

POLICY:  <b>Violence Prevention Policy</b>		POLICY NUMBER: <b>AM-006-A2</b>
		PREVIOUS/REPLACES: <b>Updated October 13, 2021</b>
APPROVED BY: <b>Executive Committee</b>	EFFECTIVE DATE AS OF: <b>November 1, 2021</b>	PRIOR VERSIONS: <b>July 9, 2021</b>

## 1. Policy Statement

Herzing College is committed to providing all members of the College community (see Scope of policy below) with a work/learning environment that is safe, secure, and free of intimidation, threats, and violence.

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

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

### Objectives

The objectives of this Policy are:

1. To ensure that all persons covered under this Policy are aware that violence is illegal, and that Herzing College will not tolerate any violence.
2. To ensure that the work/learning environment is free of violence, so far as it is reasonably practical to do so.
3. To ensure that every member of the Herzing College community is aware of the actions taken and the measures implemented to control the risk of violence in the work/learning environment.
4. To ensure a victim-centered approach is used at all times when dealing with victims of violence.
5. To establish procedures:
  - a. setting out the steps in place for obtaining immediate assistance when an incident of violence occurs, or is likely to occur;

- b. to be followed by members of the Herzing College community in reporting an incident of violence to Herzing College; and
- c. to be followed in documenting and investigating any incident of violence to a member of the Herzing College community of which Herzing College becomes aware.

## 2. Scope

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

1. All Herzing College employees including full-time, part-time, casual and contract.
2. All Herzing College students including full-time and part-time post-secondary programs.
3. All Herzing College Governing Board Members.
4. Volunteers and visitors to Herzing College.
5. All other persons who provide goods, services, or facilities on behalf of Herzing College.

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

## 3. Policy Content

### 1. Definitions

- a. "Violence" means (a) the attempted or actual exercise of physical force against a person or property or (b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.
- b. Examples of threats of violence or acts of violence include:
  - Physical assault
  - Verbal abuse
  - Threats or intimidation
  - Property damage and vandalism

## 2. Assessment of Potential Violence

- a. In accordance with this policy, Herzing College shall evaluate the risk of violence that may impact any member of the College community in an effort to eliminate the risk of violence or to control that risk if it is not reasonably practicable to eliminate it. The assessment will be carried out in consultation with Herzing College's Academic Council.
- b. The actions and measures referred to may include:
  - A review of any particular work/learning site where an incident of violence has occurred or may reasonably be expected to occur.
  - A review of any particular functions at the work/learning environment where the member of the Herzing College community performing the function has been, or may reasonably be expected to be, exposed to incidents of violence.
  - A review of the measures that Herzing College may implement to eliminate the risk of violence to a member of the Herzing College community, or to control that risk if it is not reasonably practicable to eliminate it.
  - A periodic review of the College to determine if there are any potential shortfalls in security that could result in violent situations.
  - Implementing measures and procedures that Herzing College has in place for obtaining immediate assistance when an incident of violence occurs or is likely to occur.

## 3. Training

- a. Herzing College is committed to providing appropriate training and education to all members of the Herzing College community in order to improve their understanding and response to violence and violence prevention. Training will be provided at the time of hiring as part of an employee's orientation.

All students will receive a presentation on violence when they commence their studies at Herzing College. Regularly scheduled lockdown drills will be incorporated as part of training for all members of the Herzing College community. Other training aids such as safety videos will be utilized to reinforce the importance of violence prevention.

## 4. Incident Reporting

- a. All incidents, threats, attempted or actual violence on Herzing College property or connected to Herzing College in any manner must be reported immediately. If there is an immediate risk of violence individuals should contact 911.
- b. Do not ignore threatening or violent behavior. A situation should be reported if:
  - An individual experiences or witnesses violence or threat of violence at Herzing College.

- An individual feels that any member of the Herzing College community is likely to become violent.
  - An individual feels that any member of the Herzing College member is likely to be the target of violence.
- c. For non-emergency incidents, incident reporting shall be made as follows:
- For incidents involving Herzing College staff, volunteers or contractors, reports can be made to a Supervisor, Department Director, or Campus President. Any incident received that pertains to a Herzing College staff member must be forwarded to HR.
  - For incidents involving Herzing College students, reports can be made to the appropriate Faculty member and Academic Dean. In a situation where the student is under 18 years of age, Herzing College will notify parents/guardians of any act of violence.
  - For incidents involving any member of the Governing Board, the Chair of the Board shall be notified. In the event the Chair is directly involved in the incident, the report shall be submitted to the Vice-Chair.
- d. The complaint will usually be in writing and should contain a brief account of the offensive incident(s), when they occurred (including the date and time of day), the person(s) involved, and the names of witnesses, if any. The report should also include the remedy sought by the victim including an indication if the victim desires an investigation and be signed and dated by the victim.
- e. The Academic Dean Campus President or the person designated will notify the police or proper authorities in circumstances where Herzing College believes such action is required.

## 5. Investigating Reports of Violence

- a. Herzing College respects and supports the victim's choice of whether or not to pursue an investigation if such option is legally available to the victim. Wherever possible, any person who has experienced violence will retain control on how the file is handled by Herzing College. However, Herzing College has an obligation to protect the College from harm and reserves the right to initiate an investigation even without the consent of the victim if there is a potential safety risk or if required by law. In such a case the victim will be notified of the investigation.
- b. The purpose of the investigation is to identify and determine the nature and potential cause of the incident, the area where the incident occurred, and to identify what control measures or steps may need to be taken by Herzing College to respond to or act upon the findings of the investigation. An investigation will usually be completed within sixty (60) working days from when the initial report was filed. The timeframe may be extended in instances where additional information is required. The results of all investigations are to be provided to the Campus President, the Vice President of Academics, the Chief Operating Officer (COO), and the President of the Herzing College System.

- c. The investigation will be led by the COO or the Campus President. External security experts may be retained to help with the investigation. The investigation may include the following components:
  - A meeting with the victim to review the complaint and to seek any such clarification as needed.
  - A meeting with the person(s) alleged to have violated this Policy for the purposes of communicating the allegation and receiving his/her version of events (which may be requested in writing).
  - Collection of all relevant evidence.
  - interviews with and/or receipt of written submissions from all witnesses Herzing College considers to be material.
- d. In addition, the investigation will consider all applicable federal and provincial legislation, and applicable policies at Herzing College.
- e. Investigations will be conducted in accordance with rules of procedural fairness.
- f. Any individual who makes a complaint has the right to be accompanied by a representative when meeting to address matters contemplated by this policy. The student must inform the college if they will be bringing a representative, their name, and their relationship to the student three days in advance of the meeting.
- g. In exceptional circumstances, where there is a danger of imminent harm, Herzing College may act immediately by taking such reasonable steps to prevent imminent harm, as the circumstances dictate.

## 6. Confidentiality and Disclosure of Complaint Information

- a. The College is aware of the sensitive nature of issues relating to violence. Accordingly, each investigation of any complaint will be conducted in a confidential manner with the findings communicated only to the appropriate parties. All records relating to any complaint are confidential. Herzing College will not disclose the name of a victim, or the circumstances related to the complaint to any person, other than where the disclosure is:
  - Necessary in order to investigate the complaint.
  - Required in order to take corrective action in response to the complaint.
  - Required by the law.
- b. If any information about the complaint or victim is required to be disclosed in accordance with this policy, such disclosure shall be the minimum amount required to accomplish the purpose for which disclosure is required.

- c. Herzing College will ensure compliance with The Freedom of Information and Protection Privacy Act (FIPPA), the relevant personal health information act (PHIA, PHIPA, etc.), and Herzing College's Privacy Policy.
- d. It is equally important that all other persons, including the victim, the person against whom a complaint is made, and anyone involved maintain confidentiality.

## 7. Results of Investigation and Disciplinary Action

- a. Upon completion of the investigation, Herzing College will identify any control measures that are identified as a result of the investigation that will eliminate or control the risk of violence to any member of the Herzing College community. Herzing College will administer discipline as warranted by the circumstances.
- b. Where the investigation results in a finding that the complaint of violence is substantiated, the outcome of the investigation will be reported to the individuals concerned. Information will be provided in accordance with The Freedom of Information and Protection of Privacy Act and the relevant personal health information act. Any disciplinary action will be recorded in the College's records relating to the offender including a copy of the report, information concerning the incident, and any letters pertaining to the incident.
- c. Where the investigation results in a finding that the complaint of violence is not justified, all records of the complaint shall be removed from Herzing College's records relating to the person against whom the complaint was made.
- d. Any individual who is found to be in breach of the Violence Prevention Policy will be subject to disciplinary action as follows:
  - **Incident Involves Herzing College Staff** – The result of a formal complaint that is found to be valid may result in disciplinary action up to and including termination of employment.
  - **Incident Involves Students** – The result of a formal complaint may result in disciplinary action in accordance with the Student Discipline Policy up to and including student expulsion.
  - **Incident Involves a Governing Board Member** – Where the individual is a Governing Board Member, the discipline will be implemented in accordance with the by-laws of the Board.
  - **Incident Involves an External Stakeholder** – Where the individual is a volunteer, contractor, supplier and/or visitor and the complaint is substantiated, Herzing College will take appropriate actions. The Campus President will make any determination regarding the individuals continued access to Herzing College.

## 8. Annual Report on Violent Incidents

- a. Annually, Herzing College shall prepare a report that compiles the records of the incidents of violence that have occurred to any member of the Herzing College community, and the results of

any investigation into an incident of violence, including a copy of any recommendations for control measures or changes to this policy. The report shall not include any confidential and/or personal information relating to any member of the Herzing College community unless absolutely necessary and will comply with all privacy legislation.

- b. The annual report respecting violence in the work/learning environment must be provided to Herzing College's Human Resources.

## 9. False and Malicious Accusations

- a. Individuals are prohibited from knowingly making false complaints about violence or providing false information about violence. False and malicious accusations of violence will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic status if the false complaint was by an employee or up to and including expulsion if by a student.

## 10. Protection from Reprisals, Retaliations or Threats

- a. Any member of the Herzing College community who retaliates or threatens to retaliate against any person who has complained of violence, given evidence in an investigation, or been found guilty of violence, will be considered to have violated this policy and will be disciplined accordingly. Retaliation of any kind will be severely dealt with and may result in disciplinary action, up to and including termination of employment or academic status if the violation was by an employee or expulsion if the retaliation was by a student.
- b. Any individual who makes a disclosure under this policy or cooperates in an investigation made under this policy and subsequently experiences or believes that they have experienced a reprisal as a result of the disclosure should document the details and immediately inform the Campus President.
- c. Allegations of reprisal will be investigated and if justified appropriate corrective steps will be taken. Any person engaging in acts of reprisal will be subject to disciplinary action up to and including termination of employment if committed by an employee or expulsion if committed by a student.

## 11. Assistance to Employees Subjected to Violence

- a. An employee or student who has been exposed to an incident of violence will be given the opportunity to consult with a physician for treatment or referral for post-incident counseling.

## 12. Remedy for the Victim of Violence

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

### 13. Other Remedies not Precluded

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

### 14. Policy Accessibility

- a. This policy will be included as part of Herzing College's formal policies, on the College website, in the Employee Manual, and in the Student Manual. The policy will be identified to all new staff, students, volunteers, and Board Members at initial orientation.

## 4. Administration

The Campus President will oversee the administration and enforcement of this policy.

## 5. Review

This policy will be reviewed as required by Executive Committee in 2025.

## 6. Reference

- Criminal Code of Canada
- Provincial Human Rights Codes
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Relevant Provincial privacy acts
- Provincial occupational health and safety acts
- AM-005-A2 Student Discipline Policy.docx