



Response to Violent or Threatening Behaviour Policy # 9.9

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APPROVAL: Board of Governors	
SPONSOR: Director, Safety, Security & Campus Operations	
CONTACT: Director, Safety, Security & Campus Operations	
PREVIOUS VERSIONS: Response to Violent or Threatening Behaviour Policy, October 2009, June 2010 November 2010, March 2011	

RELATED POLICIES

Policy on Prevention and Response to Sexual and Gender-Based Violence
Respectful Work & Learning Environment Policy
Non-Academic Misconduct Policy
Policy on Academic Accommodations for Students with Disabilities
Health & Safety Policy

STATEMENT OF COMMITMENT

1. The University is committed to providing, maintaining and promoting a safe and healthy working and learning environment for all Members of the University Community. All Members of the University Community are expected to follow safe work and learning practices, to comply with legislative and University safety requirements, and to take an active role in protecting the health and safety of themselves and others. The University does not condone behaviour that is likely to undermine the safety, security, dignity or productivity of any person, whether such behaviour occurs on University premises or in conjunction with University-related activities.
2. The University recognizes the importance of certain rights and freedoms at a university dedicated to intellectual inquiry and creative practice. The University is committed to upholding all fundamental human rights, including freedom of association, freedom of conscience, opinion and belief, and freedom of thought, inquiry, artistic and creative expression.
3. The University acknowledges the separate and distinct status of Indigenous peoples

as affirmed by section 35 of the Constitution Act, 1982, Canadian Charter of Rights and Freedoms. The University also acknowledges and recognizes the importance of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), including that: Indigenous peoples have the right to maintain, control protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts¹.

4. The University will not tolerate racism, including anti-Indigenous racism. The University's approach will actively seek to identify, remove, prevent, and mitigate inequitable outcomes and power imbalances between groups and change the structures that sustain inequities.
5. The University is also committed to anti-oppression as a process, a systematic method of analysis, and a proactive course of action. This is rooted in the recognition of the existence of inequities, including racism, sexism, ableism, homophobia, transphobia, Islamophobia, antisemitism, and other forms of discrimination based on religion. The University's approach to anti-oppression will actively seek to identify, remove, prevent, and mitigate inequitable outcomes and power imbalances between groups and change the structures that sustain inequities.
6. This Policy provides a mechanism for the reporting, assessing and addressing of concerns of violent or threatening behaviour, or potentially violent or threatening behaviour, in the University's work and learning environment.
7. The provisions contained in this Policy are intended to provide a mechanism to address violent or threatening behaviour expressed verbally, in person, or through electronic communication or social media, or any other forms of correspondence, directly or indirectly, to any Member of the University Community. Behaviours which present a potential threat of harm to any Member of the University Community may be addressed pursuant to this Policy.
8. The University has a commitment to academic freedom and freedom of thought, inquiry and expression which may result in respectful disagreements about beliefs and principles.
9. In implementing this Policy, the University recognizes that it has a duty to act in a manner consistent with the Ontario Human Rights Code (the "Code"), the Occupational Health and Safety Act ("OHSA"), the Accessibility for Ontarians with Disabilities Act (the "AODA") and related legislation and policies. Those responsible for the administration of this Policy will consult with the Office of Diversity, Equity & Sustainability Initiatives ("ODESI") and Student Accessibility Services ("SAS") for advice and guidance as necessary.
10. The University will respond to and address all concerns of violent or threatening behaviour in the work and learning environment in a fair, consistent and thorough

¹ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295*, available at: <https://www.refworld.org/docid/471355a82.html> [accessed 24 November 2021]

manner. The University further understands the importance of responding to and addressing reports of violent or threatening behaviour in a timely manner, and will endeavor to promptly respond to and address all reports of violent or threatening behaviour. In applying this Policy, the University will balance the principles of procedural fairness, thoroughness, timeliness and confidentiality in a manner that is appropriate in the circumstances. This includes by treating individuals who are parties to a report of violent or threatening behaviour fairly throughout the process outlined in this Policy.

APPLICATION AND SCOPE

11. This Policy and its provisions apply to all acts of violent or threatening behaviour over which the University has jurisdiction to address the conduct and to take steps to safeguard the University community.
12. This Policy applies to all Members of the University Community engaged in University-related activities, including students, faculty, contractors, volunteers, visitors and employees of the University. University-related activities include events (authorized and non-authorized) that occur on University premises or on non-University premises, including social media, where there is a clear nexus to the work or learning environment.
13. Members of the University Community are expected to know and conduct themselves in a manner consistent with generally accepted standards of behaviour, in accordance with the law, this Policy and all other applicable University policies, procedures and regulations. Members of the University Community are also responsible for knowing their rights and responsibilities, including their responsibility to:
 - (a) Conduct themselves in an appropriate manner and treat others fairly and with dignity and respect at all times;
 - (b) Be cognizant of the fact that working and learning can best be accomplished in a climate of understanding and mutual respect;
 - (c) Establish and maintain a respectful environment by demonstrating respect for others and by not condoning and/or engaging in conduct that is inconsistent with the law, this Policy and all other applicable University policies, procedures and regulations;
 - (d) Think, speak, write, create, study, learn, pursue social, cultural and other interests and associate together for these purposes in accordance with the principles of mutual respect for the dignity, worth and rights of others as outlined in the Code; and
 - (e) Cooperate fully in any assessment under this Policy.
14. The University reserves the right to determine if a matter should be addressed under this Policy regardless of the actions of external agencies, such as the police, and may use information provided by such agencies

15. Definitions of certain terms can be found starting at paragraph 60 of this Policy.

PROHIBITED CONDUCT

16. **Harassment** means a course of comments or conduct that are known, or ought reasonably to be known, to be unwelcome. Harassment can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning. Harassment may occur by electronic device, communication and/or social media. Harassment which is contrary to the Code will be dealt with pursuant to the University's Respectful Work and Learning Environment Policy.
17. **Sexual Violence** means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Acts of sexual violence will be dealt with pursuant to the University's Policy on Prevention and Response to Sexual and Gender-based Violence.
18. **Stalking** is a form of harassment and may also be an act of sexual violence within the meaning of the University's Policy on Prevention and Response to Sexual and Gender-based Violence. It includes conduct which is known or ought to be known to be unwelcome, including circumstances in which a person follows, waits for, repeatedly contacts or sends unwanted gifts to another person.
19. **Workplace Violence** is:
- (a) The exercise of physical force against an employee, student, faculty member, contractor, volunteer or visitor, in the University's work and learning environment, that causes or could cause physical injury to that person;
 - (b) An attempt to exercise physical force against an employee, student, faculty member, contractor, volunteer or visitor, in the University's work and learning environment, that could cause physical injury to that person; and
 - (c) A statement or behaviour that it is reasonable for an employee, student, faculty member, contractor, volunteer or visitor to interpret as a threat to exercise physical force against that person, in the University's work and learning environment, that could cause physical injury to that person.

CONFIDENTIALITY AND PRIVACY

20. Employees of the University who receive a concern of violent or threatening behaviour or who are involved in addressing the concern, investigating the concern or taking corrective action will keep the information confidential to the extent possible.
21. The University will make reasonable efforts to maintain confidentiality when it becomes aware of a concern of violent or threatening behaviour and will limit the sharing of information about individuals to those within the University community who need to know for the purposes of, or those consistent with, health and safety,

addressing, investigating or taking corrective action with respect to violent or threatening behaviour.

LIMITS OF CONFIDENTIALITY

22. When the University becomes aware of violent or threatening behaviour it is obligated to investigate. Confidentiality cannot be maintained where information needs to be shared in order to address and investigate a risk to the health and safety of a Member of the University Community and/or where required by law. By way of example only, information may need to be shared with members of the University administration in order to facilitate an investigation as required by University policies, the Code and/or OHSA.
23. Confidentiality also cannot be maintained in situations which the evidence of a contravention of this Policy is in the public domain (e.g. social media), or in which multiple concerns have been brought forward to the University, including Safety, Security & Campus Operations. If personal security while on campus is a concern, Safety, Security & Campus Operations staff are available on a 24/7 basis and can provide guidance and support.
24. Individuals who have been affected or involved in an incident of violent or threatening behaviour may be contacted to ensure that they have been provided with sufficient information as deemed appropriate in the circumstances to address their respective health and safety concerns. They will be provided with only sufficient information as deemed appropriate in the circumstances to address health and safety concerns perceived to be, or otherwise affected by, the reported behaviour.

AVAILABLE SUPPORTS

25. Supports, services and/or accommodations appropriate in the circumstances are available to Members of the University Community. The Dean of Students can provide information about the availability of supports, services and/or accommodation, including counselling.
26. Counselling support is available to any student involved in a complaint process under University policies through the Student Wellness Centre, including a concern brought forward pursuant to this Policy. This includes students who raise a concern and those who are the subject of a concern. Counsellors can provide a confidential support in respect of the emotional and mental health impacts of the incident and/or the process. Counsellors can also coordinate accommodations students may require. The University will connect students to internal or external culturally-specific counselling support. For example, students who identify as Black or Indigenous may specifically request the support of the Black Student Counsellor or the Indigenous Student Counsellor. Counsellors can attend meetings with students upon request of the student.

Counsellors are **not** responsible for receiving concerns and/or providing advice with respect to this Policy and its processes.

27. An individual who raises or is the subject of a concern will be advised that they may designate a support person, should they choose to:

- (a) upon the raising of a concern; or
- (b) upon being notified that a concern has been raised about them.

REPORTING VIOLENT OR THREATENING BEHAVIOUR

28. All Members of the University Community have an obligation to immediately notify the University as follows should they experience, observe or become aware of violent or threatening behaviour, or a threat of harm, or any warning signs leading to possible violent or threatening behaviour:

Reports of immediate danger should be made to:

- (a) Safety, Security & Campus Operations
 - (i) by picking up any Emergency phone on campus, office phone on campus, or off campus on teams call or cell,
 - (ii) calling extension 511 from any internal University phone
 - (iii) calling 416-977-6000 ext: 511.
- (b) Toronto Police Service by calling 911

In all cases of immediate or imminent danger, Safety, Security & Campus Operations will notify Emergency Services and attend the scene, to the extent possible.

Once the situation has been diffused and the threat of immediate or imminent danger resolved, the Director, Safety, Security & Campus Operations will activate the Triage Team within 72 hours, where appropriate. The Threat Assessment Team (the "TAT") will be activated following a triage assessment that identifies a risk of violence. See Appendix A. Not all reports will result in the activation of the Triage Team or the TAT.

Reports of potentially violent or threatening behaviour but not presenting immediate danger should be made to:

- (a) **For students:** Chair, Associate Dean or Dean of Students
- (b) **For staff:** Supervising Manager or Director, People & Culture; or
- (c) **For faculty:** Chair, Associate Dean or Director, People & Culture.

The Chair, Associate Dean, Dean of Students, Director, People & Culture or Supervisor will inturn notify the Director, Safety, Security & Campus Operations.

The Director, Safety, Security & Campus Operations will convene the Triage Team within 24 to 72 hours, where appropriate. The TAT will be convened to assess the risk if necessary. Not all reports will result in the activation of the Triage Team or the TAT.

29. The Triage Team is an emergency response group that is activated and lead by the Director, Safety, Security & Campus Operations when there is reported violent or threatening behaviour and/or where there are reasonable grounds to suspect violent

or threatening behaviour.

30. When the Triage Team is activated in response to a concern of violent or threatening behaviour, it will meet and coordinate the gathering and consolidation of key information available in regards to the concern.
31. Safety, Security & Campus Operations will liaise directly with the reporting Member of the University Community to gather all information available in regards to the concern.
32. The Triage Team will then review the collected relevant information and conduct a triage for risk of violence and formulate an appropriate risk management strategy.
33. The Triage Team will also make recommendations based on the outcome of the Risk of Violence Forms used during the assessment. The assessment will focus on incident behavior and not on clinical discussions or assessments.
34. The Triage Team, in consultation with internal or external experts as required, will review and assess the information it has received to determine if the situation:
 - (a) Can be addressed through existing University policies and, if so, will refer matter to the appropriate internal resource, including, but not limited, to Safety, Security & Campus Operations, the Office of Diversity, Equity & Sustainability Initiatives, the Vice-Provost, Students & International or People & Culture; or
 - (b) Requires escalated action(s), at which point the Director, Safety, Security & Campus Operations will report the potential threat to the TAT. The TAT will act as an information gathering tool in order to assist with completing a full Violent Risk Assessment using Historical, Clinical and Risk Management – (HCR 20).

If a Violent Risk Assessment is performed by the TAT, the Director, Safety, Security & Campus Operations will report the outcome and recommendation of the TAT in respect of the review and assessment to the Vice-President, Finance & Administration.
35. If the behaviour involves a student, a referral or recommendation will be reported in writing to the Vice-Provost, Students & International. If the behaviour involves a staff of faculty member, a referral or recommendation will be reported in writing to the Director, People & Culture.
36. The Vice-Provost, Students & International or the Director, People & Culture will advise the Director, Safety, Security & Campus Operations on implementation of the referral or recommendation as it progresses.
37. In the formulation of its referral or recommendation, the Triage Team will consider all applicable mitigating factors, including whether there is an intersection between the violent or threatening behaviour and a prohibited ground pursuant to the Code. This would include, for example, whether a person's disability within the meaning of the Code was a factor in the behaviour. The Triage Team will also, where appropriate, consult with a resource collective comprised of Indigenous members of our

community, which may include the Advisor to the Provost, Indigenous Knowledge, Practices and Production, and/or Elders.

38. No person shall be negatively treated for providing information related to a concern or assisting in the resolution of a complaint. The University will take reasonable steps to protect complainants from reprisal, including: advising individuals in writing of their duty to refrain from committing an act of reprisal and sanctioning individuals for a breach of that duty. The University may also address the potential for reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of reprisal will be treated as violations of the University's Non-Academic Misconduct Policy or other related policies.

INVOLVEMENT OF THE POLICE

39. Determination of conditions of imminent danger will be immediately referred to Toronto Police Services by Safety, Security & Campus Operations and internal risk management measures will be identified and acted upon immediately. The University will seek the assistance of the Indigenous Peacekeeping Unit within the Toronto Police Services as appropriate in the circumstances. If the incident is a student issue, the Vice-Provost, Students & International will also be notified. If it is an employee issue, the Executive Director, People & Culture will be notified.
40. Incidents that involve violence or the imminent threat to the safety and security of the University Community will require a response from this Policy. Occurrences that may require police consultation and or response may include but are not limited to:
 - (a) Physical assault causing bodily harm;
 - (b) Sexual assault;
 - (c) Robbery;
 - (d) Extortion;
 - (e) Criminal harassment;
 - (f) Drug offences, including possession and trafficking of drugs;
 - (g) Weapons offences;
 - (h) Explosive substance;
 - (i) Hate-motivated incidents; and
 - (j) Threats of serious physical injury.

RECORD KEEPING

41. Records created pursuant to this Policy are subject to the *Freedom of Information and Protection of Privacy Act*, Ontario ("FIPPA"). The complete file remains with the Director, Safety, Security & Campus Operations and is confidential. Access to the records is restricted to those who need to know in order to carry out their duties. A

formal request for access under the *Freedom of Information and Protection of Privacy Act* is handled by the University's FIPPA Coordinator.

ROLES AND RESPONSIBILITIES

Duties of the University

42. The University will provide employees with information and instruction on the contents of this Policy, which includes its Workplace Violence Program.
43. If the University becomes aware, or ought reasonably to be aware, of domestic violence that is likely to expose one or more employees to physical injury that may potentially occur in the workplace the University will take every reasonable precaution to protect the employees.
44. The University will assess the risks of workplace violence that may arise from the nature of the workplace, the type or the condition of work, and will reassess the risks of workplace violence as often as necessary to ensure that the this Policy continues to protect employees from workplace violence.
45. The assessment and reassessments shall take into account:
 - (a) Circumstances that would be common to similar workplaces, including:
 - (i) The existence of potential risks due to interactions with the public, students, parents, contractors and employees; and
 - (ii) The existence of protocols between the University and the police on theUniversity campus;
 - (b) Circumstances specific to the workplace; and
 - (c) Any circumstances relevant to the specific situation.
46. Pursuant to the Occupational Health and Safety Act, the University will advise and supply a summary report to the Joint Health & Safety Committee of the results of an assessment if there is determined to be a continued risk of violence.

Duties of Administrators

47. Senior Administrators, Deans, Associate Deans, Directors, Managers, Program Chairs, Directors and Supervisors ("Senior Administrators") must take every precaution reasonable in the circumstances to protect employees and students.
48. Senior Administrators must advise employees of the existence of any potential or actual danger to health or safety of an employee, of which the supervisor is aware, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if the employee can potentially be expected to encounter that person in the course oftheir work and/or the risk of workplace violence will potentially expose the employee to physicalinjury.

49. Senior Administrators must also provide students with sufficient information as deemed appropriate for the circumstance.
50. Senior Administrators must not disclose more information than is reasonably necessary to protect the employee and students from physical injury.
51. The Director, Safety, Security & Campus Operations will immediately report matters requiring escalation outside of current University policies to the Vice-President, Finance & Administration for direction on further remedial action(s).
52. The Director, Safety, Security & Campus Operations will prepare an annual report concerning the number, general type and general disposition of incidents as well as educational and other activities related to this policy will be prepared.

Duties of Employees

53. Employees must report any incident or risk, or potential risk, of workplace violence of which they become aware to a Senior Administrator or their supervisor. Employees must also report to their supervisor any contravention of OHSA or its regulations, or the existence of any potential hazard, of which they become aware.

Duties of Students

54. Students must advise the relevant Chair, Associate Dean, Vice-Provost, Students & International or the Dean of Students of any incident of violence, threat of violence or potential violence of which they become aware.

LIABILITY

55. No one charged with responsibility under this Policy, who carries out their duties in good faith and conscience, shall be held personally liable for any action or claim arising out of their good faith execution of those duties.

ADMINISTRATION OF THIS POLICY

56. The Director, Safety, Security & Campus Operations is responsible for the review and implementation of this Policy. This Policy will be reviewed at least once every 3 years.
57. The Director, Safety, Security & Campus Operations may delegate any of their duties or powers under this Policy to an appropriate designate.
58. Amendments made to this Policy require the approval of the Board of Governors.
59. A copy of this Policy as approved and amended is posted on the University's website.

DEFINITIONS

60. **Confidentiality** is required to ensure a fair process, protect against reprisals, maintain a healthy learning environment and ensure the integrity of investigations. It is a requirement that all Members of the University Community who are involved in a process for reporting and addressing violent or threatening behavior pursuant to this

Policy hold all information confidential except to facilitate a process for reporting and addressing violent or threatening behavior pursuant to this Policy. Confidential information may be disclosed to allow an individual to obtain or access supports. Complainants and respondents are not permitted to discuss complaints under this Policy with anyone who is not necessary to the process of addressing the complaint, investigating the complaint or taking corrective action, or who is acting as their support person or representative. There are circumstances in which confidentiality cannot be maintained as outlined above.

61. **Domestic Violence** is a pattern of behaviour used by one person to gain power and control over another person with whom they have or previously had an intimate relationship. Domestic Violence includes, but is not limited to:
- (a) physical violence with the use of hands, objects or weapons;
 - (b) sexual violence, including threats, intimidation, physical force or using a position of power for sexual purposes; and
 - (c) emotional abuse, verbal abuse or psychological intimidation, including threatening to kill a partner, a child or pet.
62. **Firearm** any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person.
63. **Hate Material** includes literature, leaflets, posters and graffiti that is distributed to Members of the University Community, including that is sent by or posted to an electronic device, communication and/or social media, to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, gender identity, gender expression, age, mental or physical disability, sexual orientation or other similar factor.
64. **Imminent Danger** means a condition, conduct or circumstance where there is reason to believe that it represents an immediate threat to the health and safety of a Member(s) of the University Community, or other persons attending any part of the University campus.
65. **Members of the University Community** include students, faculty, contractors and employees of the University.
66. **Student** means a person who is registered in one or more University courses of study at the University, either full-time or part-time, in any program of study, including special students, that leads to the assigning of a mark, grade or statement of performance by the appropriate authority within the University and/or who is entitled to a valid student ID card between sessions.
67. **Threat** means the expression of intent to cause physical or mental harm. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional or future basis. In determining whether the conduct constitutes a

threat, including whether the action caused a reasonable apprehension of harm, the University will consider the totality of the circumstances.

68. **Threat of Harm** is a knowing and willful statement or course of conduct that would cause a reasonable person to believe that they are under threat of death or serious bodily injury. A course of conduct is any series of acts over a period of time, however short, that evidences a continuity of purpose, such as following or stalking an individual to/from work/campus, telephone calls, correspondence or contact by any means.
69. **Threat Assessment Team (“TAT”)**: The role of the TAT is to assist with gathering information as necessary for a full Violent Risk Assessment as it relates to a positive triage assessment. The TAT includes the Vice-Provost, Students & International, the Dean of Students, Manager of Security, Director, Safety, Security & Campus Operations, a member of People & Culture, the Registrar, and a culturally-specific designate, if necessary.
70. **Triage Team** is an internal team that is activated to assess risk related to behaviour on a case-by-case basis (incident based only) and to make recommendations for remedial risk management strategies, either through established University policies or to be escalated to the Threat Assessment Team for further assessment. The Triage Team includes, but is not limited to, the Vice-Provost, Students & International, the Dean of Students, the Director, Safety, Security & Campus Operations, and a culturally-specific designate, if necessary.
71. **Weapon** means anything used, designed to be used or intended for use in causing death or injury to any person or for the purpose of threatening or intimidating any person. Articles of faith, including a Kirpan, are not a weapon within the meaning of this Policy.

RESPONSE TO VIOLENT OR THREATENING BEHAVIOUR POLICY: FLOWCHART



