

 BRANDON UNIVERSITY	Violence Prevention Policy	First Approved: January 2023
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Board of Governors Policy	Approved by Board of Governors Procedures approved by President & Vice Chancellor Administered by Vice-President (Administration & Finance)	Reviewed:

1. Introduction

Brandon University is committed to maintaining a safe, productive, healthy and respectful work and learning environment and believes it is the right of all employees and students to work and study in an environment free of violence. To this end, the University will make best efforts to prevent the occurrence of violence through education, training, and early resolution of complaints in the workplace.

2. Responsibilities Under this Policy and Under Manitoba Legislation

Brandon University is committed to combatting violence through raising awareness and providing training to employees and students on the *Workplace Safety and Health Act and Regulations (WSH Act and Regulations)* and responding to incidents of violence.

Brandon University has a responsibility to prevent acts of violence and to address them when they happen. Even in cases where no report has been filed, the University has a duty, under the *WSH Act and Regulations*, to respond to incidents that appear to be violent in nature. For example, a University initiated investigation may be necessary in situations where there are repeated concerns about the same individual or where there is evidence of an unhealthy work environment in an area of the University.

The violence prevention policy and procedures, under *WSH Act and Regulations*, must set out the actions and measures the employer will take to eliminate the risk of violence or to control that risk if it is not reasonably practicable to eliminate it.

At Brandon University the *Violence Prevention Policy* and related procedures are informed and guided by the *WSH Act and Regulations*. This legislation applies to and prevails over University policies and collective agreements. Subject to applicable legislation, all processes in this policy

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shall be pursued in accordance with the respective collective agreements entered into between the University and its employees and all other University Policies and Procedures.

2.1 Individuals who commit Violence will be subject to corrective action and may be subject to discipline under the Procedure (see Appendix A).

2.2 The University will establish procedures for reporting and responding to incidents of Violence and to provide a mechanism to support a violence-free environment. The University will make the protocol easily and readily available to the University Community through the University Website and the Workplace Safety and Health bulletin boards across campus.

2.3 This Policy and Procedures are not intended to discourage or prevent a complainant from reporting instances of Violence to the police or exercising any other rights, actions or remedies that may be available to them under any other law or their collective agreement.

2.4 Brandon University recognizes that acceptable behaviour is based on normative assumptions about how to communicate and act. Brandon University will employ empathy in the application of this Policy with those who are neurodivergent or those with accessibility needs. Brandon University recognizes that an intersectional framework is essential to ensure individual experiences and identities are taken into consideration so equity-deserving groups are not harmed by this policy, while working to uphold its responsibility to maintain a safe, healthy, positive and productive work and learning environment that is free of violence for all.

For Procedures related to this policy, see Appendix A: VIOLENCE PREVENTION PROCEDURES.

For detailed definitions of Violence and other pertinent terms, see APPENDIX B: DEFINITIONS

For detailed information on the roles and responsibilities of particular groups or individuals, see APPENDIX C: ROLES AND RESPONSIBILITIES.

3. Guiding Principles

a) Shared responsibility

Preventing and stopping violent behaviour at Brandon University requires that all members of the University community work together to behave in a respectful and collegial manner, and to address violent behaviour when it happens.

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b) Principles of Natural Justice

The implementation of this policy will be conducted based on the principles of natural justice. This means that the respondent has the right to know the allegations against them in full detail, and the right to reply to these allegations. It also means that anyone investigating a concern or complaint must endeavour to remain neutral and avoid allowing any personal bias to influence their decisions. Remedial or punitive actions resulting from the implementation of this policy will be based on evidence, and that evidence will be shared with both the complainant and respondent. Both the complainant and respondent will be provided with the findings of any investigation and whether the allegations have been substantiated.

c) Problem solving versus punitive action

The main purpose of the *Violence Prevention Policy and Procedures* is to assist with resolving issues. While it is recognized that sanctions are sometimes necessary and effective, a process that encourages discussion and a negotiated agreement is preferred where possible.

4. Scope and Application of This Policy

Every member of the Brandon University community has both the right to work and study in an environment that is free from violence, and the responsibility to maintain a violence-free environment. This policy applies to all members of the Brandon University community, which includes all employees, students, the Brandon University Students' Union, contractors and suppliers of services, volunteers, visitors, and individuals who are connected to any University initiatives. This policy applies to all members of the University community in their interaction with other members of the University community. The context of the interaction need not be University-related if the parties' primary relationship is through their mutual connection to the University.

Behaviours which constitute violence that impacts the work and/or study environment of a member of the Brandon University community, may be covered by this policy even though they may occur outside the normal working hours, or during off-campus activities such as work, athletic, or academic related travel, campus related social functions, or work or academic assignments or placements. Conduct on social media or communication through electronic and other means may constitute a breach of this policy.

5. Worksites and Job Functions of Greater Risk or Potential for Violence

a) The following job functions, due to the nature of the work, have a greater potential for violence to occur.

(i) Those who work alone,

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- (ii) Those who work with cash,
- (iii) Those working and participating in large group events,
- (iv) Those who handle alcohol,
- (v) Those who provide services to the public,
- (vi) Those whose work involves private interactions,
- (vii) Those who provide services in the student residences.

- b) Specific risk assessments must be conducted for each area of the University and measures must be taken in each identified areas of greater potential of violence to eliminate the risk of violence or to control that risk if it is not reasonably practicable to eliminate it.

6. Education and Communication

Education is an important part of this policy and procedures. Brandon University is committed to promoting a violence-free workplace through education and conversation in many forums and formats throughout the community on an ongoing basis. The Diversity and Human Rights Advisor (DHRA) and Workplace Safety and Health Committee will coordinate and deliver a program that raises awareness of:

- a) forms of violence,
- b) the damage that violence causes to both the individual and to the University,
- c) how to prevent and mitigate violence, and
- d) what to do about violence when it occurs.

7. Confidentiality

Brandon University recognizes the importance of confidentiality, and complaints and reports of violence will be treated as confidential. All information collected as a result of any action under this policy will be managed in accordance with *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *Personal Health Information Protection Act* (PHIA) as applicable. The name of a complainant, respondent or person reporting an act of violence, or the circumstances related to the complaint, will not be disclosed to any person other than where the disclosure is necessary to investigate the complaint, required in order to take corrective action in response to a complaint, or where required by law. Personal information that is disclosed in these cases will be the minimum amount necessary for the purpose.

8. Conflicts of Interest

If a Dean, Director, or any other Brandon University authority empowered to impose sanctions has a conflict of interest in a particular matter, or there is a reasonable apprehension of bias, that individual must disclose the conflict of interest and must not continue their involvement in

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the matter. Brandon University will appoint another person to continue with disciplinary and any other related action. For more information about Conflict of Interest at Brandon University, please see the [Conflict of Interest By-Law \(By-law No. 10\)](#).

9. Academic Freedom

Brandon University recognizes that, as an academic and free community, it must uphold its fundamental commitments to academic freedom and freedom of thought, inquiry and expression. Therefore, this policy will not be interpreted, administered or applied to infringe upon these freedoms. These freedoms, however, must be exercised in a responsible manner and are subject to limits prescribed by law, including those related to human rights, and workplace safety and health legislation. Members of the University community, in exercising their academic freedom and freedom of thought, inquiry and expression, shall respect the rights and dignity of others, and not engage in acts of violence toward others.

10. Review

As is required by Workplace Safety and Health Legislation, this policy and the associated procedures will be reviewed, at a minimum, every 3 years, with any changes requiring approval by the Board of Governors, for the Policy and the President's Administrative Council (PAC) for the procedures. In the intervening time periods between these reviews, the procedures document may be updated or revised by PAC as needed.

11. Related Policies and Procedures

- a. Violence Prevention Procedures
- b. Discrimination and Harassment Prevention Policy and Procedures
- c. Guide to Resolving Conflict at Brandon University
- d. Sexualized Violence Prevention Policy
- e. Student Non-academic Misconduct Policy
- f. Information Technology Acceptable Use Policy
- g. Collective Agreements
- h. Guide to Investigations at Brandon University
- i. Manitoba Human Rights Code, C.C.S.M. c. H175;
- j. The Workplace Safety and Health Act, C.C.S.M. c. W210; and
- k. The Workplace Safety and Health Regulation, W210 – 217/2016.
- l. Freedom of Information and Protection of Privacy Act
- m. Personal Health Information Act
- n. Library and IT Helpdesk Code of Conduct

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Appendix A

Brandon University Violence Prevention Procedures

1. Purpose

Every member of the Brandon University community has the right to work and study in an environment that is free from violence, and the responsibility to maintain a violence-free environment. Brandon University has a responsibility to prevent acts of violence and to address them when they happen. The Violence Prevention policy and related procedures are based on principles of fairness and due process for all parties involved in any complaint process or proceeding at Brandon University. These procedures are in place to implement the Violence Prevention Policy by describing the actions and measures the employer will take to eliminate the risk of violence or to control that risk if it is not reasonably practicable to eliminate it

These procedures apply to cases of violence. Cases of direct and systemic discrimination, discrimination-based harassment and personal harassment fall under the Discrimination and Harassment Prevention Policy. Cases of sexual harassment fall under Brandon University's Sexualized Violence Policy.

2. Immediate and Emergency Response Procedures

- a) In the event of imminent bodily harm, individuals should call 911, Campus Security or the applicable Manager or Supervisor. When reporting an incident, individuals should attempt to provide the following information:
 - (i) A complete description of the incident(s) involving Violence;
 - (ii) Name(s) of individuals involved in the incident(s);
 - (iii) Description of individual(s), if name(s) not known;
 - (iv) Name(s) of witness(es) or description, if name(s) not known; and
 - (v) Location of the incident(s).
- b) Where a report of Violence is received by Campus Security, Campus Security shall respond as soon as reasonably possible.
- c) Without limiting the scope of their jurisdiction and/or mandate, Campus Security may take any one or more of the following actions in response to a report of Violence, as reasonably determined by Campus Security:
 - (i) Restore order in violent situations;

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- (ii) Contact Brandon Police Service;
- (iii) Arrange medical assistance;
- (iv) Take statement(s) of witness(es);
- (v) Generate appropriate reports.

3. Response Procedures Where Violence is Either not Imminent or Has Passed

- a) Report the incident to Diversity and Human Rights Advisor (DHRA), Supervisor, or Person of Authority. Where the report is not directly to the DHRA, the Supervisor or Person of Authority who received the report shall report the incident to the DHRA.
- b) After reporting an incident, as soon as it is safe and practicable to do so, the DHRA will complete the appropriate incident report form, in consultation with the complainant where possible. In the event that the complainant is unwilling or unable to file a report, the University is obligated to collect the minimum statistical information to record that an incident has occurred and to determine whether further action is required, regardless of the willingness of a complainant or victim to cooperate.
- c) The Director of Physical Plant shall in all cases file a written report with the Vice-President (Administration) on the next business day describing any action taken under sections 2. and 3. immediately above.

4. Following the Reporting of an Incident of Violence

- a) Members of the University Community, including students and employees, who have been harmed as a result of an incident of Violence, are encouraged to consult with a health care provider for treatment or referral for post-incident counselling, if appropriate and desired.
- b) For students affected by Violence, Brandon University will:
 - (i) Provide reasonable academic accommodations (such as extensions on assignments, deferrals of exams, leaves of absences, authorized withdrawals, etc.).
 - (ii) Create a safety plan in consultation with the Dean of Students, Manager or Supervisor, Campus Security, and other offices as appropriate.
- c) For employees affected by Violence, the University will:
 - i. Provide reasonable work accommodations, in consultation with Human Resources, the Manager or Supervisor and WSH Advisor; and
 - ii. Create a safety plan, in consultation with Human Resources, the Manager or Supervisor, Campus Security, and other offices as appropriate.

5. Consultation

Anyone who believes they have been subject to an act of violence, or anyone who receives an inquiry or concern about an act of violence from a member of the Brandon University community should bring the matter to the attention of the DHRA. The DHRA can help members of the University Community in making the determination of whether the incident may fall under the Violence Prevention Policy. Others who may be available to consult on these issues include Human Resources, Student Services, BUSU, union representatives, direct supervisors, Department Chairs, Deans or Directors.

When a concern has been brought to a member of the University community, they are encouraged to give the complainant a copy of the Violence Prevention Policy and Procedures and assist the complainant in contacting the DHRA.

The DHRA may recommend engaging an external investigator at any point during this procedure. Potential reasons for engaging an external investigator include, but are not limited to:

- nature or complexity of the case is beyond the expertise of the DHRA.
- the DHRA has a conflict of interest in the case leading to real or perceived bias.
- workload of DHRA would preclude a timely resolution.

6. Complaint/Investigation Process

The University strives to resolve complaints as quickly as possible. A complaint is considered submitted once it is received by the DHRA in writing on the appropriate form and signed by the complainant. The term “investigator” in this section is used to refer to either an internal investigator (normally the DHRA) or an external investigator.

STEP 1: WRITTEN COMPLAINT

Where the consultation indicates that the concern should be dealt with under the Violence Prevention Policy and Procedures, and the complainant wants the University to take action, they must file a written complaint with the DHRA. The DHRA can provide guidance on what information should be included in the complaint. If the written complaint lacks sufficient detail to determine if it falls under this Policy the investigator may request that the complaint be clarified and resubmitted.

As the university has a responsibility to ensure the work and learning environment are free of violence, there are times when an investigation must be conducted even when no complainant comes forward. In this instance the University will document the alleged violent behaviour so that the respondent is afforded due process and is presented with the allegations prior to being asked to respond.

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At the earliest stage of contact with the complainant, the investigator will consider whether there needs to be interim measures put in place to safeguard the physical and psychological safety of all parties. This may involve sharing limited information with supervisors/faculty members or others so that the involved parties may be kept separate or other measures put in place.

The complaint will be addressed through alternate means if the investigator determines that the written complaint:

- seems to fall under the heading of “interpersonal conflict”. The investigator will inform the complainant of this and will review options for resolving the concern through other means, such as the Guide to Resolving Conflict at Brandon University.
- seems to fall under the heading of “harassment or discrimination”, in which case review options under the Discrimination and Harassment Prevention Policy.
- seems to fall under the heading of “sexualized violence”, in which case review options under the Sexualized Violence Policy and refer the matter to the Sexual Violence Prevention and Education Coordinator.

The complaint may not proceed to Step 2 if the investigator determines the written complaint:

- is based on events occurring more than 12 months prior to the complaint being filed. The complaint may either be dismissed as “out of time” or accepted where the delay in reporting is due to extenuating circumstances.
- is trivial, frivolous, malicious, or made in bad faith. The investigator will advise the complainant of this and may recommend that the complaint not be addressed. Malicious or bad faith complaints may be considered personal harassment under the Discrimination and Harassment Prevention policy and procedure.

The complaint will move forward to Step 2 if the investigator determines that the written complaint:

- seems to fall under the heading of violence. The investigator will notify the complainant of this and will proceed to Step 2. At this point, the investigator contacts the respondent to inform them of the complaint and to provide them with a copy of the written complaint.

STEP 2: COMPLAINANT AND RESPONDENT INTERVIEWS

The complainant meets with the investigator at the earliest possible time to go over the details of their complaint, to fill in any missing information and to be advised of the process that will be followed. The investigator will compile a summary of allegations based on the written complaint and the information from this interview to provide to the respondent.

The respondent is normally given up to 10 working days to review the summary of allegations and prepare a response before being interviewed by the investigator. The respondent may choose to prepare a written response to the allegations in order to acknowledge or deny the validity of the allegations in whole or in part, provide additional information as well as information identifying any possible witnesses and/or propose a resolution of the complaint.

Alternatively, the respondent may choose not to participate in all or part of these procedures. In this case these procedures will continue without such input from the respondent.

After interviewing both complainant and respondent, the investigator conducts a complaint review with the Violence Response Team (VRT) to decide on next steps.

STEP 3: COMPLAINT REVIEW

The VRT will at this point conduct a review of the complaint and may consult with appropriate external or internal resources in order to determine:

- if there needs to be further investigation;
- the scope of that investigation;
- whether the use of an external investigator is required (if not already implemented);
- if the complaint is malicious or made in bad faith, and should be dismissed;
- if additional interim measures are needed to ensure physical/psychological safety of any party; and
- what “appropriate administrators” will decide on the resolution of the complaint

If the information already gathered is sufficient to determine if the Policy was breached, the investigator prepares a Report of Findings, as described in step 5, and provides it to the appropriate administrators. If additional information is needed, the investigator continues to step 4.

STEP 4: WITNESS INTERVIEWS AND EVIDENCE GATHERING

Where an investigation is required, the Investigator gathers information as quickly as possible, and either the DHRA or the external investigator contacts both the complainant and respondent regularly to inform them of the progress and expected timelines. An internal investigation will normally be completed within 20 working days, and where an external investigator is engaged the investigation will normally be completed within 40 working days. A quick resolution is of great importance, but the need to be thorough and fair takes precedence, so any timelines given are estimates and may be adjusted depending on the circumstances.

Respondents or other parties to a complaint may choose not to participate in an investigation. In such cases the investigation will proceed without their input.

Under Workplace Safety and Health legislation, the University must ensure that no one is subjected to violence in the workplace, so at times investigations are required even in the absence of a named complainant.

For more detailed information on the process, please see the *Guide to Investigations at Brandon University*.

STEP 5: REPORT OF FINDINGS

The investigator produces a report outlining the alleged breach(es) of the Policy and the relevant evidence pertaining to each allegation. Using the “balance of probabilities” standard, the report specifies if there is evidence of a breach for each allegation. Implementation of remedial and disciplinary action falls to the appropriate administrators, as identified in step 3. The investigator will normally submit this report to the appropriate administrators no more than 10 working days after the completion of the investigation.

7. Resolution of Complaint

For respondents who are staff and faculty, the Associate Vice-President (People & Talent) will normally be involved in the resolution of the complaint. For respondents who are students, the Dean of Students will normally be involved in the resolution of the complaint. For respondents who are members of PAC, the President will normally be involved in the resolution of the complaint. Where the respondent is a member of PEC, the Chairperson of the Board of Governors of Brandon University will normally be involved in the resolution of the complaint. Where the respondent is a member of the BU community and neither an employee or student, the President’s Executive Council (PEC) will normally be involved in the resolution of the complaint.

After a review of the Report of Findings, the appropriate administrators meet with the complainant to inform them, in writing, of the results of the investigation. The appropriate administrators also meet with the respondent to inform them, in writing, of the results of the investigation. Any decisions are to be accompanied by a rationale and be communicated in writing.

No Breach – No Further Action Required

In some circumstances, beyond informing both complainant and respondent that there was no finding of a breach of this policy and procedure, no further action is required from the University. An example would be when the complaint was made in good faith, but resulted from a misunderstanding which has resolved between the complainant and respondent.

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No Breach – Remediation or Corrective Action Required

Even where it is determined that this policy has not been breached, the behaviour giving rise to the complaint may be contrary to the University's commitment to maintaining a productive and respectful work and learning environment, or may be in breach of another policy, a collective agreement or legislation. In such a case, Brandon University may find it necessary to take remediation or corrective action to address the behaviour. This may include:

- Verbal or written feedback from the appropriate supervisor/administrator to the respondent to cease the behaviour.
- An opportunity for the complainant to share the impact of the behaviour with the respondent, either directly or through the appropriate administrator.
- Mediation between the complainant and the respondent.
- Corrective action or discipline appropriate to the circumstances.

Breach – Remediation or Corrective Action Required

The University will take corrective action respecting any person in the University community who subjects another to violence.

These remedies or penalties are meant to prevent further acts of violence and restore the working and learning environment to a positive, respectful space. The nature and severity of the behaviour determines the level of initial response. Repetition of the behaviour following clear communication and corrective action adds to the severity of the response.

Some possible responses to a finding of a breach of the Violence Prevention Policy may include those listed in the previous section, where there has been no breach of the Policy but corrective action is required, and/or any of the following:

- A written directive from the appropriate supervisor/administrator to the respondent to cease the behaviour, with information about possible consequences should the behaviour continue.
- Education or personal development for the respondent.
- A planned course of supervision and feedback for the respondent by the appropriate administrator.
- A verbal or written apology from the respondent to the complainant.
- Counselling and/or coaching for the respondent.
- Restricted access to a physical area of the University.
- Restrictions on attendance or participation in specific University activities.
- Removal from residence.
- Banning from campus.
- Suspension for a set period of time for students.
- Suspension with or without pay for a set period of time for employees.

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- Expulsion for students.
- Dismissal for employees.
- Cancellation of contract for contractors and suppliers of services.
- Establishment of standard operating procedures for the worksite that will mitigate the potential for future violence as much as reasonably practicable.

These actions shall be recorded on the respondent's personnel or student file. Disciplinary action is confidential, and the complainant or other parties to the investigation are normally not informed of the nature of such action.

The University will share as much information about remedial and/or discipline as is required to maintain the complainant's ongoing physical or psychological safety, or to reduce the possibility of contact between the parties, while still adhering to its obligations under the law, including FIPPA and/or PHIA. Where remedial action includes some course of education for the respondent, for example, both the complainant and the respondent will receive notification in writing from the appropriate administrator when they are satisfied that this is complete.

8. Malicious Complaints and Retaliation

Maliciously and deliberately making a false complaint under this policy or any other Brandon University policy will be considered an act of harassment and will be treated as such. An unsubstantiated complaint is not by default a malicious or deliberately false complaint.

Retaliating against someone who has made a complaint in good faith under this policy or any other University policy, against someone who has cooperated in good faith in an investigation under this policy or any other University policy or legislation, will also be treated as harassment.

9. Right to Grievances and Appeals

Both parties involved in an investigation have the right to grievance and/or appeal processes as follows.

- a) Union members may grieve decisions or actions under this policy through the processes outlined in their respective collective agreements.
- b) Students may appeal decisions or actions under this policy directly to the Provost & Vice-President (Academic).
- c) Exempt staff may appeal decisions or actions under this policy directly to the Vice-President (Administration & Finance).
- d) Members of the President's Executive Council (PEC) may appeal decisions or actions under this policy directly to the Chair of the Board of Governors.

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- e) Members of the University community who are not employees or students may appeal decisions or actions under this policy directly to the Vice-President (Administration & Finance).

Timelines for grievances are outlined in the relevant collective agreements. Appeals must be brought forward within 15 working days of being informed of the outcome of the investigation. Grievances and/or appeals must be in writing and must outline the grounds for the grievance or appeal. Some possible grounds for grievance or appeal include, but are not limited to:

- bias on the part of the investigator.
- failure to follow the policy and processes outlined in these procedures.
- new substantive information or evidence not made available previously to the investigator.
- errors made by the investigator which likely affected the outcome of the investigation.
- the level or nature of the corrective action.

Grievances shall be settled by a written statement and in a manner consistent with the relevant collective agreement. Appeals shall be settled by a written decision and be accompanied by a rationale for the decision.

10. General

Any party to a complaint has the right to have another individual accompany them to interviews or other meetings required under this procedure. This may include union/association representative, student advocate, elder, friend, relative, or other. Interpretation or translation services will be provided where needed.

Complaints submitted anonymously cannot be used on their own in any complaint, investigation or disciplinary action against the respondent, though they may prompt further inquiry by the University.

Complaints should be brought forward to the Diversity and Human Rights Advisor (DHRA) at the earliest possible date to prevent further harm and to increase the chance of an early and positive resolution. Complaints should be made within 12 months of the violent behaviour. Extenuating circumstances may delay the reporting of concerns, so members of the University community are encouraged to contact the DHRA if they wish to file a complaint either within or beyond the 12-month time frame.

Complainants may choose to withdraw their complaint or resolve it through other means at any point in this procedure. Under some circumstances the University may find it necessary to continue with an investigation or to consider other action.

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Complaints which are found to be malicious or made in bad faith may, in turn, be treated as harassment under the Discrimination and Harassment Prevention Policy and Procedure.

11. Recourse Options

This Policy and Procedures are not intended to discourage or prevent a complainant from reporting instances of Violence to the police or exercising any other rights, actions or remedies that may be available to them under any other law or their collective agreement. Members of the University community retain the right to address issues through the grievance process outlined in their respective collective agreement or through other University policies. It is possible to pursue more than one of these options at a time.

12. Confidentiality

Brandon University recognizes the importance of confidentiality, and issues brought to the DHRA will be treated as confidential. All information collected as a result of any action under this policy will be managed in accordance with *The Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.

Confidentiality must be balanced with the University's legal obligations to address violence, so at times information will need to be shared in order to investigate a matter, to address a risk or threat, or to comply with requests from legal entities. This confidentiality extends to any member of the University community who may have access to information or who possesses documentation about a complaint or investigation. Breaches of confidentiality may be subject to penalties.

Confidentiality should not be confused with anonymity. The University cannot accept or act on anonymous complaints. Those who bring forward a concern and wish for action to be taken on their concern must be prepared to be identified as the complainant. The University will make every attempt to ensure that there are no reprisals against anyone making a complaint under this policy or participating in an investigation.

The DHRA will provide a summative report of issues dealt with under the *Violence Prevention Policy and Procedures* to the President and to the Workplace Safety and Health Committee on a yearly basis. The annual report will include all items outlined in the WSH Act and Regulation section 11.7(1). This report will not include personal information about the complainant, respondent or other parties to an incident or investigation. It will not include other details, such as department or job titles, which could lead to the identification of any of the parties.

The Workplace Safety and Health Advisor will provide a similar report to the Province on an annual basis.

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Appendix B: Definitions

a) **Violence** means:

- (i) The attempted or actual exercise of physical force against a person; or
- (ii) The exercise of unwanted emotional or psychological force against a person; or
- (iii) Any threatening statement or behaviour that gives a person reasonable cause to believe that physical, emotional or psychological force will be used against the person or that makes a person feel unsafe or intimidated.

(iv) It is important to note that not every interaction that is perceived as negative in the work or learning environment constitutes harassment or violence. For example, the *WSH Act and Regulations* explicitly states that appropriate use of legitimate authority by a supervisor responsible for functions such as performance appraisals, discipline, and directing the work of others is not considered harassment or violence. By extension, the appropriate use of legitimate authority by faculty in determining grades, identifying and preventing inappropriate classroom behaviour, and recommending discipline is not harassment or violence.

b) **Complainant** is a person who discusses a concern and/or makes a complaint (an allegation, whether oral or written) of violence under the policy.

c) **Respondent** is a person against whom a complaint has been made under this policy or is the subject of allegations of violence under the policy.

d) **Balance of Probabilities** refers to the standard of proof used in deciding harassment complaints. It requires that the evidence be weighed and the decision be made in favour of the side which is more likely to be true. This is in contrast to the “beyond a reasonable doubt” standard used in criminal matters.

e) **Intersectional framework** is the interconnected nature of social categorization such as race, class and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or power inequalities.

Appendix C: Roles and Responsibilities

a) Responsibilities of All Individuals

Every member of the University community must adhere to University policies and support the aim of the University to create a climate of understanding and respect for the safety, dignity and rights of all. Every member of the University community is expected to respect the rights and responsibilities of academic freedom and freedom of thought, inquiry and expression and to support the University's efforts to ensure that the working and learning environment is free of violence.

b) Responsibilities of President's Executive Council

The President's Executive Council (PEC) at Brandon University includes the President, Vice Presidents, the AVP People and Talent, and the Manager Executive and Board Operations. These leaders are ultimately responsible for providing and supporting a work and learning environment which is free from violence. PEC will provide resources for the education of members of the University community, lead by example by carrying out their duties in a safe and respectful manner, and ensure that there are policies and procedures in place for addressing instances of violence.

c) Responsibilities of Managers and Supervisors

Managers and supervisors are those who, by virtue of their position at Brandon University, are responsible for overseeing others in the workplace. Managers and supervisors must monitor the work and learning environment for signs that violence is taking place, and take early action to address any concerns they are aware of, even in the absence of a complaint. Managers and supervisors must ensure that their employees are aware of this policy and related procedures and that they are provided opportunities to participate in education and training related to violence prevention. When complaints have been made and corrective actions recommended to address them, it is the manager's or supervisor's responsibility to ensure these corrective actions are implemented and to monitor the situation. Managers and supervisors are expected to take part in learning opportunities, or to consult with the DHRA, to ensure they are appropriately addressing issues of violence prevention in the University.

d) Responsibilities of People in Authority

Even those who do not hold a formal leadership or supervisory role hold authority in certain circumstances, and therefore have a responsibility under this policy. For example, faculty members hold authority over students in a classroom and employees who oversee the activities of volunteers hold authority in that context. People in authority are expected to participate in training to ensure they understand their responsibilities in preventing and addressing incidents of violence. People in authority must also ensure, to the extent practicable, that those they oversee are aware of their rights and responsibilities under this policy and procedures.

e) Responsibilities of the Diversity and Human Rights Advisor (DHRA)

The DHRA is responsible for developing and facilitating education and prevention initiatives around issues of violence. The DHRA provides advice and assistance to all members of the University Community on matters relating to human rights, equity, diversity and violence prevention. The DHRA may consult, provide guidance for early resolution of issues, provide educational opportunities, facilitate conversations, mediate between parties in conflict, conduct workplace assessments and internal investigations, or coordinate the services of an external facilitator or group in providing any of these services.

f) Responsibilities of the Violence Response Team (VRT)

The team consists of a core group of members with skills and expertise to coordinate and facilitate a response to all forms of violence on our campus. VRT is co-chaired by the AVP People and Talent and the Dean of Students. Other members of the University community will be included on the team on a case by case basis. The team will develop a plan around services, supports and options for all individuals affected by violence.

VRT is convened by the DHRA and they will make decisions about how to proceed to the next steps, which could include proceeding with an investigation and determine whether it is internal or external.

Persons involved with the processes outlined in this policy (complainants, witnesses or respondents) may conduct their involvement verbally or with the assistance of an interpreter upon request.

This document is available in PDF format on the Brandon University website. This document can be obtained in alternative formats from the Office of the President, Room 116 Clark Hall.

Process Flow: Violence Prevention Policy

