

NIPISSING UNIVERSITY

Policy Category:	Human Resources
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Policy Name:	Workplace Violence Prevention Policy
Responsible Department:	Human Resources
Original Approval Date:	November 2009
Approval Authority:	President & Vice-Chancellor
Last Updated:	December 12, 2022
Review Date:	December 2023

A. PURPOSE

Nipissing University is committed to providing a safe learning and working environment which is violence free as required by the *Occupational Health and Safety Act (OHSA)*. This Policy formally establishes this commitment.

B. APPLICATION

This Policy applies to all employees, contractors, volunteers, students and visitors to Nipissing University and Nipissing University sanctioned events. All members of the Nipissing University community are responsible for the creation and maintenance of a violence free environment.

C. DEFINITIONS

What is Workplace Violence?

Under the *Occupational Health and Safety Act*, “workplace violence” is defined as:

- A)** The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- B)** An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;

- C) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

What is Domestic Violence?

Domestic Violence is widely understood to be a pattern of behaviour used by one person to gain power and control over another person with whom they have or have had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and using electronic devices to harass and control.

D. RESPONSIBILITIES

Nipissing University employees, contractors, volunteers, students and visitors to Nipissing University are responsible for:

- Conducting themselves in a manner that does not involve violence or the threat of violence; and
- Reporting acts or threats of violence as outlined in this policy.

Supervisors/Department Heads are responsible for:

- Role modeling acceptable behavior;
- Monitoring and managing unacceptable behaviour;
- Ensuring that measures and procedures are followed and that employees, contractors, volunteers, students and visitors to Nipissing University have appropriate information pertaining to the risk of violence;
- Taking every precaution reasonable to protect employees, contractors, volunteers, students and visitors to Nipissing University from a person with a history of violent behavior, if the Nipissing University community member can expect to encounter that person in the course of their work, and if the Nipissing University community member may be at risk of physical injury;
- Taking every precaution reasonable to protect employees, contractors, volunteers, students and visitors to Nipissing University, and their co-workers, from a domestic situation that could likely expose them to violence in the workplace;
- Treating each situation as a serious matter;
- Ensuring there are no reprisals against those raising a concern or participating in an investigation; and
- Follow reporting procedures as outlined in this policy

Manager, Health and Wellness and/or Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion responsibilities:

- Assist supervisors/department heads in the consistent application of this policy;
- Consult with and provide advice to supervisors/department heads;
- Advise Nipissing University community members of their rights and options;
- Receive complaints and ensure appropriate action is taken;
- Conduct investigations as required;
- Work collaboratively with others involved; and
- Promote awareness of this policy.

E. CONFIDENTIALITY

Confidentiality is of the utmost importance and will be maintained at all times unless the safety of members of the Nipissing community is at risk. Those involved should not discuss the matter other than with the appropriate parties. Those involved in dealing with complaints will disclose information only when it is deemed necessary to protect members of the Nipissing University community. Confidentiality, however, does not mean anonymity. In the instance of making a complaint, individuals must realize that the individual who is the source of the complaint has the right to be informed of the specific nature of the allegations at the earliest point in the process.

F. SUMMONING IMMEDIATE ASSISTANCE

Nipissing University has various ways in which a person who is experiencing violence, or feels that it is likely to occur, can summon for immediate assistance. These various ways include:

- Duress Phones: These desk top phones have a silent duress button. Activation will summon emergency responders immediately.
- Emergency Buttons: These buttons are typically located in areas of vulnerability and are mounted in a high visibility location. Activation will summon emergency responders immediately.
- Emergency Phones: These emergency phones are typically located in areas of vulnerability and are mounted in a high visibility location. Activation will connect the caller to an emergency operator and summon emergency responders immediately.

G. PROCEDURE FOR REPORTING WORKPLACE VIOLENCE/THREATENING BEHAVIOUR

All employees, contractors, volunteers, students and visitors to Nipissing University are expected to report incidents of violence/threatening behaviour as soon as possible. Such reporting may assist in identifying patterns of potential violence and could assist in the prevention of emergency situations in the future.

If confronted by violent and/or threatening behaviour, one should:

1) Report Emergencies

Threats of violence, physical attacks or other violent incidents that require **immediate response** should be reported to 911. Callers should be prepared to provide critical information including the nature of the incident, whether emergency attention is required, the number of perpetrators involved and whether they are present, whether weapons are observed, etc.

In addition, on-campus Security Services should be notified. In North Bay, on-campus Security can be reached at 705 498-7244.

Once the emergency is neutralized, Security will notify the Manager, Health and Wellness and/or Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion for further investigation.

2) Report Non-Emergencies

Threatening statements or behaviours that give one reasonable grounds to believe that there is a potential for workplace violence must also be reported. All such circumstances should be reported directly to a supervisor/department head and/or, as appropriate, to the Manager, Health and Wellness and/or Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion.

This policy is not intended to discourage or prevent the complainant from exercising any other legal right pursuant to any law. Not every complaint of threatening statement/behaviour warrants a formal investigation. In fact, it is hoped that most complaints can be resolved between the parties involved with subsequent monitoring by supervisors to ensure that there is no recurrence. However, in situations where allegations are denied or discipline is likely, an investigation may be required.

1. Immediately make it clear to the individual that their behaviour is not welcome. If uncomfortable in approaching the individual directly, contact your supervisor. If your supervisor is the alleged harasser, contact the Human Resources Generalist – Health, Safety & Wellness and/or the Director, Human Resources.
2. If appropriate, discuss with your supervisor who can assist and offer support in discussions with the individual.

3. Keep a personal record of the details of any alleged incidents, including:

- Date/time;
- Place;
- Name of other person(s) involved;
- A specific account of what happened – be as detailed as possible;
- The effect of the incident;
- Names of any witnesses; and
- Any action taken, including any person to whom the incident has been reported and any attempts at personal resolution.

It is important that you record this information as soon as possible after the incident(s) occurs. Where possible, any correspondence relating to the incident should also be kept.

4. The Manager, Health and Wellness and/or Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion will outline and advise the parties of options for resolving the problem including personal resolution, informal resolution or pursuing more formal resolution.

5. Manager, Health and Wellness and/or Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion will assist the parties to informally resolve matters, as required, and assist supervisors by providing on-going support.

6. If an attempt at personal resolution is not successful, if the behavior continues, if the behavior is of a more serious nature than can be dealt with by personal resolution/involvement by a manager/supervisor, or if personal resolution/involvement by a manager/supervisor is not deemed appropriate, then a written complaint should be made to the Director, Human Resources.

7. If required, the Vice-President, Finance & Administration will appoint an investigation team and coordinate the investigation process in a consistent, timely and fair manner.

8. Investigations will generally include the following:

- Interviewing the employee who has raised the concern (they may be accompanied by a representative/support person);
- Interviewing the employee alleged to have made the threatening statement/behaviour (they may be accompanied by a representative/support person) to present the complaint and hear the response;
- Interviewing witnesses (witnesses may be accompanied by a representative/support person);
- When possible, maintaining confidentiality amongst the individuals involved;

- Providing the employee who has raised the concern and the alleged harasser, if they are an employee of the employer, with a written report outlining the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation; and
- Recommending an appropriate response to senior management which may include disciplinary action.

In certain circumstances, it may be deemed appropriate to request the assistance of an external investigator or mediator.

What if you are accused of uttering threatening statements/behaviour?

- Attempt to resolve the situation by listening and trying to understand the concern.
- Be open to the other person's perspective. For example, something which you consider to be humorous might be threatening to someone else.
- Consider the impact of your actions on the other person.
- Be willing to make reasonable changes that could make a difference. Often a sincere apology and a commitment to refrain from disrespectful behaviour are sufficient to resolve the situation in an informal manner.
- If an investigation is underway, cooperate with the person(s) conducting the review. Remember that the same care and consideration would be given to you if you had reported an issue.
- If necessary, seek support or assistance from a Supervisor, Department Head, Union Representative or Human Resources.
- Keep your involvement and nature of the complaint confidential.

H. PROCEDURE FOR INVESTIGATION

All reports of violent incidents or threatening behavior will be taken seriously. The form of the investigation will depend on the circumstances and may involve, but is not limited to:

- Union Representatives
- Joint Health & Safety Committee Representatives
- Manager, Health and Wellness
- Assistant Vice-President, Human Resources & Equity, Diversity & Inclusion
- Vice-President Finance & Administration
- Dean / Department Head / Supervisor where the concern was filed
- Assistant Vice-President, Students
- Security Personnel
- External Agencies (i.e. police, counselling providers etc.)

The University will ensure that notice of actions taken to prevent recurrence of an incident of violence is provided to all those affected by the incident and to the Joint Health & Safety Committee (JHSC).

I. RIGHT TO REFUSE WORK

Under the *Occupational Health & Safety Act*, workers have the right to refuse unsafe work which they believe may endanger the health or safety of themselves or another worker. There are procedural guidelines which must be followed as per section 43 of the *Occupational Health & Safety Act*. Work refusals, as they relate to workplace violence, will be resolved based on an objective assessment of risk.

J. SUMMARY STATEMENT

All acts of workplace violence at Nipissing University are strictly prohibited. Every community member must work in compliance with this policy. Supervisors/department heads are responsible for ensuring that necessary measures and procedures are followed by Nipissing University community members and that such members have the information they need to protect themselves.

Nipissing University will hold the campus community members accountable by imposing discipline and other sanctions, up to and including discharge, expulsion and/or trespass notices. In doing so, Nipissing University will act in accordance with the rights and obligations that are established by legislation, board policies, University policies, senate by-laws and collective agreements. Nipissing University may also initiate criminal or civil proceedings against individuals who engage in workplace violence.

Please do not ignore violent or threatening behavior. If such behavior is experienced or witnessed, please act in accordance to this policy.

If there are concerns/behaviours that are not outlined in this policy, please see the Respectful Workplace and Learning Environment Policy.

This Policy will be maintained on an ongoing basis, and in consultation with the Joint Health and Safety Committee (JHSC), reviewed at least annually.

Signed: 

Date: December 12, 2022

President and Vice-Chancellor
Nipissing University