

## POLICY



## WORKPLACE VIOLENCE AND HARASSMENT

Category:	<i>Operations and Governance</i>
Approval:	Board of Governors
Responsibility:	Vice President, Finance and Administration
Date:	Date initially approved: June 19, 2007 Date of last revision: January 17, 2013 Date of last revision: December 5, 2014 Date of last revision: December 4, 2015 Date of last revision: December 2, 2016

### ***Definitions:***

**Workplace Violence** is defined as:

- The exercise of physical force by a person against any worker in the workplace that causes or could cause physical injury to that worker;
- an attempt to exercise physical force against any worker in the workplace that could cause physical injury to that worker, and
- a statement or behaviour that it is reasonable for a person to interpret as a threat to exercise physical force against them or someone else in the workplace, that could cause physical injury to a worker.

**Workplace:** Any location at which Trent-sanctioned activities occur, including all Trent property and all other locations, such as field research locations or placements, where the academic and administrative activities of the university take place.

**Domestic Violence:** The exercise, attempt or threat to exercise physical force against any person on campus by a another person who has or had a personal relationship with the first person, such as a spouse or former spouse, current or former intimate partner or a family member.

**Workplace Harassment:** Is defined as engaging in a course of vexatious comment or conduct against any person on campus that is known, or ought reasonably be known, to be unwelcome or workplace sexual harassment. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

**Workplace sexual harassment:** means:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

**Supervisor:** means anyone who has charge of a workplace or authority over a worker. This includes lead hands, College Residence Life Coordinators (CRLCs), supervisors, managers, directors, associate vice-presidents, department chairs, deans, principle investigators, instructors, vice-presidents and the president.

**Supportive Person:** means a person selected by either the complainant or respondent to assist them throughout the formal complaint process. Supportive persons are required to uphold confidentiality and are not permitted to intervene and/or disrupt the process. The complainant or respondent to a formal complaint may choose to obtain legal counsel or advice at their own expense. Such legal advisors (for non-unionized employees) may attend meetings as supportive persons but cannot act as legal representatives.

**Bargaining Agent Representation:** A complainant or respondent who is a member of a collective bargaining unit is encouraged to consult with their bargaining agent about a complaint. Bargaining agent representatives shall accompany the member in any meeting or related proceedings under this policy, in addition to any supportive person designated by the individual.

**Vexatious complaint:** A complaint that is trivial, frivolous, malicious, made in bad faith or contains allegations that the complainant knows to be false. A vexatious complaint in itself is considered harassment and is subject to the same sanctions.

### ***Purpose/Reason for Policy:***

Trent University is committed to providing a safe and welcoming environment, in which all members of the Trent Community are treated with respect and dignity. The purpose of this policy is to define Trent's commitment to addressing workplace violence or threats of violence and harassment.

### ***Scope of this Policy:***

This policy applies to all Trent employees and addresses workplace violence and harassment from all sources including students, volunteers, contractors and visitors on Trent property.

### ***Policy Statement:***

Workplace violence and harassment will not be tolerated at Trent University. Trent will take all reasonable steps to protect employees from workplace violence and harassment and will respond appropriately to all incidents and complaints in a fair and timely manner, respecting the privacy of all concerned unless disclosure of identifying information is necessary for the purposes of protecting employees, investigating or taking corrective action with respect to the incident or complaint, or as otherwise required by law. Individuals who commit workplace violence and harassment may be subject to disciplinary action, criminal penalties, or both. Retaliation or reprisals are prohibited against any employee who, in good faith, has made a complaint or participated in an investigation under this policy.

### ***Responsibilities:***

All students, staff, faculty and visitors at Trent University share the responsibility to create and maintain an environment free from violent and harassing behaviour, and are encouraged to report workplace violence and harassment when they witness or experience it.

Employees who experience workplace violence or harassment may obtain support and assistance from their supervisor, bargaining agent, Joint Health and Safety Committee member, Human Resources, Human Rights, Campus Security or the Employee Assistance Program.

**Supervisors** are responsible to ensure employees have the information they need to protect themselves and to respond to incidents of campus violence or harassment in accordance with the provisions of this policy and procedures. Further, supervisors have overall managerial and leadership responsibility for ensuring a workplace that is free of violence and harassment. This includes leading by example in matters of appropriate workplace behavior, implementing workplace violence and harassment awareness and prevention training programs, responding appropriately to any incidents and reports, and maintaining a positive ethical climate.

Supervisors are to refer complaints of sexual violence or sexual harassment to one of the offices listed below:

- Risk Management/Campus Security
- Human Rights
- Human Resources

Supervisors are responsible to ensure workplace specific Risk of Workplace Violence assessments are conducted and reviewed as required. Instructions and tools can be found on the Risk Management MyTrent portal.

When the supervisor cannot resolve a complaint of workplace violence or harassment, the complaint shall be referred to any one of the **AVP Human Resources** or the **Director of Risk Management** who will determine who shall investigate and recommend resolution of the complaint. Harassment complaints under this policy will normally be managed by the AVP Human Resources. Complaints of violence under this policy will normally be managed by the Director, Risk Management. If the respondent is a student, the AVP Students will be advised and will determine and implement any corrective action that may be required.

**Campus Security** is responsible to respond to and resolve incidents of workplace violence, document reports of campus violence or harassment made to them and advise the Director of Risk Management. Security may be asked to investigate incidents of workplace violence or harassment.

The **Director of Risk Management** is responsible to conduct an annual Violence Threat Assessment for Trent and ensure the Joint Health and Safety Committee receives a copy. When advised of an incident or behaviour that may escalate to violence, they will convene and chair a Threat Assessment Team. The Director, Risk Management will ensure the Joint Health and Safety Committee is consulted whenever this policy is reviewed or amended. The Director, Risk Management will ensure training on this policy is made available to all employees.

<b>Contact Officer</b>	Director, Risk Management
<b>Date for Next Review</b>	Annually in August
<b>Related Policies, Procedures and Guidelines</b>	Campus Violence Procedure, Campus Violence Behaviour and Response Guidelines, Threat Assessment Team Protocol, Annual Violence Risk Assessment, Campus Violence Reporting and Response Protocol, Trent University Policy on Discrimination and Harassment, Sexual Violence Prevention and Response Policy, Student Charter of Rights and Responsibilities

<i>Policies Superseded by This Policy</i>	Nil
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<b>PROCEDURE</b>
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## WORKPLACE VIOLENCE RESPONSE PROCEDURE

Contact Officer

Director, Risk Management

PROCEDURE	<b>Purpose</b>	<p>The purpose of this procedure is to outline the action to be taken when an individual witnesses or experiences violence, including domestic violence and sexual violence, or threats of violence that may affect person(s) in a Trent workplace.</p> <p>All employees are required to familiarize themselves on how to prevent and/or respond to incidents or threats of violence by completing the online Workplace Violence and Harassment course. For further information, consult the Annual Violence Threat Assessment, Campus Violence Behaviour Guidelines and the Hostile Intruders and Campus Violence protocols in the Emergency Procedures section of the Campus Security website at: <a href="http://www.trentu.ca/security/emergencyresponse.php">http://www.trentu.ca/security/emergencyresponse.php</a></p>
	<b>Procedure</b>	Do not ignore threatening or violent behaviour. If you witness or experience violence or threats of violence, or if you feel that a colleague, student or visitor is likely to become violent, take the following action:
	<b>Employee</b>	<p>If you, or anyone else, are in immediate danger, call 911 then contact Campus Security at 748-1333(Peterborough) or 435-5111 (Durham) at once.</p> <p>Report the situation to your supervisor or the next level of supervision if your supervisor is involved.</p> <p>Incidents of <b>sexual violence</b> should be reported to the following offices, who have personnel that are specially trained to receive disclosures or reports in a supportive manner that focuses on facilitating positive outcomes for the survivor:</p> <ul style="list-style-type: none"> <li>• Risk Management/Campus Security</li> <li>• Human Rights</li> <li>• Human Resources</li> </ul> <p>Additional information on supports and services may be found on the Trent University Sexual Violence website: <a href="https://www.trentu.ca/sexualviolence/">https://www.trentu.ca/sexualviolence/</a> and in the Sexual Violence Prevention and Response Policy.</p>
	<b>Supervisors</b>	Supervisors who observe workplace violence or receive a report of workplace violence are responsible to respond in a prompt and effective manner. This should include taking immediate steps to ensure the complainant's safety, preferably in consultation with Campus Security, Human Resources or Human Rights.

	<p>The complainant is to be referred to appropriate support resources such as Student Health or Counselling (for students), EAP (for employees) and, in the case of sexual violence, the appropriate officials trained to receive disclosures or reports of sexual violence (listed in the previous paragraph). A list of available support services is available on the Trent web site.</p> <p>If there is imminent danger, they are to call 911 then notify Campus Security immediately.</p>
Campus Security	<p>Campus Security will:</p> <ol style="list-style-type: none"> <li>1. Attend the scene and defuse any violent behavior. Security will involve Police if necessary.</li> <li>2. Put a personal safety plan for the victim in place.</li> <li>3. Assist the victim with accessing necessary supports and services.</li> <li>4. Investigate the incident and create an incident report. Note: For incidents of <b>sexual violence</b>, Security will determine whether or not the survivor wishes to make a report. If not, they will record an anonymous incident report for statistical purposes and assist the survivor in obtaining support services, including making a police report. If the survivor wishes to make a report, they will also refer the incident to the Security Manager or Director, Risk Management, who will conduct the investigation. The role of the Security Guard is to support and assist the survivor.</li> <li>5. Advise the Director of Risk Management or designate. At Trent University Durham, they will also advise the Director, Student Affairs.</li> </ol>
Director, Risk Management or Security Manager	<p>The Director Risk Management, or designate, will assess the information provided by Security and determine whether to convene a Threat Assessment Team. The Director, Risk Management may decide to take some other action such as referring the incident to the responsible manager, Human Resources, Student Affairs, or the Police.</p>
Threat Assessment Team	<p>The Team will conduct a risk assessment, agree on an action plan to address the behaviour and develop safety plans for all concerned to minimize the possibility of future violence, in accordance with the Threat Assessment Team Protocol. This may include warning members of Trent community who are at risk of violence. The action plan will include an internal and external communications plan and a monitoring system appropriate to the case. The Chair will ensure that the action plan is carried out in a timely manner and that all actions taken are recorded in the Security incident report.</p>

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**PROCEDURE**



**WORKPLACE HARASSMENT  
RESPONSE PROCEDURE**

Contact Officer

AVP Human Resources

<b>PROCEDURE</b>	<b>Purpose</b>	The purpose of this procedure is to outline the action to be taken when an employee experiences harassment in a Trent workplace.
	<b>Procedure</b>	
	<b>Complainant</b>	<p><i>Option 1</i> - Any employee who feels that they have been harassed is encouraged to initiate discussion(s) with the person(s) whose action gave rise to the issue. This allows an opportunity for the complainant to inform the respondent(s) of the nature of the distress experienced and the remedy being sought, and an opportunity for response and resolution of the issue(s) in question. Employees are strongly encouraged to explain to the offending party(ies) what they believe to be the negative impact of the unwelcome conduct but are not obliged to do so. Each situation should be assessed and considered based on its unique facts and circumstances.</p> <p>If an individual believes that addressing the offending party(ies) could lead to escalation of harassment, or create safety risks, or where a power differential limits an individual’s ability to express concerns, the individual may choose to not interact directly.</p> <p>Complainants are encouraged to document the events, complete with times, dates, location, witnesses, and details and preserve any evidence such as e-mails, tweets, facebook postings etc.</p> <p><i>Option 2</i>– Informal Resolution: If communicating directly with the respondent is not effective, or if a complainant is unable or unwilling to deal with the respondent directly, the complainant should report the incidents to their direct supervisor. If the direct supervisor is the respondent, the complainant should report the incidents to the next level of supervision or Human Resources. The employee may also seek assistance from their bargaining agent, JH&amp;SC representative, Human Resources, Human Rights, Campus Security or the Employee Assistance Program.</p> <p>In cases of <b>sexual harassment</b>, the complainant may disclose their concerns to the following officials who are specially trained to receive disclosures or reports in a</p>

		<p>supportive manner that focuses on facilitating positive outcomes for the complainant:</p> <ul style="list-style-type: none"> <li>• Human Resources</li> <li>• Human Rights Advisor</li> <li>• Campus Security</li> </ul> <p>Options for resolution include conflict coaching, interest-based negotiation, facilitated dialogue, impact circle, formal mediation and shuttle diplomacy. More information on these techniques is available from Human Resources or Human Rights.</p> <p>Informal resolution is a voluntary option that is intended to help parties settle disputes on mutually agreeable terms. This is a low risk, effective option that allows the parties to determine and implement their own solution, and is much more likely to preserve relationships than a formal complaint. Each party has the right to be accompanied and assisted during the session(s) by a supportive person (e.g. colleague, peer, Bargaining Agent, Human Resources, Risk Management or Student Services employee, friend, relative). Supportive persons are required to uphold confidentiality and are not permitted to intervene and/or disrupt the process.</p> <p><i>Option 3– Formal Complaint.</i> If informal attempts at resolving the issue prove to be ineffective, a formal complaint may be filed within twelve months of the last alleged incident of harassment. To file a formal complaint:</p> <ol style="list-style-type: none"> <li>1. Provide a letter of complaint that contains:       <ol style="list-style-type: none"> <li>a. Name(s) of the complainant(s) and contact information</li> <li>b. Name of the alleged harasser(s), position and contact information (if known)</li> <li>c. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)</li> <li>d. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)</li> <li>e. Any supporting documents the worker who complains of harassment may have in their possession that are relevant to the complaint</li> </ol> </li> </ol>
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Respondent		<p>Options 1 and 2—Self-help and Informal resolution. Either the complainant or the complainant’s supervisor may advise the respondent of the unwelcome behavior. It is possible that, without intending to, a respondent may have spoken or acted in a way that offended, humiliated, or degraded another person or group of people. It is the respondent’s responsibility to change his or her behavior if it is found to be harassing. A respondent may also consider apologizing.</p> <p>Respondents may wish to keep written notes of any conversation in which someone suggests that the respondent has harassed a complainant or another person. Document a summary of the conversation, the date it occurred, and the names of others present if there were any witnesses. If unable to resolve the situation with the complainant, the respondent can seek assistance from a supervisor, Bargaining Agent, Human Resources or the Employee Assistance Program. Note that any retaliation against the complainant will be treated as a new incident of harassment.</p> <p>Responders can request informal resolution options such as mediation, or they may agree to informal resolution if it is suggested.</p> <p>Either party has the right to refuse informal resolution methods such as mediation. If informal resolution does occur, each person has the right to be accompanied and assisted during the sessions by a supportive person or bargaining agent. Supportive persons are required to uphold confidentiality and are not permitted to intervene</p>

		<p>and/or disrupt the process.</p> <p><i>Option 3</i>—Formal Complaints: Respondents have the right to be accompanied and assisted by a supportive person or bargaining agent during the investigation. Respondents are expected to cooperate and give their perspective on the facts involved if they are employees. If the investigation indicates that the respondent did harass another person or group of people, the respondent is expected to change his or her behaviour. The respondent may also be subject to disciplinary action.</p>
	<p>Person Receiving the Complaint - Human Resources, Human Rights, Campus Security and Supervisors at all levels.</p>	<p><i>Option 2.</i> Informal resolution. Upon receipt of a report of harassment, the receiving individual is responsible to respond in a prompt and effective manner. The recipient will:</p> <ol style="list-style-type: none"> <li>1. Advise the reporting employee, before they provide details, that they are obliged to take appropriate action if there is a reasonable probability that someone’s safety could be compromised. In such situations, they may not be able to respect confidentiality.</li> <li>2. If the complaint is regarding sexual harassment, do not ask for the details of the incident. Instead, express support and refer the complainant to the appropriate official who is designated to receive complaints of sexual violence, which includes sexual harassment. They are: <ol style="list-style-type: none"> <li>a. Human Resources</li> <li>b. Human Rights Advisor</li> <li>c. Campus Security Guards</li> </ol> </li> <li>3. Ask for specific facts involved in an incident and determine whether the issue is best resolved through this policy or by some other process such as a Human Rights complaint or grievance. If in doubt, consult with Human Resources or Human Rights.</li> <li>4. Ensure that the complainant understands this policy and the options available.</li> <li>5. Review informal resolution options and ask the complainant(s) how they wish to proceed.</li> <li>6. If an informal resolution is requested, consult with Human Resources. They will appoint a qualified internal or external mediator who is acceptable to both parties, is not otherwise involved in the complaint, and who will not be asked to represent the University at any stage of any proceedings related to the complaint.</li> </ol> <p>If these attempts to resolve the situation are not effective, complainants may also ask for help in filing a formal complaint.</p> <p><i>Option 3</i> - Formal complaint. Upon receipt of a formal complaint:</p>

7. Advise the complainant that information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of protecting employees, investigating, taking corrective action or is required by law. This means that the details of the alleged behaviour and the identity of the complainant will be revealed to the respondent so that they may answer the allegations. Witnesses will only be provided information necessary for them to provide statements necessary to determine whether harassment has or has not occurred.
8. Note that individuals are entitled to their own personal information, such as that maintained in security reports and disciplinary records, but that any third party information will not be released without the third party's consent or as required by law.
9. Ask the complainant what action has already been taken to resolve the situation and encourage informal resolution unless there are valid reasons why this is not appropriate.
10. If the complaint is regarding sexual harassment, do not ask for the details of the incident. Instead, express support and refer the complainant to the appropriate official who is designated to receive complaints of sexual violence, which includes sexual harassment. They are:
  - a. Human Resources
  - b. Human Rights Advisor
  - c. Campus Security Guards
11. If the complainant wishes to proceed, the person taking the report should ask the complainant to provide a written letter of complaint including the information listed in above, and provide any assistance necessary to produce the letter of complaint.
12. Once the complaint has been reviewed and any necessary clarifying information provided, the person receiving the complaint must determine:
  - a. If the respondent poses a threat to anyone's personal safety. If so, call Campus Security.
  - b. What remedy would be acceptable to the person experiencing the behaviour.
  - c. Whether the behavior falls under this or some other policy. If this is not the most appropriate policy, advise the complainant as to the proper policy and process for resolution
  - d. Consider the circumstances of the complaint and determine whether the respondent should be sent home with pay or relocated to another work area pending the outcome of the investigation.

		<p>13. Inform the respondent and, when a respondent is a member of a bargaining unit, notify the union that a complaint has been filed against the member. The notice shall not contain any details other than the date of the complaint, the respondent's identity, and any security concerns or restrictions relating to communications with the respondent.</p> <p>14. Provide a written copy of the complaint to the respondent and advise them of their right to have all information in their possession related to the complaint shared with their union and to seek assistance and counsel respecting their rights under their respective collective agreement(s). The respondent will have ten (10) working days to provide a written response, a copy of which will be provided to the complainant and the investigator.</p> <p>15. Determine whether the investigator should be internal or external. Consider:</p> <ul style="list-style-type: none"> <li>a. Could there be perceived bias if a university staff member conducted the investigation?</li> <li>b. Is the investigation in response to threatened litigation?</li> <li>c. Was the investigator involved in a previous resolution attempt for this incident such as a mediation?</li> <li>d. Whether or not available internal investigators are within the complainant's or respondent's reporting structure.</li> <li>e. Do any of the potential investigators have another connection to the respondent or complainant that could create a perception of bias?</li> <li>f. If this is a sexual harassment complaint, ensure the investigator is qualified to conduct sexual harassment investigations.</li> <li>g. Appoint the investigator.</li> </ul> <p>16. Brief the investigator on their duties by:</p> <ul style="list-style-type: none"> <li>a. Ensuring the investigator reviews and understands this policy, and that they shall make every effort to complete the investigation within thirty (30) working days of receiving the complaint and response</li> <li>b. Advise the investigator whether recommendations for corrective action are required.</li> <li>c. Providing the investigator with a copy of the Investigation Best Practices document, available from Risk Management.</li> <li>d. Providing a copy of the complaint and response, contact information and report due date. The AVP HR/Students will keep the original.</li> <li>e. Arrange administrative support to the investigation.</li> </ul>
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	Investigator	<p><i>Step 1.</i> The investigator will conduct a fact finding investigation. The investigation process will involve collection of evidence and interviews with the complainant, the respondent, and any witnesses the investigator deems necessary. Normally within thirty (30) working days of the incident or notice thereof, the investigator will complete the investigation and prepare a written report of the findings. The report shall be provided along with recommendations, if any, to the person who took the report and appointed the investigator.</p> <p>The investigator will advise all parties to the investigation that, while the investigation is on-going, the worker who has allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other workers or witnesses unless necessary to obtain advice about their rights.</p> <p>The investigator will review the respondent’s written response (if provided) and arrange an interview with the respondent. The investigator will allow the respondent to bring a supportive person or bargaining agent to the interview. The investigator will:</p> <ul style="list-style-type: none"> <li>(a) Explain the process and time lines to the respondent and advise that all parties are expected to respect confidentiality.</li> <li>(b) Ask questions pertaining to the allegations;</li> <li>(c) Allow the respondent to provide any additional information that may clarify the issue;</li> <li>(d) Take detailed notes;</li> <li>(e) Advise the respondent that reprisals to the complainant are prohibited and will result in disciplinary action.</li> </ul> <p>Due to the sensitive nature of a harassment allegation, the investigator will only interview witnesses if necessary to corroborate facts or to establish a pattern of behaviour to help assess probability. Witnesses will be advised that their names will not be released to the complainant or respondent unless necessary to provide the context needed for the respondent to fairly answer a question or as required by legal proceedings. The content of witness statements will be protected to the extent required by, or permitted by, freedom of information and privacy legislation. Detailed notes, quoting the witness where possible, will be taken. Witnesses will be advised to maintain confidentiality regarding the allegation.</p> <p><i>Step 2.</i> Once the investigator has completed the fact finding investigation, they will determine validity of the allegations based on the balance of probabilities by listing</p>
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		<p>the facts of agreement and disagreement and noting if any of the witnesses could have been biased. Findings include founded, unfounded and unable to make a finding, normally due to insufficient evidence.</p> <p>If all allegations are unfounded, the investigator will make a further finding as to whether the allegations constituted a vexatious complaint.</p> <p>Prepare a full report for the supervisor and Human Resources (employees) or Student Affairs (students). Provide the respondent and complainant with a copy of the report, on a confidential basis, including the respondent's statements but excluding any witness statements.</p>
Supervisor, Human Resources or Student Affairs		<p><i>Step 1.</i> Review the report for completeness. If the findings are not supported by facts, you may ask the investigator to continue the investigation. The complainant and respondent will be advised that the investigator has five additional working days to complete the report.</p> <p><i>Step 2.</i> Once the report is complete, the supervisor and Human Resources/Student Services will determine the best course of action to resolve the situation. The supervisor/Human Resources/Student Services will consider:</p> <ol style="list-style-type: none"> <li>a. The remedy sought,</li> <li>b. Whether the respondent has any previous history of harassment;</li> <li>c. In the case of a vexatious complaint, whether the complainant has any previous history of vexatious complaints or harassment;</li> <li>d. The provisions of the appropriate Collective Agreement or Human Resources Policies (employees) or the Student Charter of Rights and Responsibilities and/or Sexual Violence Prevention and Response Policy (Students);</li> <li>e. Whether there is any indication that there is a medical reason for the behaviour;</li> <li>f. Whether the respondent poses a threat to themselves or others;</li> <li>g. Any other mitigating factors, such as provocation.</li> </ol> <p><i>Step 3.</i> The supervisor/Human Resources/Student Affairs will meet separately with both the respondent and complainant and advise them, in writing, of the findings of the investigation. If the complainant is a Trent employee, they will also be advised in writing of any corrective action to be taken. Any disciplinary action will be in accordance with Trent Human Resources policies, the relevant Collective Agreement (for unionized employees) and/or the Student Charter of Rights and Responsibilities and/or Sexual Violence Prevention and Response Policy (for students). They will remind the individual that reprisals</p>

		<p>will result in disciplinary action.</p> <p><i>Step 4.</i> The supervisor/Human Resources/Student Affairs will monitor the effectiveness of the corrective action imposed, and take additional action should the harassment continue.</p>
	<p>Supervisor, Human Resources and/or Student Affairs</p>	<p>The following documents will be retained in a central Human Resources file for two years. They will not be disclosed unless necessary to investigate an incident of harassment, take corrective action or as otherwise required by law:</p> <ul style="list-style-type: none"> <li>a. a copy of the complaint or details about the incident;</li> <li>b. a record of the investigation including notes;</li> <li>c. copy of witness statements, if taken;</li> <li>d. a copy of the investigation report, if any;</li> <li>e. a copy of the results of the investigation that were provided to the worker who reported workplace harassment and the alleged harasser; and</li> <li>f. a copy of any corrective action taken to address the complaint or incident of workplace harassment.</li> </ul> <p>Where a complaint has not been substantiated no reference will be placed in any personnel or student file.</p> <p>Notes and reports relating to informal complaints and mediations will be retained in a central file for two years.</p> <p>Where a formal investigation results in disciplinary sanctions for an employee or student documentation will be placed in the personnel or student file.</p> <p><b>In the case of unionized employees, all records shall be kept in a manner and for a time period which is in accordance with the provisions of the collective agreement.</b></p>

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# GUIDELINE



## THREAT ASSESSMENT TEAM PROTOCOL

Contact Officer

Director, Risk Management

### Purpose

To provide guidance to the members of the Threat Assessment Team when assessing a case of campus violence or harassment.

### Guideline

#### Introduction

Threat assessment is the process of determining if a threat maker actually poses a risk to the target(s) being threatened. This is accomplished by a multi-disciplinary Threat Assessment Team (TAT) which collects relevant data through semi-structured interviews to determine the level of risk posed and plan appropriate risk-reducing interventions (legal, disciplinary, administrative, mental health evaluation). All potential members of a TAT should complete Violence Threat Assessment Training, or as a minimum read the training guide. Copies can be borrowed from the Risk Management Office.

**FAIR NOTICE STATEMENT.** In accordance with the Campus Violence and Harassment Policy, all reports of violent or threatening incidents will be taken seriously. The threat posed by persons responsible for intimidating, threatening or violent behaviour will be assessed and appropriate action taken to reduce the risk to the individual and the university community. To this end, information relevant to the threat will be shared within the university on a need to know basis. All members of the university community have a duty to report behaviour that might constitute a threat to themselves or others. The university strives to create a safe and welcoming environment in which individuals can obtain the support and assistance they require in a manner that safeguards all community members.

#### Threat Assessment Process

The Threat Assessment Process is as follows:

1. High risk behaviour is reported to Risk Management Department/Campus Security.
2. Director, Risk Management/Campus Security determines immediate facts.
3. If warranted, Director, Risk Management activates TAT.
4. Stage 1 – TAT completes data collection, determines if an immediate risk reducing intervention is required and, if so, implements it.
5. Stage 2 – TAT completes post intervention risk evaluation (low, medium, high) and develops long term case management plan. Case Manager is appointed to monitor and report any escalation that might require TAT to reconvene.

## Criteria for Convening TAT

In accordance with the Workplace Violence and Harassment Policy, the Director, Risk Management/Campus Security will take immediate response action and consider convening a TAT when the following behaviours in a member of the Trent community are identified.

1. Serious violence or violence with intent to harm or kill. If use of violence is baseline behaviour, increase in the Frequency, Intensity and/or Recentness (FIR) of the violence denotes evolution towards more serious violent acts.
2. Verbal or written threats to kill themselves or others, including threats made on the internet or via email. Direct, clear and plausible threats are most concerning.
3. Use, brandishing or possession of weapons, including replica firearms.
4. Bomb threats or arson.
5. Sexual assault or intimidation.
6. Gang related intimidation and violence.
7. High profile worrisome behaviour (see definition below) in a situation where a wider audience may be traumatized, and their reactions to the incident may trigger a broader response in the university community.

Convening the TAT may not be warranted when:

1. There is an immediate risk situation such as an armed intruder who is not a member of the Trent community. In such cases the Police and Campus Security will initiate an immediate emergency response.
2. Aggressive behaviour in special needs individuals that is consistent with their baseline behaviour and does not indicate an increase in FIR.
3. Worrisome behaviours such as drawing pictures, writing stories in class or making vague statements that do not of themselves constitute threats, including veiled or indirect threats, but are causing concern to some members of the university community because of violent content. Worrisome behaviours require case management and should be documented in an incident report and referred as follows:
  - a. Students – Office of Student Services
  - b. Staff – Human Resources and the individual's supervisor
  - c. Faculty – VP Academic and the appropriate DeanRMD/Campus Security will complete an incident report to document behaviours reported and action taken. If in doubt, the Director, Risk Management should convene the TAT.

## Composition of Threat Assessment Team (TAT)

At Stage 1 the TAT will be configured to suit the circumstances of the case and may include the following personnel or their designates, as listed in their Departmental Emergency Plan:

- Director Risk Management (Chair)
- Security Manager (alternate Chair)
- Associate Vice President, Students
- Director of Housing
- Director of Athletics
- Director of Student Wellness Centre
- Associate Vice President, Finance
- Registrar
- Associate Vice President, Trent Global
- Head, Trent University Durham
- Associate Vice President, Human Resources
- Human Rights Advisor
- Associate Vice President Marketing and Recruitment
- Provost and Vice President Academic, appropriate Dean or appropriate department head
- Peterborough or Durham Police representative

A Clinical Sub-Committee of Student Wellness Centre staff may be convened to discuss medical issues.

In Stage 2, the TAT may wish to include members of the wider community to help determine and manage the threat, such as a forensic psychologist or the Police.

### **Stage 1**

Stage 1 assesses immediate risk based on initial data collected by the TAT, bearing in mind that the first hypothesis should be that the behaviour constitutes a cry for help. The second hypothesis should be that there may be fluidity between suicidal and homicidal ideations.

The TAT should immediately determine the following:

1. How much time is there before the threat may be carried out?
2. Who needs to be interviewed?
3. In what order will we interview? Start with most credible and informed individuals; the threat maker may be first or last, depending on risk and time available.
4. Who will interview whom? Consider the circumstances, team member functions and skills and relationships between parties.

Interviews are designed to explore any aspect of the threat maker's life that might contribute to the risk including details of the incident, attack related behaviours and threat maker typology., Assessment tools such as the WAVR-21 (Workplace Assessment of Violence Risk) tool or HCR-20 may be used for this purpose.

Once the relevant facts are compiled, the TAT will evaluate the threat posed to determine if risk of harm is low, medium or high. An immediate intervention plan will be devised to reduce the threat. The plan can include:

- Contacting Police to press criminal charges.
- Disciplinary action.
- Administrative action including academic suspension, eviction from residence and banning from some or all of campus under the Trespass to Property Act.
- Provision of support services including financial services, mental and physical health services, counseling, EAP, academic support and cultural support.

The plan should also include safety plans for targeted or victimized individuals, including any duty to warn persons who may still be at risk of violence, trauma counseling if necessary and a communications plan, both internal and external.

### **Stage 2**

The TAT will determine who will manage the case on an ongoing basis and assist in determination of a long term strategy. That individual is responsible to monitor the effectiveness of the case management plan and bring any indications of escalation to the TAT. All other members and Campus Security are to inform the case manager of any concerning behaviour that they may identify involving the subject.

The TAT may determine that a full forensic mental health evaluation is required to determine the ongoing risk and recommend that the VP Administration authorize the services of a forensic psychologist.

### **Documentation**

All data gathered, decisions made and action taken will be documented and appended to the Security Incident Report. Any hard copy supporting documents will be retained by the RMD

indefinitely in a secure file that refers to the incident report. Accordingly it is important that any case developments are communicated to the Risk Management Office.

Information in the incident file will only be released to the TAT members, as identified by the Director of Risk Management (TAT Chair), on a need to know basis. Incident reports will be emailed to the member's Trent email account. TAT members are responsible to maintain the security and confidentiality of any incident information they may have, and to destroy all records once the case has been resolved given that a central incident file will be retained in the RMD.

### **Related Policies / Procedures**

Campus Violence Procedure, Campus Violence Behaviour and Response Guidelines, Annual Violence Risk Assessment, Campus Violence Reporting and Response Protocol, Trent University Policy on Discrimination and Harassment, Sexual Violence Prevention and Response, Student Charter, Academic Calendar.

### **Links**

<b>Date Approved</b>	<i>February 8, 2011</i>
<b>Approval Authority</b>	<i>PVP</i>

## GUIDELINE



## BEHAVIOURS OF CONCERN AND RESPONSE GUIDELINE

Contact Officer

Director, Risk Management

### Purpose

To help all members of the Trent community identify behaviours that may indicate that a person is under stress, or that are in themselves harassing, threatening or violent, select an appropriate response and identify appropriate resources to assist.

### Guideline

Violent behaviour does not just happen without warning. Workplace violence can start as small incidents involving negative remarks and inappropriate behaviour. It may escalate to physical or psychological violence. It is much easier to prevent violence by stopping small incidents than trying to deal with the aftermath of a major crisis, which is why that all members of the Trent Community are required to report incidents of threatened or actual violent behaviour in accordance with the Campus Violence and Harassment Policy.

The following is a guide you can use to determine if a particular behaviour you have observed should be reported or not.

It is extremely important to understand that the following behaviours do not mean a person will become violent, but they may indicate that the person is experiencing high levels of stress. Each situation is unique and professional judgement or outside assistance may be necessary to determine if intervention is necessary.

Always take particular note if:

- There is a change in their behaviour patterns.
- The frequency and intensity of the behaviours are disruptive to the work environment.
- The person is exhibiting many of these behaviours, rather than just a few.

Additional information on campus violence and how to respond can be found at the Campus Security website: [www.trentu.ca/security](http://www.trentu.ca/security).

BEHAVIOUR OBSERVED	RESPONSE	REPORTING & RESOURCES
<ul style="list-style-type: none"><li>• Crying, sulking or temper tantrums</li><li>• Excessive absenteeism or lateness</li><li>• Disregard for the health and safety of others</li><li>• Disrespect for authority</li><li>• Increased mistakes or errors, or unsatisfactory work quality</li></ul>	<p><b>WARNING</b></p> <p>These behaviours indicate an individual may be experiencing physical, psychological or other stressors that</p>	<ul style="list-style-type: none"><li>• For students - Don, RLC, Student Counselling, Student Health or Office of</li></ul>

<ul style="list-style-type: none"> <li>• Refusal to acknowledge job performance problems</li> <li>• Faulty decision making</li> <li>• Testing the limits to see what they can get away with</li> <li>• Swearing or emotional language</li> <li>• Overreacting to criticism</li> <li>• Making inappropriate statements</li> <li>• Forgetfulness, confusion and/or distraction</li> <li>• Inability to focus</li> <li>• Blaming others for mistakes</li> <li>• Complaints of unfair treatment</li> <li>• Talking about the same problems repeatedly without resolving them</li> <li>• Insistence that he or she is always right</li> <li>• Misinterpretation of communications from supervisors or co-workers</li> <li>• Increase in personal stress: <ul style="list-style-type: none"> <li>○ An unreciprocated romantic obsession</li> <li>○ Serious family or financial problems</li> <li>○ Recent job loss</li> </ul> </li> <li>• Negative personality characteristics: <ul style="list-style-type: none"> <li>○ suspicious of others</li> <li>○ believes he/she is entitled to something</li> <li>○ cannot take criticism</li> <li>○ feels victimized</li> <li>○ blames others for his problems or mistakes</li> <li>○ Low self-esteem</li> </ul> </li> <li>• Marked changes in mood or behaviour: <ul style="list-style-type: none"> <li>○ extreme or bizarre behaviour</li> <li>○ irrational beliefs and ideas</li> <li>○ appears depressed or expresses hopelessness or heightened anxiety</li> <li>○ marked decline in work performance</li> </ul> </li> <li>• Social isolation: <ul style="list-style-type: none"> <li>○ History of negative interpersonal relationships</li> <li>○ Few family or friends</li> <li>○ Sees the company as a "family"</li> <li>○ Has an obsessive involvement with his or her job</li> </ul> </li> <li>• Personal hygiene is poor or ignored</li> <li>• Sudden and/or unpredictable change in energy level</li> <li>• Complaints of unusual and/or non-specific illnesses</li> <li>• Abuses drugs or alcohol</li> </ul>	<p>should be addressed to prevent the potential onset of negative behaviour. Reach out to individual and offer assistance of appropriate university resources.</p>	<p>Student Services</p> <ul style="list-style-type: none"> <li>• For employees – supervisor, department head, human resources, EAP</li> <li>• For all – Human Rights, Campus Security</li> </ul>
<p>Bullying, which is persistent and manipulative acts of incivility meant to intimidate, demean or belittle such as:</p> <ul style="list-style-type: none"> <li>• Persistently belittling an employee or his or</li> </ul>	<p><b>HARASSMENT</b></p> <p>Broadly communicate and reinforce standards of behaviour,</p>	<ul style="list-style-type: none"> <li>• For students, Don, CRLC, Instructor, Student Services staff,</li> </ul>

<p>her efforts.</p> <ul style="list-style-type: none"> <li>• Intimidation and harassment, either physical or verbal.</li> <li>• Purposely excluding an individual from emails/meetings/project updates.</li> <li>• Consistently ignoring requests for help on a project.</li> <li>• Repeatedly taking credit for the work of others.</li> <li>• Making rude, degrading, or offensive remarks.</li> </ul>	<p>Self help – ask individual to stop, informal complaint, mediation, formal complaint</p>	<ul style="list-style-type: none"> <li>• For employees, supervisor, department head, Human Resources</li> <li>• For all, Campus Security, Human Rights (if based on a prohibited ground)</li> </ul>
<ul style="list-style-type: none"> <li>• High levels of irritability including angry outbursts and unruly behaviour such as damage to property</li> <li>• Active expression of intent to self harm</li> <li>• Inappropriate references or fascination with weapons and/or violent acts</li> <li>• Aggressive, intimidating or belligerent behaviour (bullying)</li> <li>• Increased conflicts with and complaints from colleagues, supervisors, professors, students</li> <li>• Intoxicated and disorderly behaviour on campus</li> <li>• Veiled threats of harm</li> <li>• Preparation or attack related behaviour such as stalking, breaching security, casing a site, planning an attack</li> <li>• Pre-violence body language including: <ul style="list-style-type: none"> <li>○ Red-faced or white-faced</li> <li>○ Sweating</li> <li>○ Pacing, restless, or repetitive movements</li> <li>○ Trembling or shaking</li> <li>○ Clenched jaws or fists</li> <li>○ Exaggerated or violent gestures</li> <li>○ Change in voice</li> <li>○ Loud talking or chanting</li> <li>○ Shallow, rapid breathing</li> <li>○ Scowling, sneering or use of abusive language</li> <li>○ Glaring or avoiding eye contact</li> <li>○ Violating your personal space (they get aggressively close)</li> </ul> </li> </ul>	<p><b>DANGER</b></p> <p>The person is starting to act out more violently. Immediate assistance is required.</p>	<p>Report these behaviours to Campus Security, as well as the person's supervisor or department head (for employees) or Student Affairs (for students). A Threat Assessment Team will be convened as per the Campus Violence Policy.</p>
<ul style="list-style-type: none"> <li>• Direct threats of harm</li> <li>• Direct reference to suicide</li> <li>• Bringing a weapon to campus</li> <li>• Physically violent acts – hitting, kicking, pushing, punching, sexual assault</li> </ul>	<p><b>EMERGENCY</b></p> <p>Violence is imminent or underway.</p>	<p>Call 911 if you or anyone else is in immediate danger, then call Campus Security at 748-1333 or 435-5111 Oshawa.</p>

- **NOTE:** Accepted management practices do not constitute harassment, even if they result in is unpleasant consequences for the employee. Management may show a lack of tact and sensitivity; may be demanding, unsympathetic or even insensitive, but that alone does not establish a case of harassment. However, where performance management is not corrective but designed to intimidate or insult an employee it will constitute harassment. Examples from recent case law are included in the Investigation Best Practices document.

**Related Policies / Procedures**

Campus Violence Procedure, Threat Assessment Team Protocol, Annual Violence Risk Assessment, Campus Violence Reporting and Response Protocol, Sexual Violence Prevention and Response Policy, Trent University Policy on Discrimination and Harassment, Student Charter, Academic Calendar

**Links**

*Adapted from the Canadian Centre for Occupational Health and Safety Website:  
[http://www.ccohs.ca/oshanswers/psychosocial/violence\\_warning\\_signs.html](http://www.ccohs.ca/oshanswers/psychosocial/violence_warning_signs.html)*

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