



POLICY:  <b>Violence Prevention</b>		POLICY NUMBER: <b>WSH-2</b>
		PREVIOUS/REPLACES: <b>Violence</b>
APPROVED BY:  <b>Executive Council</b>	EFFECTIVE DATE AS OF:  <b>January 23, 2019</b>	PRIOR VERSIONS:  <b>October 9, 2013</b>

**1. Policy Statement**

The Manitoba Institute of Trades and Technology (to be referred to as MITT) is committed to providing all members of the MITT community (see scope of policy) with a work / learning environment that is safe, secure, and free of intimidation, threats, and violence.

MITT intends to maintain this commitment by responding with zero tolerance to acts of violence (which may include: investigation, determining of consequences). Members of the MITT community will be trained to recognize and effectively respond to behavior which may lead to violence by communicating the expectations of responsible behavior in the work/learning environment. Actions and measures will be established by MITT to eliminate risk of violence or to control that risk if is not reasonably practical to eliminate it.

All reported incidents of violence will be investigated in a manner that ensures due process as outlined in this policy. MITT will take appropriate action using a victim-centered approach. It is MITT’s intent to make individuals feel comfortable about making a report in good faith about violence that they have been affected by or witnessed.

**Objectives**

The objectives of this Policy are:

- (a) to ensure that all persons covered under this Policy are aware that violence is illegal and that MITT will not tolerate violence;
- (b) to ensure that the work / learning environment is free of violence, so far as it is reasonably practical to do so;
- (c) to ensure that every member of the MITT community is aware of the actions taken and the measures implemented to control the risk of violence in the work / learning environment;
- (d) To ensure a victim-centered approach is used at all times when dealing with victims of violence;



- (e) to establish procedures:
- i. setting out the steps in place for obtaining immediate assistance when an incident of violence occurs or is likely to occur;
  - ii. to be followed by members of the MITT community in reporting an incident of violence to the Institute; and
  - iii. to be followed in documenting and investigating any incident of violence to a member of the MITT community of which MITT becomes aware.

## **2. Scope**

This policy applies to all members of the MITT community including but not limited to:

- All MITT employees including full-time, part-time, casual and contract;
- All MITT students including full-time and part-time secondary and post-secondary programs;
- All MITT Governing Board Members;
- Volunteers and visitors to MITT; and
- All other persons who provide goods, services or facilities on behalf of MITT.

The policy also applies to risks, threats and incidents of violence involving a member of the MITT community that occurs off MITT property, where there is a real and substantial link to the Institute. This may include other work and study sites under MITT's jurisdiction, while on travel representing MITT, or during the course of a MITT sponsored event in which members of the MITT community are participants.

This policy does not apply to:

- Incidents involving harassment and discrimination as defined under MITT's Respectful Workplace, Harassment Prevention & Non-Discrimination Policy; and
- Incidents involving sexual violence as defined under MITT's Sexual Violence Policy

Readers are directed to the above noted policies in such cases.

## **3. Procedures**

### **3.1 Definitions**

**"Violence"** means (a) the attempted or actual exercise of physical force against a person; or (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.



Examples of threats of violence or acts of violence include:

- Physical assault
- Verbal abuse
- Threats or intimidation
- Property damage and vandalism

**Threat Assessment Team means a** multidisciplinary team of trained professionals from different departments with unique training to work together in their areas of specialty to determine the level of risk and/or threat.

### ***3.2 Assessment of Potential Violence***

In accordance with this Policy, MITT shall evaluate the risk of violence that may impact any member of the MITT community in an effort to eliminate the risk of violence or to control that risk if it is not reasonably practicable to eliminate it. The assessment will be carried out in consultation with MITT's Workplace Safety & Health Committees.

The actions and measures referred to may include:

- a review of any particular work / learning site where an incident of violence has occurred or may reasonably be expected to occur;
- a review of any particular functions at the work / learning environment where the member of the MITT community performing the function has been, or may reasonably be expected to be, exposed to incidents of violence;
- a review of the measures that MITT may implement to eliminate the risk of violence to a member of the MITT community, or to control that risk if it is not reasonably practicable to eliminate it;
- a periodic review of MITT to determine if there are any potential shortfalls in security that could result in violent situations;
- implementing measures and procedures that MITT has in place for obtaining immediate assistance when an incident of violence occurs or is likely to occur; or
- a requirement that this Policy be included in the policies of MITT and be posted in a visible area.



MITT has implemented a number of measures to help reduce or eliminate potential acts of violence including:

- Dedicated telephone line for emergencies
- Phones in all classrooms and offices
- Panic buttons on phones
- Security cameras
- Closed circuit TV monitors for messaging
- Disaster and Emergency Plan
- Safe Work Procedures
- Working Alone or in Isolation Policy
- Full-time Security Coordinator
- MITT evening security staff
- External contracted security staff

### **3.3 Training**

MITT is committed to providing appropriate training and education to all members of the MITT community in order to improve their understanding and response to violence and violence prevention. Training will be provided at the time of hiring as part of an employee's orientation. All students will receive a presentation on violence when they commence their studies at MITT. Regularly scheduled lockdown drills will be incorporated as part of training for all members of the MITT community. Other training aids such as safety and violence videos will be utilized to reinforce the importance of violence prevention.

### **3.4 Incident Reporting**

All incidents, threats, attempted or actual violence on MITT property or connected to MITT in any manner must be reported immediately. **If there is an immediate risk of violence individuals should contact 911 and then advise MITT Security at the Immediate Assistance Number at #6666 or on a cell to 204-989-6666.**

Do not ignore threatening or violent behavior. You should report the situation if:

- you experience or witness violence or threat of violence at MITT.
- you feel that any member of the MITT community is likely to become violent.
- you feel that any member of the MITT member is likely to be the target of violence.



For non-emergent incidents, incident reporting shall be made as follows:

For incidents involving MITT staff, volunteers or contractors reports can be made to a Supervisor, Manager, MITT Security, Threat Assessment Team, or any member of the People Services (PS) Team. Any incident received that pertains to a MITT staff member must be forwarded to PS.

For incidents involving MITT students, reports can be made to the appropriate Instructor or any member of the MITT Student Services Department. If a staff member is involved PS must also be informed. In a situation where the student is under 18 years of age, MITT will notify parents/guardians of any act of violence.

For incidents involving any member of the Governing Board, the Chair of the Board shall be notified. In the event the Chair is directly involved in the incident, the report shall be submitted to the Vice Chair or designate. Depending on the nature of the incident, notification may be needed to PS and/or the Province of Manitoba.

All incidents of violence must also be forwarded to the appropriate MITT Workplace, Safety and Health Committee.

The complaint will normally be in writing and should contain a brief account of the offensive incident(s), when it/they occurred (including the date and time of day), the person(s) involved, and the names of witnesses, if any. The report should also include the remedy sought by the victim including an indication if the victim desires an investigation and be signed and dated by the victim.

The PS Department, Student Services Department, Threat Assessment Team, President or designate will notify the police or proper authorities in circumstances where MITT believes such action is required.

### ***3.5 Investigating Reports of Violence***

MITT respects and supports the victim's choice of whether or not to pursue an investigation. Wherever possible, any person who has experienced violence will retain control on how the file is handled by MITT. However, MITT has an obligation to protect the Institute from harm and reserves the right to initiate an investigation even without the consent of the victim if there is a potential safety risk or if required by law. In such a case the victim will be notified of the investigation.



The purpose of the investigation is to identify and determine the nature and potential cause of the incident, the area where the incident occurred, and to identify what control measures or steps may need to be taken by MITT to respond to or act upon the findings of the investigation. An investigation will normally be completed within **sixty (60)** working days from when the initial report was filed. The timeframe may be extended in instances where additional information is required. The results of all investigations are to be provided to either the Associate Vice-President, Finance and Campus Services or Vice President, Academic (depending upon the nature of the investigation) plus the respective Executive Council Member if different than above.

The investigation will be led by the Threat Assessment Team in conjunction with either the PS Department or MITT Students Services Department. External security experts may be retained to help with the investigation. The investigation may include the following components:

- (a) a meeting with the victim to review the complaint and to seek any such clarification as needed;
- (b) a meeting with the person(s) alleged to have violated this Policy for the purposes of communicating the allegation and receiving their version of events (which may be requested in writing);
- (c) collection of all relevant evidence; and
- (d) interviews with and/or receipt of written submissions from all witnesses MITT considers to be material.

In addition, the investigation will consider all applicable federal and provincial legislation, collective agreements and applicable policies at MITT.

Investigations will be conducted in accordance with rules of procedural fairness.

Any individual who makes a complaint has the right to be accompanied by a person of their choice when meeting to address matters contemplated by this policy.

In exceptional circumstances, where there is a danger of imminent harm, MITT may act immediately by taking such reasonable steps to prevent imminent harm, as the circumstances dictate.

### ***3.6 Confidentiality and Disclosure of Complaint Information***

MITT is aware of the sensitive nature of issues relating to violence. Accordingly, each investigation of any complaint will be conducted in a confidential manner with the findings communicated only to the appropriate parties. All records relating to any complaint are confidential. MITT will not disclose the name of a victim or the circumstances related to the complaint to any person, other than where the disclosure is:



- necessary in order to investigate the complaint;
- required in order to take corrective action in response to the complaint;
- required by the law.

If any information about the complaint or victim is required to be disclosed in accordance with this Policy, such disclosure shall be the minimum amount required to accomplish the purpose for which disclosure is required.

MITT will ensure compliance with *The Freedom of Information and Protection Privacy Act (FIPPA)*, *the Personal Health Information Act (PHIA)* and MITT's Privacy and Access to Information Policy.

It is equally important that all other persons, including the victim, the person against whom a complaint is made, and anyone involved maintain confidentiality.

### **3.7 Results of Investigation and Disciplinary Action**

Upon completion of the investigation, MITT will identify any control measures that are identified as a result of the investigation that will eliminate or control the risk of violence to any member of the MITT community. MITT will administer discipline as warranted by the circumstances.

Where the investigation results in a finding that the complaint of violence is substantiated, the outcome of the investigation will be reported to the individuals concerned. Information will be provided in accordance with *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*. Any disciplinary action will be recorded in MITT's records relating to the offender including a copy of the report, information concerning the incident and any letters pertaining to the incident.

Where the investigation results in a finding that the complaint of violence is not justified, all record of the complaint shall be removed from MITT's records relating to the person against whom the complaint was made.

Any individual who is found to be in breach of the Violence Prevention Policy will be subject to disciplinary action as follows:

#### **a) Incident Involves MITT Staff**

Where the individual is a MITT staff member the discipline will be implemented in accordance with the Code of Conduct and Staff Ethics Policy, the Progressive Discipline Policy, and any applicable collective agreements.

The result of a formal complaint may result in disciplinary action up to and including termination of employment.



b) Incident Involves Students

Where the individual is a student, the discipline will be implemented in accordance with the Student & MITT Expectations Policy, the Student Discipline Policy and the Student Behavior Policy. The ages of the students involved in a disciplinary issue or incident may be taken into account.

The result of a formal complaint may result in disciplinary action up to and including student suspension/expulsion.

c) Incident Involves a Governing Board Member

Where the individual is a Governing Board Member, the discipline will be implemented in accordance with the Complaints to the Board or Individual Board Member Policy and the Board Code of Conduct/Board Confidentiality Policy.

The result of a formal complaint involving a Governing board Member could lead up to and including a recommendation to the Provincial Government to remove the Member.

d) Incident Involves an External Stakeholder

Where the individual is a volunteer, contractor, supplier and/or visitor and the complaint is substantiated, MITT will take appropriate actions. The Associate Vice-President Finance and Campus Services or designate will make any determination regarding the individuals continued access to MITT in accordance with the following policies.

Where an incident involves a volunteer, the Code of Conduct and Staff Ethics Policy would apply. The result of a formal complaint could result up to and including the permanent termination of all volunteer activities at MITT.

Where an incident involves a contractor a formal complaint could lead up to and include the termination of the contract. All contractual relationships will be governed by a standard contract that includes a right of termination clause.

Where an incident involves an external supplier a formal complaint could lead up to the termination of the individual whom the complaint was about, or the termination of all business dealings with the supplier.

Where an incident involves a visitor, a formal complaint could result up to and including the permanent loss of visiting rights to any MITT facility.



### **3.8 *Annual Report on Violent Incidents***

Annually, MITT shall prepare a report that compiles the records of the incidents of violence that have occurred to any member of the MITT community, and the results of any investigation into an incident of violence, including a copy of any recommendations for control measures or changes to this Policy. The report shall not include any confidential and/or personal information relating to any member of the MITT community unless absolutely necessary and will comply with all privacy legislation.

The annual report respecting violence in the work / learning environment must be provided to MITT's Workplace, Safety and Health Committee.

### **3.9 *False and Malicious Accusations***

Individuals are prohibited from knowingly making false complaints about violence or providing false information about violence. False and malicious accusations of violence will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic status.

### **3.10 *Protection from Reprisals, Retaliations or Threats***

Any member of the MITT community who retaliates or threatens to retaliate against any person who has complained of violence, given evidence in an investigation, or been found guilty of violence, will be considered to have violated this Policy and will be disciplined accordingly. Retaliation of any kind will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic status.

Any individual who makes a disclosure under this Policy, or cooperates in an investigation made under this Policy and subsequently experiences or believes that they have experienced a reprisal as a result of the disclosure should document the details and immediately inform the Threat Assessment Team, and/or the Student Services Department and/or the PS Department and/or the Office of the President of MITT.

Allegations of reprisal will be investigated and if justified appropriate corrective steps will be taken. Any person engaging in acts of reprisal will be subject to disciplinary action up to and including termination of employment or expulsion of academic standing from MITT.



### ***3.11 Assistance to Employees Subjected to Violence***

An employee or student who has been exposed to an incident of violence will be given the opportunity to consult with a physician for treatment or referral for post-incident counseling without loss of pay or benefits.

### ***3.12 Remedy for the Victim of Violence***

Any member of the MITT community who, after an investigation, is determined by MITT to have suffered from violence, may be entitled to a remedy, depending on the severity and circumstances of the violence.

### ***3.13 Other Remedies not Precluded***

Notwithstanding the existence of this Policy and its procedures, every member of the MITT community continues to have the right at any time to seek assistance from the Manitoba Human Rights Commission, seek redress under the Criminal Code of Canada, or to seek any other statutory or civil remedy that may be available, whether or not steps are being or have been taken under this Policy.

### ***3.14 Policy Accessibility***

The Policy will be included as part of MITT's Administrative Policy Manual, posted on MITT's website and displayed on the bulletin boards of the Institutes' premises. The policy will also be included in MITT's Board Governance Manual. The policy will be identified to all new staff, students, volunteers and Board Members at initial orientation.

## **4. Administration:**

The President and CEO is responsible for ensuring that this Policy is adhered to.

## **5. Review:**

MITT shall review this Policy in accordance with the requirements of *The Workplace Safety and Health Act (Manitoba)*, as amended from time to time. The Policy will be reviewed at a minimum in 5 years by Executive Council.



## 6. References:

### Legislation and Government Documents

*Criminal Code of Canada*

*Human Rights Code (Manitoba)*

*The Freedom of Information and Protection of Privacy Act and Regulations*

*The Personal Health Information Act and Regulation*

*The Workplace Safety and Health Act (Manitoba)*

*Workplace Safety and Health Regulation (Manitoba)*

Guide for Preventing Workplace Violence

### Policies:

Code of Conduct and Staff Ethics Policy

Disaster and Emergency Plan Policy

Employee Orientation Policy

Progressive Discipline

Privacy & Access to Information

Respectful Workplace, Harassment Prevention and Non-Discrimination

Sexual Violence Policy

Student Behaviour Policy

Student Discipline Policy

Student & MITT Expectations

Working Alone or in Isolation

Workplace Safety, Health and Wellness

### Governing Board Member Policies:

Complaints to the Board or Individual Board Members Policy

Board Code of Conduct/Board Confidentiality Policy