of the University Community, where the actions of those members of the University Community may reasonably reflect upon or affect the University, including but not limited to:

(i) Any aspect of the employment or engagement of employees and contractors for roles and projects substantially connected to the University;

(ii) Participation on a committee or board as a representative of the University;

(iii) Writings, photographs, artwork, audio or video recordings, and/or electronic communications, including communications through social media, where matters regarding the University or members of the University Community are a significant focus of the communication;

(iv) Matters related to The University of Manitoba Students' Union, the Graduate Students' Association, and their affiliated student groups to the extent that it affects the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments; or

(v) Matters of off-campus conduct that have, or might reasonably be seen to have an adverse effect on the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments.

## Scope

2.2 This Procedure applies to members of the University Community in relation to any University Matter.

2.3 "University Matter" means any activity, event, or undertaking in which a member of the University Community participates, which has a substantial connection to the University, such as:

(a) University-related activities or events, including but not limited to:

(i) Any activity or event on property owned or controlled by the University;

(ii) The leasing of space, including student residence rooms, on property owned or controlled by the University;

(iii) The offering of any service by the University, including educational services;

(iv) Student placements, practica, or clinical training;

(v) University research activities, whether on or off campus;

(vi) Student and/or employee exchanges arranged in connection with the University;

## Immediate Response Protocol

2.4 In the event of imminent bodily harm, individuals should call 911 and UMSS. When reporting an incident, individuals should attempt to provide the following information:

(a) A complete description of the incident(s) involving Violence;

(b) Name(s) of individuals involved in the incident(s);

(c) Description of individual(s), if name(s) not known;

(d) Name(s) of witness(es) or description, if name(s) not known; and

(e) Location of the incident(s).

2.5 Where a report of Violence is received by UMSS, UMSS shall respond as soon as reasonably possible and the Director of UMSS (or designate) shall be notified.

2.6 Without limiting the scope of their jurisdiction and/or mandate, UMSS may take any one or more of the following actions in response to a report of Violence, as reasonably determined by UMSS:

(a) Restore order in violent situations;

(b) Arrest individual(s) in accordance with section 494(1) of the Criminal Code;

- (c) Contact Winnipeg Police Service;
- (d) Arrange medical assistance;
- (e) Take statement(s) of witness(es);
- (f) Make appropriate referrals; and
- (g) Take immediate action to facilitate the removal or banning of individuals from University property.

2.7 Any decision under section 2.6(g) above to remove an individual from University property shall be effective immediately, subject to review by the Vice President (Administration). The Chief Risk Officer, the appropriate Unit Head, and STATIS shall be advised of the action as soon as possible.

2.8 The Director of Security Services shall in all cases file a written report with the Vice-President (Administration) on the next business day describing any action taken under section 2.6(g) above.

2.9 Members of the University Community, including students and employees, who have been harmed as a result of an incident of Violence, are encouraged to consult with a health care provider for treatment or referral for post-incident counselling, if appropriate.

2.10 For students affected by Violence, the University will:

- (a) Provide reasonable academic accommodations (such as extensions on assignments, deferrals of exams, leaves of absences, authorized withdrawals, etc.).
- (b) Create a safety plan in consultation with the University's Student Support Case Manager, UMSS, and other offices as appropriate.

2.11 For employees affected by Violence, the University will:

- (a) Provide reasonable work accommodations, in consultation with Human Resources; and
- (b) Create a safety plan, in consultation with the Unit Head, UMSS and other offices as appropriate.

### **Report to STATIS**

2.12 Where a report of Violence is received by STATIS under section 2.7 of this Procedure, the role of STATIS will be to:

- (a) Develop an action plan to assist and support the members of the University Community affected by the Violence;
- (b) Ensure that members of the University Community affected by the Violence are consulted where appropriate and kept informed of the developments within the parameters of confidentiality;
- (c) Make recommendations to the appropriate Unit Head and/or Disciplinary Authority; and
- (d) Take all necessary action relative to the above.

2.13 A coordinator for STATIS shall be appointed for each incident as follows:

- (a) If the conduct of a Student is the source of concern, the coordinator will be the Vice-Provost (Students) (or a designate);

(b) If the conduct of an employee is the source of concern, the coordinator will be the Associate Vice-President (Human Resources) (or a designate); and

(c) If the conduct of any other member of the University Community is the source of concern, the coordinator will be the Director of Security Services (or a designate).

2.14 The coordinator of STATIS will have the following responsibilities:

- (a) Bring together STATIS and, where necessary, experts and other University personnel;
- (b) Coordinate internal and external communication;
- (c) Maintain confidential records and ensure the Vice-President (Administration) is informed of developments as appropriate;
- (d) Convene debriefing sessions; and
- (e) Prepare a final report and recommendation in relation to any decision taken by UMSS under section 2.6(g) above, to be delivered to the Vice-President (Administration) for final determination, with a copy to the Chief Risk Officer and the Unit Head of any Unit affected by the Violence.

### **Investigation**

2.15 As soon as reasonably practicable after an incident of Violence, the University shall investigate the incident as follows:

- (a) Where the individual is an employee, the Unit Head for the employee's Unit will investigate the allegation in consultation with STATIS and Human Resources, and in accordance with applicable legislation, common law, collective agreements, and University policies, procedures and bylaws;
- (b) Where the individual is a student, the Disciplinary Authority under the Bylaw and related procedures will investigate the allegation in consultation with STATIS and in accordance with the Student Non-Academic Misconduct and Concerning Behaviour Procedure; and
- (c) Where the individual is neither an employee nor a student, the Director of UMSS will investigate the allegation in accordance with applicable legislation, common law, and University policies, procedures and bylaws.

2.16 The Unit Head of any affected Unit, in consultation with the Office of Risk Management, will implement any control measures that are identified as a result of the investigation that will eliminate or control the risk of Violence to individuals in their Unit.

### **Discipline**

2.17 Individuals who are found to have engaged in Violence under this Policy will be subject to disciplinary action as follows:

- (a) Where the individual is an employee, the discipline will be implemented pursuant to and in accordance with applicable legislation, common law, collective agreements, and University policies, procedures and bylaws.
- (b) Where the individual is a student, the discipline will be implemented in accordance with the Student Discipline Bylaw and the Student Non-Academic Misconduct and Concerning Behaviour Procedure.

(c) Where the individual is neither an employee nor a student, the Vice-President (Administration) or designate may make any determination regarding the individual's continued access to the University in accordance with the Procedure and the Vice-President (Administration) Bylaw.

2.18 The Office of Risk Management must be advised of any decision taken under section 2.17 above.

2.19 The University may take disciplinary/legal action against any individual who submits a frivolous or vexatious complaint under this Policy, or who interferes with an investigation of a complaint under this Policy.

### Violence Prevention Plan

2.20 Subject to section 2.26 of this Procedure and in consultation with the Office of Risk Management, the Unit Head shall advise all employees for which they are responsible of the risk of Violence in the Unit, including the nature and extent of the risk and the risk of Violence from persons whom the employees are likely to encounter in the course of their work.

2.21 In accordance with The Workplace Safety and Health Regulation, each Unit Head shall, no less than annually:

- (a) Consult with the employees in their Unit, the applicable LASH committee, and the Office of Risk Management to review and develop the violence prevention plan that will be implemented by their Unit;
- (b) Ensure that all employees in their Unit have received appropriate training in the Policy, this Procedure, and the violence prevention plan for their Unit; and
- (c) Review the mechanisms in place to ensure that employees in their Unit comply with the Policy, this Procedure, and the violence prevention plan for their Unit.

2.22 The violence prevention plan referred to in section 2.21 above shall provide information on the following matters:

- (a) A description of:
  - (i) Any particular worksite in their Unit of which the University is aware that an incident of Violence has occurred or may reasonably be expected to occur; and
  - (ii) Any particular job functions at the workplace where an employee performing their job function has been, or may reasonably be expected to be, exposed to the incident of Violence;
- (b) The measures the University will implement to eliminate the risk of Violence in the Unit, or the measures that the University will implement to control that risk if it is not reasonably practicable to eliminate it;
- (c) The measures and procedures that the University has in place for summoning immediate assistance when an incident of Violence occurs or is likely to occur in the Unit;
- (d) A statement directing the employee to review the Policy and this Procedure, as well as any other documents that will outline the measures and procedures that the University has in place for summoning immediate assistance when an incident of Violence occurs or is likely to occur; and

2.23 The violence prevention plan shall be communicated to all employees in the Unit immediately at the time of hire and shall be posted online or in the Unit for quick reference by employees.

### Annual Report

2.24 Annually, the Office of Risk Management will prepare a report that compiles:

- (a) A record of the incidents of Violence in each Unit of the University, if any;
- (b) The results of any investigation into an incident of Violence, including a copy of:
  - (i) Any recommendations for control measures or changes to the violence prevention policy for the affected Unit; and
  - (ii) Any report prepared under in respect of such an incident;
- (c) The control measures, if any, implemented as a result of an investigation into an incident.

2.25 The annual report will be provided to the Vice-President (Administration) and to OSHA.

### Obligations of Confidentiality by the University

2.26 In respect of an incidence of Violence, the University will not disclose the name of the complainant, the name of the respondent, or the circumstances related to the complaint to any person, other than where the disclosure is:

- (a) Necessary in order to investigate the complaint;
- (b) Required in order to take corrective action in response to the complaint; or
- (c) Required by law, including but not limited to the University's legal obligations under the Workplace Safety and Health Regulation (Manitoba).

2.27 Personal information that is disclosed under section 2.26 above in respect of an incidence of Violence must be the minimum amount necessary for the purpose.

### Obligations of Confidentiality by Others

2.28 All persons involved in an investigation of an incident of Violence, whether as a witness or retrieving relevant information or documents, must keep confidential:

- (a) The existence and nature of the investigation; and
- (b) Any information or documentation obtained as a result of the investigation; which information may only be disclosed to those who reasonably need to know. Where an individual is unsure of whether they may disclose particular information, they may seek advice from the Access and Privacy Office or from STATIS.

2.29 Notwithstanding section 2.28 above, any person involved in an investigation may:

- (a) Obtain confidential advice (including advice from a student advocate, union representative, lawyer, or support person(s), as may be appropriate);

(b) Disclose information to others only to the extent reasonably necessary to gather evidence and to make full answer to any allegations; and

(c) Use information obtained independent of the investigation in any other forum.

### **Legislated Review of the Procedure**

2.30 In accordance with The Workplace Safety and Health Act (Manitoba), the OSHA shall review these Procedures every three (3) years and make any recommendations it feels are necessary and advisable.

## **Part III: Accountability**

3.1 The Office of Legal Counsel is responsible for advising the Vice-President (Administration) that a formal review of this Procedure is required.

3.2 The Chief Risk Officer or designate is responsible for the implementation, administration and review of this Procedure.

3.3 Board of Governors members, Senate members, faculty/college/school councils, employees, anyone holding an appointment with the University, Students, volunteers, external parties, contractors and suppliers are responsible for complying with this Procedure.

## **Part IV: Review**

4.1 Governing Document reviews shall be conducted every three (3) year. The next scheduled review date for this Procedure is June 22, 2019.

4.2 In the interim, this Procedure may be revised or repealed if:

- (a) the Vice-President (Administration) deems it necessary or desirable to do so;
- (b) the Procedure is no longer legislatively or statutorily compliant;
- (c) the Procedure is now in conflict with another Governing Document; and/or
- (d) the Parent Policy is revised or repealed.

## **Part V: Effect on Previous Statements**

5.1 This Procedure supersedes all of the following:

- (a) Violent or Threatening Behaviour Procedure, effective March 17, 2009;
- (b) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
- (c) all previous Administration Governing Documents on the subject matter contained herein.

## **Part VI: Cross References**

6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) Violent or Threatening Behaviour Policy;
- (b) The Workplace Safety and Health Act, C.C.S.M. c. W210;
- (c) The Workplace Safety and Health Regulation W210 – R.M. 217/2006;
- (d) Health and Safety Policy;

(e) Safety Committees Procedure;

(f) Respectful Work and Learning Environment Policy;

(g) Sexual Assault Policy;

(h) RWLE and Sexual Assault Procedure;

(i) Student Non-Academic Misconduct and Concerning Behaviour Procedure;

(j) Student Discipline Bylaw; and

(k) Use of Computer Facilities Policy and Procedure.