

## **WORKPLACE VIOLENCE POLICY**

### **PURPOSE:**

King's University College is committed to providing a working environment that is safe from all forms of violence, including domestic violence. Accordingly, King's University College will not tolerate acts of workplace violence. Any allegations of workplace violence will be investigated promptly and appropriate action will be taken, which may include discipline of offenders up to and including termination. The purpose of this policy is to ensure that all parties understand their roles and responsibilities in regards to preventing workplace violence.

### **APPLICABILITY:**

This policy applies to all employees of King's, including managerial, supervisory, full-time and part-time, as well as to all student employees, members of King's Councils, Boards and committees. Related matters involving students will be dealt with under the Student Code of Conduct and the Rules of Residence.

Other individuals providing services or conducting research on King's grounds, contractors, volunteers, visitors or guests to King's are also expected to conduct themselves while at King's or conducting any King's-related activity, in a manner consistent with this policy. Allegations of workplace violence by such individuals will be dealt with by King's and, if substantiated, may be considered a breach of contract or affect the person's right to be present at King's or to participate in any of its activities.

### **RELATIONSHIP TO OTHER POLICIES**

Some behaviours that are defined as workplace violence under this policy can also constitute harassment under the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*. As such, King's University College's Harassment and Discrimination Policy may also be applicable in some circumstances.

### **RESPONSIBILITIES**

Administrative and supervisory officers are responsible for communicating to all members of the King's community that workplace violence will not be condoned or ignored. Administrative and supervisory officers will make every effort to prevent workplace violence by:

- (i) Identifying those operations or work locations where workplace violence incidents have occurred or where there is a significant probability that workplace violence, including domestic violence, may occur;
- (ii) Establishing and implementing specific procedures, response plans and other controls where these risks occur or may occur to help minimize or eliminate the risk. The measures shall be

reviewed by those employees involved and by the applicable joint health & safety committee(s);

- (iii) Where appropriate, providing training and education to employees that will allow them to manage and de-escalate crisis situations that may lead to violence and to establish personal safety measures;
- (iv). Investigating and implementing corrective actions to minimize potential future occurrences;
- (v) Ensuring that employees who are experiencing difficulties and/or exhibiting behaviours that may contribute or lead to workplace violence are aware of, and are supported in attending, the Employee Assistance Program (EAP) or other community services, if appropriate;
- (vi) Ensuring that employees who are exposed to a violent or traumatic situation are aware of, and are supported in attending, the Employee Assistance Program (EAP) or other community services, if appropriate.

All employees share the responsibility to create a workplace that is free of workplace violence. Each employee is responsible for understanding what constitutes workplace violence and conducting himself or herself in accordance with the spirit and intent of this policy. The responsibilities of employees include:

- (i) Not engaging in any behaviour that would constitute workplace violence, including coercion, threat and intimidation;
- (ii) Participating and providing input in regards to the development of workplace violence procedures, response plans and other controls that are proposed or implemented to minimize or eliminate the risk;
- (iii) Attending education and training sessions offered by the employer regarding workplace violence;
- (iv) Reporting all workplace violence incidents to the employee's direct supervisor or departmental head;
- (v) Advising the employee's supervisor or Budget Unit Head that there is a risk of workplace violence in the workplace.
- (vi) Co-operating and assisting with investigations regarding workplace violence incidents;
- (vii) Seeking support and assistance from the Employee Assistance Program (EAP) or other community service when experiencing stress or other personal difficulties that may contribute to workplace violence;

- (viii) Seeking support and assistance from the Employee Assistance Program (EAP) or other community service if exposed to a violent or traumatic situation, if appropriate.

King's University College recognizes that an employee experiencing domestic abuse may be reluctant, for safety and other reasons, to disclose the problem to a direct supervisor or Budget Unit Head. King's University College encourages disclosure in order to ensure the employee's safety and that of his or her coworker. Disclosure also enables King's to support the employee and provides links to appropriate community resources.

Although King's respects an employee's need for confidentiality and self-determination, an employee is responsible for disclosing any situation which threatens the safety of the workplace. This includes threats an intimate partner or ex-partner has made towards the employee. An employee must inform his or her direct supervisor or Budget Unit Head if they have applied for, or obtained, a restraining order that lists any King's location as being a protected area, or that requires a person to remain a certain distance away from the employee at all times, including during the work day.

## **DEFINITIONS**

a) **Assault**

An application of force to another person, without that person's consent, or the attempt or threat by act or gesture to apply physical force to another person.

b) **Domestic Violence**

A pattern of coercive behaviour that is used by one person to gain power and control over another which may include, but is not limited to, physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking and use of electronic devices to harass and gain control.

c) **Workplace Violence**

Workplace violence means:

- (i) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (ii) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (iii) 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.

Examples of workplace violence could include, but are not limited to, the intentional infliction of or attempt to inflict physical pain or injury such as slapping, hitting, pinching, shoving, kicking, spitting and assault.

e) **The Workplace**

For the purposes of this policy, the workplace includes, but is not limited to, all King's facilities and worksites, including vehicles, cafeterias, training sessions, business travel, conferences and all locations where the business of the organization is conducted. The workplace also includes all King's sanctioned social functions or business performed at any location away from King's, whether performed during or outside of normal working hours.

## **PROCEDURES**

### **Immediate Action**

Where an employee is the subject of or witness to an incident of workplace violence, the employee should assess the situation and respond appropriately as follows:

- (i) Where an incident of workplace violence or assault has occurred, medical attention should be sought as required.
- (ii) If the situation warrants immediate notification of the police, it should be done directly by the employee affected, any employees who have witnessed the assault or the supervisor. King's University College encourages and supports staff to lay criminal charges where appropriate. Any investigation carried out by the police will be in addition to the investigation conducted by King's University College.
- (iii) Record events as soon as possible. The written record should include a description of the workplace violence, dates, times, locations and the identity of any witnesses to the alleged workplace violence.
- (iv) Employees are responsible for immediately reporting all incidents of workplace violence to their direct supervisors or Budget Unit Heads. The direct supervisor or Budget Unit Head or the Director of Human Resources will conduct a preliminary investigation to assess the seriousness of the incident and the immediate response needed.
- (v) It is the responsibility of all staff to ensure that the safety and well-being of the individual(s) involved are attended to immediately.

### **Interim Measures**

Pending the results of an investigation into an alleged incident of workplace violence, King's University College may impose such interim measures as it deems necessary. Interim measures may include relocating the individual(s)

involved, changing reporting structures or placing him or her on a non-disciplinary suspension with pay pending the outcome of the investigation.

## **Investigation**

In most instances, the Director of Human Resources will be responsible for investigating the incident. The Director of Human Resources, in consultation with the Principal, may, in his or her sole discretion, appoint an external investigator to investigate the incident. If the incident involves the Principal, the Chair of the Board of Directors may refer the matter to an external investigator.

### **a) Fact Finding:**

The investigator will conduct interviews with all relevant parties including any witnesses, review any relevant material to clarify the details of the reported incident(s) and keep written records of all discussions. All parties will be given the full opportunity to present their cases.

### **b) Report of Findings:**

The investigator(s) will, after completing the investigation, produce a final written report which will be forwarded to the Principal. This report will include the investigator's findings of fact and his or her opinion on whether workplace violence has occurred.

The parties will be advised in writing of the findings of the investigation.

## **CORRECTIVE AND/OR DISCIPLINARY ACTION**

If, after an investigation, the investigator(s) finds that workplace violence has occurred, the Principal (or Chair of the Board of Directors if applicable), will determine what corrective action and/or disciplinary action is to be taken, if any. Potential actions may include, but are not limited to, the following:

- i. require the introduction of information or education sessions for the respondent(s) or a particular group;
- ii. require that the respondent(s) participate in a counselling process;
- iii. require a review and modification of policies, procedures and practices for a particular work group;
- iv. impose discipline on the respondent(s), ranging from a letter of reprimand up to and including dismissal ;
- v. request an apology.

Where a complaint of workplace violence is substantiated, a formal record of the action taken will be placed in the respondent(s)'s personnel file.

## **RETALIATION**

All persons to whom this policy applies have a right to be free of retaliation or threat of retaliation as a result of being involved in a complaint of workplace violence. Retaliation will be deemed to be a breach of this policy and/or King's University College's Harassment and Discrimination Policy.

## **MALICIOUS AND VEXATIOUS COMPLAINTS**

If, as a result of an investigation, it is determined that an otherwise unfounded complaint of workplace violence was intended to be malicious, it will be considered a form of violence and/or harassment and will be dealt with in accordance with this policy and/or King's University College's Harassment and Discrimination Policy.

## **CONFIDENTIALITY**

King's understands that it may be difficult to come forward with a complaint of workplace violence and recognizes that a complainant and/or a respondent will wish to keep the matter confidential. To protect the interests of the complainant, the person complained against and any others who may report incidents of workplace violence, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

All records of complaints, including minutes of meetings, interviews, results of investigations and other relevant material will be kept confidential by the Director of Human Resources and/or investigator except to the extent that disclosure is provided for by this policy or is necessary to conduct an investigation and to take remedial and/or disciplinary action in relation to the complaint.

The complainant will be informed that under the terms of this policy, the process can guarantee only limited confidentiality.

Dated this \_\_\_ day of \_\_\_\_\_, 2011                      Per: \_\_\_\_\_