

Workplace Violence Prevention Program

March 2024

Carleton University: committed to respect and safety in the workplace

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I. Introduction

Carleton University is committed to the protection of the health, safety, and wellbeing of all members of the University community. As such, the University will take all precautions reasonable to provide and maintain a respectful learning and working environment that is free of violence, including sexual violence.

Workplace Violence will not be tolerated in the workplace, and if identified, will be addressed immediately with the appropriate authorities.

This document supplements the University policy entitled “Workplace Violence Prevention” and outlines the responsibilities associated with this program. Further to consultation with the Joint Health and Safety Committee (JHSC), the program will be reviewed annually and revised as necessary.

II. Objectives

1. To take every precaution reasonable in the circumstances to prevent Workplace Violence.
2. To provide guidelines on:
 - How to conduct a Workplace Violence risk assessment
 - How to develop and implement preventative measures to control identified risks
 - How to summon immediate assistance
 - How to report incidents of Workplace Violence
 - How confidentiality is protected
 - How an investigation into allegations of Workplace Violence, including imminent concerns, is conducted
 - How to follow-up on incidents
 - How investigation findings will be communicated to the alleged victim or perpetrator
3. To assist faculty and staff in addressing Workplace Violence.

III. Application

This program applies to all members of the Carleton University community, including Employees, Related Third Parties, and Students.

IV. Policy, Standards and Legislation

Workplace Violence is prohibited and inconsistent with Carleton values. As such every member of the Carleton community must take action to prevent workplace violence, and if aware of any instances of workplace violence, report these immediately.

1. The University policy entitled “*Workplace Violence Prevention*” states:

“Carleton University is committed to the protection of the health, safety and wellbeing of all members of the University community. As such, the University will take all precautions reasonable to provide and maintain a respectful learning and working environment that is free of violence, including sexual violence. All acts of Violence in the Workplace are strictly prohibited, and if identified, will be addressed immediately.”

2. The *Occupational Health and Safety Act* requires all employers to undertake a number of duties with respect to workplace harassment and workplace violence. These include and are not limited to:
 - a. Taking every precaution reasonable in the circumstances to protect Workers against Workplace Violence, including domestic violence that may expose the worker to injury in the workplace.
 - b. Developing and maintaining policies on the prevention of workplace harassment and workplace violence.
 - c. Developing and maintaining a written program to implement the policies with respect to workplace harassment and workplace violence, to be reviewed annually, in consultation with the JHSC.
 - d. Assessing and controlling the risks of workplace violence. Risks to be reassessed as often as is necessary to ensure the policy and program continue to protect workers from workplace violence.
 - e. Providing information and instruction (training) to all workers on the policy and the programs.
3. The *Criminal Code of Canada* makes it an offence for a person to knowingly, or recklessly engage in conduct that causes a person to fear for their safety or the safety of anyone known to them.
4. The Ministry of Training, Colleges and Universities Act requires colleges and universities to have sexual violence policies that set out the process that will apply when incidents and complaints of sexual violence involving students are reported.

V. Definitions

Workplace Violence: Workplace Violence as defined by the Occupational Health and Safety Act means:

“The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;”

“An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;”

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

Examples of Workplace Violence under this definition may include but are not limited to:

- Threatening behaviour – shaking fists in front of a Worker, or pushing a Worker.
- Verbal or written threats – any expression of intent to inflict physical force that could cause physical injury. For example, *“You better watch your back, I am going to make you pay for what you did to me.”*, or *“If you don’t leave me alone you will regret it.”*
- Body language or behaviours that leave little doubt in the mind of the recipient that the perpetrator intends to cause physical injury.
- Physical attacks – hitting, shoving, pushing, kicking, biting, pinching or inciting an animal to attack.

Sexual violence: As defined by the Carleton University Sexual Violence Policy means:

“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.

“It includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. For further clarity, sexual assault includes rape.”

Act: “Act” is the *Occupational Health and Safety Act*, R.S.O. 1990, as amended.

Complainant: A “Complainant” is any person who is a member of the University Community who is making a complaint

Contractor: A “Contractor” is an organization, partnership, or individual engaged by Carleton University to provide services to the University either personally or with the assistance of other individuals.

Online Bullying: Deliberate repeated bullying or harassing behavior that uses the internet, social media, or other web related technology, such as email and text messages, experienced by an Employee or Student in the course of their duties

Intake Office: is the Unit responsible for handling the complaint. The Director, Labour Relations (Academic), Office of the Deputy Provost (or designate) is responsible for receiving complaints of violence related to academic employees. The Director, Labour Relations, Human Resources (or designate) is responsible for receiving complaints related to professional services employees. The Associate Vice-President (Students Affairs and Student Life) (or designate) is responsible for receiving complaints of violence related to students. In the case where the Respondent is both a student and an employee, the complaint may be submitted to either of these Office but will be jointly received.

Manager/Supervisor: A “Manager/Supervisor” is the person in a position of managerial authority over the Respondent or Complainant as applicable.

Related Third Party: A Related Third Party includes a Contractor and the Contractor’s employees or subcontractors.

Respondent: A “Respondent” is any person who is a member of the University Community (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment), Student, visitor, or any person who is a volunteer, any one of whom is alleged to have engaged in Workplace Violence as defined above.

SARET: the Student-At-Risk Evaluation Team (SARET) is the committee that reviews a student’s risk to the campus and short of permanent campus bans, sets out restrictions or limitations for students as deemed necessary. SARET may issue temporary bans or academic suspensions, in the form of registration holds from academic studies. SARET provides recommendations to the President regarding the need for permanent campus bans.

University Community: “University Community” means all individuals who have a relationship with or to the University (or had at the time of the incident), including but not limited to:

- Students, meaning individuals registered as students at the University, whether full-time or part-time (including special students), at the noncredit, undergraduate or graduate level;
- All employees and faculty, including all unionized and non-unionized academic and professional staff as well as those whose salary is paid through sources other than the University’s operating funds, such as grants, research grants and external contracts;
- Persons with an academic appointment including but not limited to adjunct, visiting and emeritus professors, post-doctoral or clinical fellows, and research trainees;
- Contractors, consultants, suppliers or other entities engaged by the University to provide services or goods when on University property, or while acting in a capacity defined by their relationship to the University;
- Members of the Board of Governors, of the Senate, and any of their respective committees, as well as members of any advisory committee formed to help the University achieve its goals; and,
- Employees of both unionized and non-unionized employee and student groups when on University property or while acting in a capacity defined by their relationship with or to the University.

Visitor: A “Visitor” is any person who is not a Worker, a Student or a Related Third Party who has occasion for any reason to visit the University campus.

Worker: A “Worker” is defined under the *Act*, namely a person who performs work or supplies services for monetary compensation. The definition of worker also includes a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled. a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution. For the purpose of this program and policy, the definition also includes any person recognized by Carleton University as a volunteer or a student.

Workplace: For the purposes of this program, the Workplace includes but is not limited to, the Carleton University campus, approved working remotely locations, locations of business travel and conferences, student placements, field trips, University sponsored social events, and any other place where workers are expected to fulfill their duties.

VI. Roles and Responsibilities: Workplace Violence

Shared Responsibility

To ensure the preservation of a productive, safe, respectful and peaceful learning and work environment:

- Everyone involved with Carleton University shares a responsibility to create and maintain an environment free of Workplace Violence and to act respectfully towards one another.
- All those affected must work toward changing and resolving complaints.
- Anyone who witnesses Workplace Violence or is aware of a potential for Workplace Violence is responsible for bringing it to the attention of his/her Manager/Supervisor and participate in the investigation of the complaint.

University Responsibilities

- Carleton University is responsible to develop, implement and maintain the Workplace Violence Prevention policy and program. The Executive Director, Office of Risk Management, and the Director, Environmental Health and Safety are delegated this responsibility by the Senior Management Committee.
- Program development will be a collaborative endeavor and the Joint Health and Safety Committee will be consulted.
- The university is responsible to provide information to Workers on various support programs/mechanisms available to them (e.g. Employee and Family Assistance Program).

Management/Supervisory Responsibilities

Managers/Supervisors are responsible for understanding what constitutes violent behavior and conducting themselves in accordance with the spirit and intent of the program and policy. They

are responsible for communicating to all members of the Carleton community that Workplace Violence and abuse will not be condoned or ignored.

Managers/Supervisors shall:

- Act respectfully and professionally in their interactions with all members of the University community, serving as role models in the workplace by promoting a safe environment.
- Communicate to all members of the Carleton community that Workplace Violence and abuse **is prohibited** and will not be condoned or ignored.
- Demonstrate by leadership and action a commitment to the prevention of violence by maintaining an environment free of Workplace Violence.
- Assess specific risks for Workplace Violence for their faculty/department and review/revise the assessment as necessary but at a minimum, annually. The assessment is to be sent to the Executive Director, Office of Risk Management.
- Communicate the principles of the “Workplace Violence Prevention” program and policy and uphold its intent.
- Implement workplace arrangements and appropriate procedures that minimize the risk of Workplace Violence including domestic violence or intimate partner violence that may result in physical injury in the workplace.
- Monitor the effectiveness of this program and applicable procedures on an ongoing basis and recommend changes as required.
- Take the steps necessary to immediately end any violent behavior of which they are aware, regardless of whether a complaint has been filed.
- Take all complaints of Workplace Violence seriously
- Promptly, and diligently, report any incident of Workplace Violence to the Intake Office.
- Ensure all workers are provided the opportunity for participation in education and training programs provided by the University, and that the training is completed, maintained up to date and understood
- Provide information to Workers on how to access immediate assistance in cases of workplace violence or threats of workplace violence.
- Provide information to Workers on various support programs/mechanisms available to them (e.g. Employee and Family Assistance Program).
- Implement any follow-up actions as required by this program.
- Keep detailed confidential records of any incident of Workplace Violence, including threats
- Participate in education and training programs as required.

Worker Responsibilities

All Workers share the responsibility to create a Workplace that is free from Workplace Violence and abuse. Each Worker is responsible for understanding what constitutes Workplace Violence and abuse and conducting himself or herself in accordance with the spirit and intent of the policy and program.

Workers shall:

- Act respectfully in their interactions with all members of the University community.
- Serve as role models with respect to appropriate conduct at work and promoting a non-violent Workplace.
- Provide input as requested to assess specific risks for their faculty/department and assist in the review/revision of the violence risk assessment.
- Cooperate with the University in efforts to investigate and resolve matters arising under the program (the Worker may choose to request union representation in accordance with the applicable collective agreement and legislative requirements).
- Abide by the requirements of this program and applicable procedure(s).
- Report any incidents of Workplace Violence that have been experienced or witnessed in accordance with the applicable procedures. This includes domestic violence that may result in physical injury in the Workplace.
- Participate in education and training programs as required.

The University recognizes that a Worker experiencing domestic abuse may be reluctant for personal safety and other reasons to disclose the problem to a Manager/Supervisor. The University encourages disclosure in order to ensure the Worker's safety and that of his or her co-workers. Disclosure also enables the University to support the Worker and provide links to appropriate community resources.

Although the University respects a Worker's desire for confidentiality and self-determination, a Worker 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 Worker. A Worker must inform his or her Manager/Supervisor if they have applied for, or obtained, a restraining order that lists a University location as being a protected area, or that requires a person to remain a certain distance away from the Worker at all times including during the work day. This will ensure appropriate Personal Safety Plans can be developed to safeguard the Worker.

VII. Identifying Risk Factors for Workplace Violence

All Workplaces must be assessed for risk factors pertaining to Workplace Violence. Certain types of work or conditions can put employees at higher risk from Workplace Violence, generally from strangers, clients, students or customers. The list below identifies some of the risk factors for Workplace Violence:

- Working Alone or in Isolation
- Travelling to Remote Locations or Hazardous Regions
- Providing Services Directly to Community Members on or off Campus
- Handling, Securing or Protecting Cash and Other Tangible Valuables
- Patrolling and Responding to Security Conditions and Providing Active Protective Services
- Employees Participate in Public or Other Events on Campus not Formally Assessed for Risk Employees Deal with Unstable/Volatile Individuals

Employees Transport People and/or Goods
Employees Conduct Hybrid Work/Work from Home/Work Remotely

Information relevant to identifying risks of Workplace Violence and the risk assessment methodology are described in Appendix "A".

VIII. Workplace Violence Risk Assessment

The overall responsibility for coordinating the risk assessment process shall rest with the Executive Director, Office of Risk Management and shall be updated annually. The Violence Risk Assessment will involve four elements as follows:

1. Examination of Internal Documentation

The Executive Director, Office of Risk Management shall conduct a review of all internal documents that might identify Workplace Violence within the faculty, department, division or unit such documents include:

- Workplace incident, accident or campus safety reports involving harassment, violence or threats of violence
- Workplace inspection reports where concerns are raised
- Grievances
- Workplace Violence and/or Workplace Harassment investigation reports

2. Identify the presence of risk factors

Each Manager/Supervisor to identify the risk factors relevant to their specific areas and or activities

3. Ensure information gathering is inclusive

Each Manager/Supervisor will solicit input from their employees across positions and locations to seek their perceived risk. This will assist to:

- Identify workplace violence risks that the Workers perceive and their sense of personal safety in the Workplace
- Consider Worker's experience of Violence and whether the situations involved strangers, customers, co-workers, students, estranged partners or family members
- Identify positions or locations in which Workplace Violence is a concern; and
- Gather opinions as to the effectiveness of the controls currently in place.

4. Complete a Workplace Violence Risk Assessment

Having gathered input from employees as to Workplace Violence, the Manager/Supervisor shall complete the *Workplace Violence Risk Assessment Questionnaire*. (See Appendix A – "Workplace Violence Risk Assessment")

The Assessment is divided into four parts:

- Part 1 General Assessment – looks at the risks posed by the physical environment.
- Part 2 Identification and Assessment of Specific Risk Factors – looks at specific risks factors related to specific duties or locations.
- Part 3 Current Risk Controls – looks at the controls and programs in place.
- Part 4 Create an action plan to address gaps in controls

Upon completion, the risk assessment(s) will be forwarded to the Department Head who will consolidate the information and forward a Departmental Risk Assessment Questionnaire to the Executive Director, Office of Risk Management.

5. Annual Report on Workplace Violence Risk

Upon receipt of the questionnaires, the Executive Director, Office of Risk Management shall prepare a report that identifies areas of risk of Workplace Violence with recommendations for necessary risk control measures.

The report shall be shared with the Joint Occupation Health and Safety Committee and the Senior Management Committee.

IX. Training and Prevention

- All Workers will be provided information on the contents of the “Workplace Violence Prevention” policy and program. Training is mandatory and will be refreshed periodically. Further information about course offerings is available on the Learning and Professional Development, and the Environmental Health and Safety websites.
- Based on the Workplace Violence Risk Assessment, faculties/departments may determine that the potential exposure to Workplace Violence necessitates the need to develop specific skills and knowledge in addition to University wide training. Campus Safety Services, the Office of Risk Management, Human Resources/Academic Labour Relations and Learning and Professional Development are available to assist in identifying methods to acquire these additional skills.
- In addition to training, a written prevention procedure may need to be developed or the Workplace’s physical design may need to be assessed and mitigation efforts implemented to reduce risk.

X. No Reprisal

Workplace Violence is a serious matter. This program strictly prohibits reprisals against individuals who have made good faith complaints or provided information regarding a complaint, incident or threat of Workplace Violence.

Persons who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes but is not limited to:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of Workplace Violence;
- Intentionally pressuring a person to ignore or not report an incident of Workplace Violence; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of Workplace Violence.

Although false and frivolous accusations of Violence occur in rare instances, such false accusations are serious offences because they may have serious consequences.

The insufficiency of evidence to prove a complaint does not mean that the complaint was submitted in bad faith. A malicious or bad faith complaint means that a person who has made a complaint, made such a complaint when they knew or ought to have known that it was untrue.

A Worker who makes a false complaint or otherwise abuses this program may be disciplined up to and including termination from employment. Such discipline when justified is not a reprisal or breach of this policy or program.

XI. Violence or Threats by/of Students and/or Visitors

The University prohibits Workplace Violence by or toward any student registered in a course or program of study at Carleton University (“Student”).

- A Worker who is subjected to violent or threatening behaviour by a Student, should seek support from their Manager/Supervisor who will refer the matter to the Associate Vice-President (Student Affairs and Student Life) or other member of the Intake Office for review. Violent or threatening behaviour by a student will be addressed through the Student Rights and Responsibilities Policy.
- A Student who is subjected to violent or threatening behaviour by a Carleton Worker should report it to the Worker’s Manager/Supervisor, if known, or to Campus Safety Services. Alternatively, it can be reported to any member of the Intake Office.

The University prohibits Workplace Violence by or toward Visitors.

- All members of the Carleton community should make it clear to visitors that violent or threatening behaviour is not acceptable.
- A Worker who is subjected to violent or threatening behaviour by a visitor, should seek support either from their Manager/Supervisor or from Campus Safety Services who will investigate and address the situation accordingly.
- A Student who is subjected to violent or threatening behaviour by a visitor should report it to the Intake Office.
- Campus Safety Services may be called to escort visitors off campus and/or take other appropriate action.

- Visitors who are subjected to violent or threatening behaviour by a Carleton worker should contact Campus Safety Services and/or the worker's Manager/ Supervisor. If Campus Safety Services is called, they will contact the appropriate Manager/Supervisor.

XII. Violent or threatening Behaviour by/of Related Third Parties

The University prohibits violent or threatening behaviour by or toward Related Third Parties.

- A Worker who is subjected to violent or threatening behaviour by a Related Third Party should report it to his/her Manager/Supervisor who will direct the complaint to the appropriate member of the Intake Office.
- Related Third Parties who are subjected to violent or threatening behaviour by a Carleton worker should report it to their Contractor.
- The Contractor shall report complaints of violent or threatening behaviour to the Carleton Contract Manager.

XIII. Sexual Violence

Complaints of workplace sexual violence, sexual harassment and/or discrimination will be addressed under the Carleton University Sexual Violence Policy or Human Rights Policies and Procedures as appropriate.

XIV. Complaint Process – Informal and Formal Investigation Procedure

General Provisions Regarding the Formal Complaint Process

1. Time Limitation for Bringing a Complaint

Individuals are encouraged to report a complaint at the earliest opportunity but must do so within one year of the date on which the incident of violence is alleged to have occurred. If there was a series of incidents it must be reported within one year of the date of the last event. However, if the University is satisfied there are compelling reasons and/or extenuating circumstances, complaints may be pursued outside of this timeframe. When the Complainant is no longer a University community Member, the Intake Office will review the Complaint and determine whether it is within the scope of the Program and may decide to initiate an Investigation.

2. Reprisal

The University prohibits reprisal or threats of reprisal against any person who, sincerely and in good faith, makes use of this Program or participates in any process held under its jurisdiction. Any individual who is concerned that they are the subject of reprisals or threats should report their concerns immediately. Where appropriate, sanctions under the relevant policy (including this Program) legislation or contract, may be applied against the individual(s) responsible for the reprisal.

3. Vexatious or Bad Faith Complaints

Individuals who make a complaint against another person in bad faith or for a vexatious purpose may be subject to disciplinary action.

4. Confidentiality

- The University recognizes the importance of confidentiality both for individuals coming forward for a complaint and for individuals subject of a complaint and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations and applicable law.
- All reports and disclosures made in the course of action taken pursuant to these procedures shall be considered to be confidential in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA), the provisions of applicable collective agreements and applicable law. All members of the University community who receive a report or disclosure of workplace violence, who are involved in addressing or investigating it must keep the matter confidential.
- Information obtained about an incident or complaint of workplace violence, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating, taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- The identities of all Complainants, Respondents and Witnesses, and the nature of the complaint itself, will be kept confidential and only persons with a need to know will be informed. Subject to FIPPA and any other applicable law, findings and corrective actions taken as a result of the investigation, if any, will be provided to the Complainant and the Respondent in writing.
- Workers may request union representation as appropriate.

5. Procedural Fairness

The University has a duty of procedural fairness to the parties with respect to the process by which investigations and decisions are made that may result in findings of violence and may potentially impose serious consequences against a member of the University community who has engaged in such conduct. The basic requirement of procedural fairness is that a person against whom allegations are made, must know the allegations and evidence against them, and must be given the opportunity to respond to the allegations prior to a decision being made. The

University reserves the right to adjust the complaint process to ensure procedural fairness in accordance with the circumstances of the individual case.

Therefore:

- the Respondent will be informed of the allegations
- the Respondent will be provided the opportunity to respond
- an investigation will be conducted in accordance with appropriate procedural fairness; and
- in the event of conflict of interest, appropriate alternative measures will be taken.

Attached as Appendix B is a Process Map outlining the process for complaint reporting and investigation.

6. Interim Measures

At any stage it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community during the process. Interim measures may be implemented prior to and/or during the formal complaint process and pending a final decision. Where Interim measures are necessary, the University will seek to implement the least disruptive measures that still promote safety and security. Such measures are without prejudice to the ultimate outcome of the complaint process and are not intended to be disciplinary in nature. A non-exhaustive list of examples of such interim measures include:

- Restrictions to access campus or part of campus;
- No contact/communication orders;
- Administrative non-disciplinary leave with pay;
- Employment/workplace restrictions

Non-compliance with the interim measures may result in additional measures and/or discipline being imposed. The Parties will be advised of interim measures imposed where permitted by FIPPA for health and safety reasons.

7. Union Representation

Where the Respondent is a unionized employee, the employee shall have all applicable rights to union representation. As per the relevant collective agreement, the Director of Labour Relations (Human Resources) or the Director, Labour Relations (Academic) will also inform the appropriate Manager/Supervisor of the Respondent of the investigation.

8. Informal Dispute Resolution

In appropriate circumstances, a complainant may be willing to resolve the matter before an investigation is commenced or completed. The Intake Office who receives or is advised of a complaint of Workplace Violence may seek to determine if the matter is resolvable through informal resolution. Examples of alternative resolution include mediation/facilitation, restorative justice, education or similar method.

- Efforts at informal resolution are a shared responsibility and should include individual meetings with the parties as appropriate (i.e. Complainant and Respondent). The parties may decide to meet as a group or meet separately to discuss the issue.
- If desired, the parties at the meeting may invite representatives of their union(s).
- The Intake Office shall consider if any interim measures are required during the informal resolution process.
- If the complaint is resolved informally then the file is closed. Closure of the file involves the following:
 - Providing a written summary of the informal Resolution to both the Complainant and the Respondent. This may be shared with the appropriate union, at the individual's request. If there is a failure to comply with the terms of a resolution, the complaint may be moved to an investigation and decision-making process.
 - Providing a copy to Human Resources for their files
 - Securing all notes and documentation
- At any stage during the process, either the Complainant or the Respondent may indicate they would like the complaint to move to or resume the investigation and decision-making process.
- If the complaint is not resolved at this stage, then the matter will proceed through the investigation process.
- If the complaint is resolved informally at this point then the file is closed.
- If informal resolution is not possible, the Intake Office shall proceed with the formal investigation.
- The Intake Office may make a decision as to what additional interim measures, if any, are required in the Workplace.

9. Reporting

All Workers are responsible for reporting Workplace Violence, or Sexual Violence as defined by the Ontario *Occupational Health and Safety Act* and the *Carleton University Sexual Violence Policy* that are experienced or witnessed, to their Manager/Supervisor or directly to the Campus Safety Services

If the Worker's immediate Manager/Supervisor is alleged to be involved in the Workplace Violence, the Worker shall contact the next level Manager/Supervisor or the Executive Director, Campus Safety Services.

In all cases, the Manager/Supervisor will follow the reporting procedures as outlined below. If the Manager/Supervisor has concerns about whether the matter should be referred to the Ottawa Police, they should consult with the Campus Safety Services. University Safety will contact the Ottawa Police as appropriate.

10. Complaints that Pose an Immediate Risk of Injury

- The Worker or the Manager/Supervisor shall immediately call the Campus Safety Services at extension 4444. If a Worker initiates contact with Campus Safety, the Worker shall notify his or her Manager/Supervisor, or the next level Manager/Supervisor if required.
- If required, and as per the Personal Safety Plan developed with Campus Safety, the Manager/Supervisor shall arrange for a safe place to work that is as near as reasonably possible to the Worker's usual work site. The affected Worker(s) should continue to work in the safe place and be available for the investigation until there is no further risk of Violence.
- In a situation where Campus Safety is contacted to determine imminent risk, no other investigation should proceed until Campus Safety completes its investigation and the results are shared as appropriate.
- The Executive Director, Campus Safety Services will determine if a credible risk of injury exists. In the case where there is not deemed to be a risk of violence, the Executive Director will advise the Associate Vice-President Human Resources, who will contact the Intake Office who will seek resolution with the Manager/Supervisor and the complainant.

11. Complaints that do not pose an Immediate Risk of Physical Injury:

- A Worker who has concerns regarding possible incidents of Workplace Violence, including threats of violence (the Complainant) shall report the incident to his or her Manager/Supervisor who will contact the Intake Office.
- The Manager/Supervisor shall review the complaint and assess for immediate risks. The Campus Safety can assist with the risk assessment and should be consulted if there are uncertainties.
- If the complaint is deemed to not pose a risk of physical injury, the process becomes one of resolving inappropriate behaviour, and therefore the resolution process follows the harassment resolution steps. (see Workplace Harassment Prevention Program for full details).

XV. Formal Complaint Process and Investigation Procedure

1. Reporting of Formal Complaints

Only a person who reports experiencing harassment (the "Complainant") can choose to file a formal complaint. Complaints must be filed with the appropriate Intake Office as follows:

- The Director, Labour Relations (Academic), Office of the Deputy Provost (or designate) is responsible for receiving formal complaints of harassment related to academic employees.

- The Director, Labour Relations, Human Resources (or designate) is responsible for receiving formal complaints related to professional services employees.
- The Associate Vice-President, Student Affairs (or designate) is responsible for receiving formal complaints of harassment related to students.
- In the case where the Respondent is both a student and an employee, the complaint may be submitted to either of these offices but will be jointly received.

A formal complaint can be filed if the Respondent is a member of the University community and was a member of the University community at the time of the incidents alleged in the formal complaint. Jurisdictional or other legal considerations may arise (such as an active police investigation) where the formal complaint process in this Policy may be suspended. In addition, the University does not have jurisdiction to address allegations made against a person who is not a member of the University Community. However, in the event of such allegations, the University will provide support to Complainants and may be able to take measures such as restricting access to campus by the person against whom the allegations are made.

Complaints will be filed in writing and include a description of what happened who was involved in the incident; when and where the incident occurred; who (if anyone) saw or heard the incident(s), or saw or heard something of relevance prior to or after the alleged incident(s) of Harassment.

2. Intake of Workplace Harassment Complaint

- Following receipt of the complaint, the Intake Office assesses the immediate risk, gathers information and documents the complaint.
- If there is an immediate risk, the Intake Office should refer to University Safety for support.
- The Intake Office will assess the complaint and determine whether the alleged conduct forming the basis of the complaint falls within the scope of the Program, and if so whether the matter should proceed within the informal or formal process.
- If the alleged conduct forming the basis of the complaint does not fall within the scope of the Program, the matter will be closed. The matter may be referred to be addressed under another University policy or office as may be applicable or legally required.
- If a complaint under this program is received directly by Student Affairs, Equity and Inclusive Communities, Human Resources, University Safety, or EHS, the complaint will be sent to the appropriate Intake Office.
- Where informal resolution may not be possible or appropriate, the Intake Office will initiate an investigation. The investigation shall proceed as expeditiously as possible and on a confidential basis.
- One of three types of investigators may be appointed, at the discretion of the Intake Office:
 - internal investigator (i.e. Senior Manager or trained investigator);

- external third-party investigator;
- referral to University Safety for investigation.

3. University Initiated Investigation

The University may become aware of situations where a university-initiated investigation may be warranted, including but not limited to circumstances where the University has a legal obligation to investigate. The appropriate Intake Office will consult with appropriate University senior management to determine whether an investigation is warranted on the basis of both the circumstances, the nature of the allegations and applicable law.

4. Investigation Process

- When the complaint falls within the scope of the Program, the Intake Office will appoint an investigator to investigate the complaint.
- The intake office will send a written notice to the Respondent and the Complainant, informing both of them of the formal complaint, and enclosing a copy of the complaint. The Respondent and Complainant will be informed of the name of the investigator as soon as possible.
- The Investigator will interview the Complainant and Respondent, examine the information submitted by the parties as well as any other information gathered during the investigation, meet with relevant witnesses, as necessary, and conduct all interviews in a fair, impartial and professional manner.
- The Investigator will ask the Respondent to respond in writing to the formal complaint. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a response.
- The Investigator will send the Respondent's response to the Complainant, who can submit a written reply within the time requested by the Investigator. If no written reply is provided within the time requested, the Investigator will proceed in the absence of such reply. The Respondent will receive a copy of the reply, if any.
- The Investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation.
- The Investigator will keep the Intake Office informed on the status of the investigation at regular intervals or at the request of the Intake Office.
- The Investigator will prepare a draft report. The Complainant and Respondent will be provided with a copy of the draft report or findings as appropriate and will be invited to provide their comments.
- Upon completion of the investigation, the Investigator will send a written confidential report containing the facts and information gathered during the investigation to the Intake Office including any responses provided by the Respondent and Complainant. The investigator will provide in their report the facts and findings and determine whether there is:
 - sufficient evidence to substantiate a finding of violation of the policy, or

- insufficient or lack of credible evidence to substantiate the alleged violation of the policy, or
- no violation of the policy

The investigation report or its findings will be provided as appropriate to the Complainant and to the Respondent with a reminder of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal. The university considers reprisal at any stage to be a serious offence. A breach of confidentiality by any person with respect to a complaint may also constitute reprisal.

- Based on the investigator's findings, the Intake Office in consultation with the AVP Human Resources, the Deputy Provost (Academic Operations and Planning) as appropriate and/or other University officials as relevant, shall determine whether discipline or further action is warranted (i.e. initiate corrective action).
- Once the investigative process has been completed and corrective actions, if any, are implemented, the file will be closed.
- Subject to FIPPA requirements, the Complainant and the Respondent will be informed of 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.
- Where a complaint is lodged by more than one Complainant or is against more than one Respondent, the Complainant or Respondent, as the case may be, shall receive only the portions of findings applicable to their specific complaint/response.

XVI. Creating a Supportive Environment

- Workers who experience an incident of Workplace Violence that is a traumatic incident may require and are encouraged to seek emotional support from a professional. Support services are available through the Employee and Family Assistance Program, Health and Counselling Services or other community support services. ([provide links to resources](#))
- Co-Workers affected by an incident should be encouraged to seek support themselves if required. Co-workers should be supportive of any impacted Worker(s). In some situations, a group debriefing, utilizing external qualified professionals, may be appropriate. These sessions can be arranged by contacting Human Resources, Academic Labour Relations, Campus Safety Services or Health and Counselling Services, or other available services as appropriate.

Action and Prevention Plan

When a violent incident occurs it is important to review the safety protocols in place to ensure their effectiveness. The Manager/Supervisor or Department Head, in consultation with the Executive Director, Campus Safety Services, the Executive Director, Office of Risk Management and the Director, Environmental Health and Safety shall:

- review the incident

- outline what corrective or remedial actions are necessary to prevent or minimize the potential and impact of repeat occurrences
- identify new or previously undefined risks and reassess the Risk Assessment
- review employee training and education programs and to identify potential for improvement and if additional training to enhance specific skills should be obtained or provided.

Notice of an Injury as a Result of Workplace Violence

The Manager/Supervisor must inform Campus Safety Services (extension 4444) immediately in the event of an incident of Workplace Violence that results in injury or death. Campus Safety Services will advise the Director, Environmental Health and Safety, and the Executive Director, Office of Risk Management.

In addition, the Manager/Supervisor must:

- Complete and submit an injury report using the CuWorkSafe portal within 24 hours.

Further information on injury reporting and investigation is available on the Environmental Health and Safety website at [Reporting with CU WorkSafe - Environmental Health and Safety \(carleton.ca\)](#).

Consequences

Where the investigation findings establish that a respondent has breached the Policy, the respondent will be subject to appropriate sanction or corrective measures falling within the University's jurisdiction. The University will apply any relevant collective agreement provision, student policy or contract, as appropriate in the circumstances.

The University may also initiate criminal or civil proceedings against persons who engage in workplace violence.

XVII. Domestic Violence

The Occupational Health and Safety *Act* requires employers to take every precaution reasonable in the circumstances to protect a Worker from domestic violence that may occur in the Workplace and expose co-workers to a risk of injury.

Although the University respects a Worker's desire for confidentiality and self-determination, a Worker is responsible for disclosing the following situations to his or her Manager/Supervisor:

- threats to the safety of the Workplace
- threats an intimate partner or ex-partner has made towards the Worker
- if the Worker has applied for or obtained a restraining order, or is the subject of a restraining order that lists a University location as being a protected area
- if a restraining order has been issued that requires a person to remain a certain distance away from the Worker at all times including during the work day.

When the Manager/Supervisor is notified of the potential of a domestic violence situation in the Workplace, he or she shall take specific steps to protect the individual Worker and co-Workers:

- request assistance from Campus Safety Services in developing a personal safety plan for the Worker
- accommodate the Worker in alternative work arrangements (schedule flexibility, changes in hours, transfer of location, etc.) if requested or recommended
- provide information on available counseling resources (i.e. Employee and Family Assistance Program or other community services)
- Support the Worker and affected co-workers

The obligation to take every precaution reasonable in the circumstances to protect a Worker from domestic Violence may outweigh an individual's expectation of privacy. The privacy of the Worker must be balanced with ensuring the safety of others.

- The Manager/Supervisor must treat the situation with the utmost confidentiality and communicate only to those who are required to know in protecting Workers from potential physical injury.
- A Manager/Supervisor should seek assistance from the Executive Director, Campus Safety Services and the Associate Vice-President, Human Resources, in developing a response to a situation of domestic Violence that may risk the safety of Workers in the Workplace.

XVIII. Disclosure of Persons with a Violent History

The University is required to provide information, including personal information, to a Worker about a person with "a history of violent behaviour" if the Worker could be expected to encounter the person in the course of his/her work and there is a risk of Workplace Violence that may expose the Worker to physical injury.

- Personal information shall only be disclosed as is reasonably necessary to protect the Worker from physical injury.
- A Manager/Supervisor must seek assistance from the Associate Vice-President, Human Resources, before disclosing any information.