



Mountain View School Division will foster an inspired, respectful and safe learning environment. The Division will ensure, so far as reasonably practicable, that no person is subjected to harassment or violence in its facilities, school buses or at offsite division activities. It is the responsibility of all persons to act in such a way as upholds an environment free from harassment and violence. To this end, Mountain View School Division has enacted this procedure, for filing a complaint, subsequent investigation and any necessary disciplinary action. Disciplinary action, if deemed necessary, will be taken only in accordance with the procedure.

Nothing in this procedure detracts from any other rights which any employee or student may have under any collective agreement or statute.

This procedure is divided into two (2) distinct sections:

- A. Those dealing with harassment; and
- B. Those dealing with violence.

A. PROCEDURES DEALING WITH HARASSMENT

1. Purpose

This procedure is not intended to constrain social or professional interaction, but to ensure that students and employees of Mountain View School Division may go about their work free from harassment. The Division affirms its commitment to fair treatment and will not condone behaviour which jeopardizes the dignity or well-being of any student or employee. The procedure seeks to protect, not to persecute.

2. Scope

This procedure applies to the conduct of all employees and students of the Division in the performance of their duties and responsibilities whether:

- a) In the workplace;
- b) Outside the workplace while engaged in any activity which is required, sanctioned or sponsored by the Division; or
- c) Otherwise related to their employment by the Division.

3. Definition of Harassment

Reasonable actions by administrators or supervisors to manage, guide or direct employees or the workplace are not harassment. Appropriate employee performance reviews, counselling and disciplinary or corrective action taken towards an employee is not harassment.

Cross Reference: Human Rights Code of Manitoba ; The Workplace Safety and Health Act ; Workplace Safety and Health Regulation ; MVSD Procedures: EC10 Code of Conduct for Employees; CW20 Workplace Safety and Health Program; CR10 Respect for Human Diversity; CE10 Emergency Preparedness in Schools; CV20 Violence Risk Threat Assessment; CA20 Anti-Bullying			
Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 1 of 12



For the purpose of this procedure "harassment" shall include, but not be limited to, the following:

a. Any incident or series of incidents of abusive or unwelcome conduct, comment or other behaviour toward another person, based on any of the following characteristics:

- ancestry, including color and perceived race
- nationality or national origin
- ethnic background or origin
- religion or creed, or religious belief, religious association or religious activity
- age
- sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy
- gender - determined characteristics
- sexual orientation
- marital or family status
- source of income
- political belief, political association or political activity
- physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant or any other remedial appliance or device

WHEN such conduct is known, or reasonably ought to be known by the person alleged to have committed it, to be abusive or unwelcome to the recipient;

AND WHEN:

- such conduct does or reasonably could, cause the recipient insecurity, discomfort, offense or humiliation;
- submission to such conduct is made a condition of employment, promotion, a passing grade, job security or other benefit or advancement;
- such conduct interferes with the work or study performance of the recipient; or
- such conduct is experienced at the instance of any person who is in a position of authority over, or is in a position to confer or deny any benefit to, the recipient.

b. Any incident or series of incidents of abusive or unwelcome conduct, comment or other behaviour toward another person, characterized by any one or more of the following:

- sexist jokes, or the use of sexually degrading words to describe an individual;
- the display of sexually offensive or obscene material, or material depicting violence or degradation of a sexual nature

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 2 of 12



- sexually suggestive or obscene comments, or other behaviour including leering or other non-verbal conduct or gestures
- sexual solicitation, flirtation, sexual advances or propositions, or requests of demands for sexual favors
- physical contact or touching, including patting, pinching, squeezing or brushing against another person
- reprisal or threat of reprisal for refusing any sexual solicitation or advance

WHEN such conduct is known, or reasonably ought to be known by the person alleged to have committed it, to be abusive or unwelcome to the recipient;

AND WHEN

- such conduct does, or reasonably could, cause the recipient insecurity, discomfort, offense or humiliation;
- submission to such conduct is made a condition of employment, promotion, a passing grade, job security or other benefit or advancement;
- such conduct interferes with the work or study performance of the recipient; or
- such conduct is experienced at the instance of any person who is in a position of authority over, or is in a position to confer or deny any benefit to, the recipient.

c. Any other incident or series of incidents of abusive or unwelcome conduct, comment or other behaviour toward another person, whether hereinbefore specifically described or not.

WHEN such conduct is known, or reasonably ought to be known by the person alleged to have committed it, to be abusive or unwelcome to the recipient;

AND WHEN:

- such conduct does, or reasonably could, cause the recipient insecurity, discomfort, offense or humiliation;
- submission to such conduct is made a condition of employment, promotion, a passing grade, job security or other benefit or advancement;
- such conduct interferes with the work or study performance of the recipient; or
- such conduct is experienced at the instance of any person who is in a position of authority over, or is in a position to confer upon or deny any benefit to, the recipient.

Any reprisal, or threat of or attempt at reprisal, made by a person who is alleged to have been guilty of harassment, and is directed towards the Complainant, or any

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 3 of 12



attempt to influence a witness shall be considered a fresh and separate instance of harassment and shall be dealt with as such.

d. Bullying and Disrespectful Behaviour

Bullying is defined as unfair and one-sided aggression towards another person and may include physical, verbal, social, or written aggression (including electronic communication, such as social media, text messaging and email), isolation or intimidation. It often involves an imbalance of power and strength and results in the target person feeling humiliated and/or distressed. Bullies generally hurt, threaten, and/or frighten others in a repetitive, intentional way. However, severe objectionable conduct that adversely affects a person’s psychological or physical well-being will be considered harassment, whether it happens once or more than once.

Disrespectful behaviour towards others is also contrary to the values and objectives of the Division. Employees are expected to treat every other employee, student and visitor in a respectful manner, such that their behaviour would set an example of appropriate conduct for students.

Examples of disrespectful behaviour could include:

- Swearing, yelling, name-calling, gossiping
- Reprimanding in the presence of others
- Improper use of power or authority inherent in one’s position
- Offensive or inappropriate remarks, gestures, behaviour or displays of material

4. Complaint Procedure

- Where an employee is subject to harassment, every effort should be made to resolve the issue directly with the other party first.
- If the complainant does not wish to or is not able to confront the alleged harasser directly, then the Supervisor or Manager of Human Resources will assist in attempting to resolve the issue. If the alleged harasser is the Supervisor, the Manager of Human Resources will assist.
- Where this has not resolved the problem, the employee should submit a written complaint using the Harassment/Violence Report Form (see [Appendix A](#)), in accordance with this procedure, and include reference to the informal efforts previously made.
- At any time, a person who believes that he or she has been harassed, bullied or treated disrespectfully within the meaning of this procedure (the "Complainant") may initiate a written complaint by completing the Harassment/Violence Report Form (see [Appendix](#)

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 4 of 12



A) and submitting it to his/her immediate supervisor. If the alleged harasser is the Supervisor, then submit report to the "Senior Officer".

The "Senior Officer" shall be the Superintendent/Chief Executive Officer (CEO), unless the Superintendent/CEO is the Respondent. In that case, the Senior Officer shall be the Chairperson of the School Board or his/her delegate.

If the Complainant is a student, the complaint may be initiated by any other person acting on behalf of the student, including but not restricted to a parent, guardian, peer, counsellor, teacher, minister, doctor or social worker.

e. Regardless of the Mountain View School Division Freedom from Harassment and Violence procedure, an individual has the right to file a complaint with the Manitoba Human Rights Commission if they believe they have been harassed on any of the grounds set out under *The Human Rights Code*:
<http://manitobahumanrights.ca/v1/education-resources/resources/harassment-and-sexual-harassment.html>.

f. The written notice shall be submitted using the Harassment/Violence Report form (see [Appendix A](#)), which specifies:

- the nature of the conduct complained of;
- the details of times, dates, places when such conduct is alleged to have occurred, insofar as they may be known;
- the names of any other parties who may have witnessed or been aware of the conduct alleged; and
- any other information which may be pertinent to the investigation and resolution of the complaint.

Any immediate supervisor who receives such a complaint about a Respondent shall immediately forward it to the Senior Officer.

g. The Senior Officer, immediately upon receiving a notice of complaint or copy thereof, shall;

i. Advise the Respondent of:

- the fact that a complaint has been made;
- the particulars of the complaint, including the details of the misconduct alleged, as set out in the notice of complaint;
- the procedure governing the investigation of such complaints. Mailing or delivering a copy of this procedure to the Respondent shall satisfy this requirement;

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 5 of 12



- the right of the Respondent to answer the complaint either in person or by representative or counsel, at any step of the investigation or before the Board of Trustees; and
 - the name of the Investigator who will investigate the complaint;
- ii. Begin an investigation of the complaint, either personally or by his or her delegate ("the Investigator").

Complaints of harassment or violence should be made as soon as possible, before memories fade or the quality of evidence begins to deteriorate.

There shall be a limitation period of four (4) months in which to file a complaint of harassment from the time of the behaviour complained of (or the last occurrence of it, if it is a continuing course of conduct).

Such time limit can be reasonably extended if the Senior Officer is satisfied that such an extension would not unduly prejudice the Respondent.

5. Investigation Procedure

a. Collection of Statements

Using the Incident Investigation Summary Report form (see [Appendix B](#)) to record the statements, the Investigator may interview and obtain voluntary statements from the Complainant, the Respondent or any other witness who, in the opinion of either party or the Investigator, might assist the investigation. No adverse inference may be drawn against any party for the reason only that such party declines to give any statement.

No statement shall be taken from any person under the age of 18 years except in the presence of a parent, guardian, or adult counsellor approved by a parent or guardian, unless the witness and his or her parent or guardian so consent.

No statement shall be audio-taped or video-taped without the knowledge and consent of the person giving the statement. A written record of any statement may be maintained by the Investigator.

The Investigator may requisition such other evidence as may seem relevant and proper to the investigation, and may retain such professional assistance as may, in the discretion of the Investigator, be necessary or desirable.

The employer will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 6 of 12



necessary to investigate the complaint, or take corrective action with respect to the complaint, or required by law.

b. Interim Action

During the investigation, the Senior Officer or the Board of Trustees, as the case may be, may take such interim measures as seem warranted or advisable, including temporary leave of absence with full pay and benefits, if there is a reasonable apprehension that such action is in the best interests of the parties or the investigation.

If any interim action is taken:

- Such action shall not be deemed disciplinary in nature, and no entry to that effect shall be made on an employee file;
- Such action is without prejudice to the right of an affected employee to pursue or to answer the complaint, or to appeal any finding of the Investigator or resolution proposed by the Senior Officer; and
- The investigation of the complaint shall be conducted as expeditiously as possible. The Investigator shall report, in writing to the complainant and the Respondent as to the status of the investigation within twenty working days of the date of notice of complaint, and every twenty days thereafter until completion.

c. Conclusion of Investigation

Immediately upon conclusion of the investigation, the Investigator shall report his or her findings to the Senior Officer who shall, within seven days of receipt, advise the Complainant and the Respondent of:

- the findings of the Investigator;
- the measures proposed to resolve the complaint; and
- the date of the next regular or special meeting of the Board of Trustees, to which either party may appeal either the findings or the measures proposed, or both.

6. Disciplinary

If the investigation provides reasonable evidence that the harassment, bullying or disrespectful treatment occurred, the appropriate authority shall administer disciplinary action if such is within the scope of his/her duties.

If disciplinary action is not within the scope or the appropriate authority, then the appropriate authority shall refer the matter to the person occupying the position above him/her on the Mountain View School Division Organizational Chart.

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 7 of 12



If disciplinary action is warranted, the disciplinary action may be any one of an escalating scale of five responses, depending upon the severity of the case and other mitigating circumstances. This scale of five responses (in order of increasing severity) is as follows:

1. A verbal warning
2. A written warning, a copy of which shall be placed in the employee’s file
3. A short term suspension of up to three (3) days, with or without pay at the discretion of the Board of Trustees
4. A suspension, with or without pay at the discretion of the Board, from work until resolution of the case. If the employee is cleared of wrong doing and pay was not provided during the suspension, wages not paid will be provided within seven (7) days of resolution of the case.
5. Termination of employment of the employee

The five steps above are normally considered to be sequential in that the appropriate authority will move from each step to the next after each incident. However, the appropriate authority may advance to a higher step if the incident(s) is/are considered to be severe, or may repeat a step if the incident(s) is/are not considered to be severe.

7. Appeal Procedure

1. The Respondent and the Complainant shall have seven days from the date of receipt of such written notice to file with the Secretary-Treasurer of the Division a written notice of appeal setting out:
 - a. the portion of the decision of the Senior Officer which is being appealed (i.e., finding, resolution, or both); and
 - b. the grounds for the appeal.

The Secretary-Treasurer, on receiving such a written notice of appeal shall advise both parties in writing of the date on which the School Board will meet to hear the appeal. The date of such meeting shall be within 30 days of receipt of the written notice of appeal.

Both the Complainant and the Respondent shall be entitled to attend the meeting at which the appeal is heard, and to be accompanied by representation or counsel. The Senior Officer or the Investigator may present the findings of the Investigator and the action recommended by the Senior Officer, but in such a case, neither shall further participate in the deliberations or decisions of the Board of Trustees on the matter.

Upon hearing the evidence brought before it at such an appeal meeting, the Board of Trustees may:

1. dismiss the complaint as being frivolous or vexatious, or not in contravention of the procedure, or not sufficiently founded in evidence;
2. uphold the complaint;

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 8 of 12



- 3. rescind, vary or modify the decision of the Senior Officer; or
- 4. take any such other action as it deems just.

Following such an appeal meeting, the decision of the Board of Trustees shall be communicated in writing to the Complainant and the Respondent forthwith.

B. PROCEDURES DEALING WITH VIOLENCE

1. Purpose

The Division recognizes that all staff should have a working environment free from physical violence, verbal abuse or the threat of physical assault, and requires all staff to make reasonable efforts to maintain this goal. This procedure is developed in accordance with The Manitoba Workplace Safety and Health Act regulation, Section 11, Amendment 107/2011. The violence prevention procedure provides guiding principles to mitigate violence within the Division. Due to large populations of students and staff, any area within a school may have some potential for violence. However, staff working with certain students who have an elevated risk to be violent must be aware of the risk. Steps must be taken to eliminate that risk, and where the risk cannot be eliminated, measures must be taken to minimize the risk. This procedure and associated exhibits include measures to summon immediate assistance when violent or threatening situations occur.

2. Scope

This procedure applies to the conduct of all employees and students of the Division in the performance of their duties and responsibilities whether:

- a) In the workplace;
- b) Outside the workplace while engaged in any activity which is required, sanctioned or sponsored by the Division; or
- c) Otherwise related to their employment by the Division.

3. Definition of Violence

The attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against them (Source: Part 11 of "[The Workplace Safety and Health Regulation M.R. 217/2006](#)"). Canada’s Criminal Code prohibits violence.

4. Responsibilities

School administrators shall ensure reporting protocols are followed when an incident of violence is reported to them, including advising the employee of the action taken following a report within 10 working days of receiving the report. Administrators recognize

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 9 of 12



that staff members are required to report incidents of violence in accordance with this regulation and will not discipline or take any retaliatory action towards any staff member for reporting an incident in good faith.

Accordingly, staff members must report incidents of violence to their school administrator or supervisor and cooperate in any investigation done. They will not have the right to be involved with individual student disciplinary decisions made by the school administration. Any staff member who has been harmed as a result of a violent incident at the workplace is advised to consult his/her health care provider for treatment or referral to post-incident counselling, if appropriate. As well, each individual is responsible for ensuring completion of recommended training programs.

5. Right to Know

Where there are known risks to staff, the Division will disclose the potential risks to staff at the time an assignment is made. Staff will be informed of known risks and the measures that must be taken in the event of a violent situation. In such cases, appropriate training will be provided by the Division. Any personal information disclosed will be the minimum amount necessary.

6. Right to Refuse Dangerous Work

Dangerous work generally means work involving safety and health risks that are not normal for the job. Staff shall be trained and equipped to address incidents of violence that are likely or are at an elevated risk to occur. Staff will not be disciplined for exercising the right to refuse in good faith and are entitled to the same wages and benefits they would have received, had the refusal not taken place. Staff may be reassigned while the refusal is being investigated.

7. Reporting Violent Incidents

Any employee who has been victim of a violent incident must follow the steps below:

- a. Summon immediate assistance to help de-escalate the violent incident and report the incident immediately to their supervisor.
- b. Violent incidents shall be reported in writing using the Harassment/Violence report form. (See Appendix A) Electronic reporting preferred. The complainant and supervisor will fill out applicable sections of the form.
- c. The supervisor will submit the completed form within seven days to the Superintendent/CEO or designate for further review/investigation and reporting requirements as defined by Part 11.7 of the Workplace Safety and Health

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 10 of 12



Regulations. If the incident meets the definition of a “serious incident”, as defined by Part 2.6 of the Workplace Safety and Health Regulation, the school administrator or supervisor will notify the Workplace Safety and Health Division and the Superintendent/CEO.

- d. The complainant may exercise any other rights, actions or remedies that may be available to him or her under any other law.

8. Investigating Violent Incidents

The school administrator or supervisor will investigate a report of violence as soon as reasonably practicable, initiation will occur within 24 hours. The name of the complainant or the circumstances related to the complaint will be kept confidential, other than where the disclosure is necessary. Select teams/members from MVSD Workplace Safety and Health or Violence Mitigation Programs may be requested to assist. All violent incidents will be responded to in a manner that supports the Division’s commitment to maintain safe schools for all staff, students and visitors.

9. Violence Mitigation Programs and Procedures

Mountain View School Division provides the following programs and training to eliminate or minimize the risk of violence:

Harassment Investigation Procedure

The staff harassment procedure includes measures to address some specific acts of violence, including physical, verbal, written or social aggression or intimidation.

Restitution

Restitution is an approach that focuses on how students can correct their mistakes, emphasizing positive solutions. The focus for students is on self-discipline, rather than on avoiding punishment or gaining rewards. By learning this approach, it will help adults and students improve their behaviour, given the objective of not engaging in behaviours that will hurt others.

NVCI

“Non-Violent Crisis Intervention” training offers proven strategies for safely defusing anxious, hostile or violent behaviours at the earliest possible stage. The second day of this training includes appropriate physical holds that may be required to safely restrain students, if necessary.

Threat Assessment Teams

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 11 of 12



Threat assessment teams review student threats/high-risk behaviours, consult with others, and develop action plans and recommendations in order to provide intervention to students and their families in a proactive manner.

Lockdown Procedures

A lockdown is a response to immediate physical danger in an around the vicinity of the school. This includes situations where a person or group is out of control, a person or group is in possession of weapons, an unknown trespasser is suspicious and avoiding school authorities, or other physical threats exist outside of our control. During a lockdown, staff and students take actions to reduce the possibility of confrontation. Lockdowns are school-specific.

Safe Work Procedures

Documented safe work procedures may be school-specific, but could include: emergency response plan for injured workers, working alone, how to deal with aggressive students, parking lot safety.

Violence Risk Assessment

Individual sites should assess areas, people and situations where violence may have an increased likelihood to occur.

C. REVIEW

All employees will be required to complete the Employee Acknowledgement Form (see [Appendix C](#)), indicating that the employee agrees to comply with and understands the contents of the Freedom from Harassment and Violence procedure.

The Mountain View School Division (MVSD) Freedom from Harassment and Violence procedure shall be reviewed annually by all staff at the September staff meeting.

Senior Administration and MVSD Workplace Safety and Health will review the procedure annually in September.

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Board Informed: Apr. 8, 2019	Procedure Review Date: Mar. 5, 2019 Apr. 10, 2015	Procedure Revision Date: Apr. 8, 2019 Jun. 15, 2015 Sep. 15, 2015	Page 12 of 12



**WORKPLACE SAFETY AND HEALTH COMMITTEE
HARASSMENT/VIOLENCE REPORT**

IDENTIFYING INFORMATION

Person affected

Name: _____ Position: _____
First Name Last Name

Address: _____ Contact #: _____

School/Department/Site: _____

Location of Incident (specify, e.g.: office, hallway, classroom, school grounds, etc.):

Date of Incident: _____ Time of Incident: _____
(enter as month / day / year)

Type of Harassment Verbal Written Email Other: _____

Type of Violence Verbal Hit Pushed Other: _____

Describe the nature of any injury or loss you have sustained:

Describe the incident and the events leading up to what happened:

Alleged Aggressor

Student Staff Other: _____

Individual's name and/or position, if known:

Description: Male Female Age: _____
Complexion: _____ Weight: _____ Height: _____

Witness Information

No. of Witnesses: _____ There were no witnesses

Witness(es)'s Name(s) and Position(s), if known. If not known, include a description:

General Information

Name of Supervisor: _____

Safety and Health Committee notified? Yes No

MVSD Safety and Health Notified? Yes No

Manitoba Safety and Health Notified? Yes No

Police Notified? Yes No

Did an investigation occur? Yes No

Was medical attention, first aid obtained? Yes No

Did you complete a Western Financial form? Yes No

Did you file a WCB form? Yes No

Signature

Reporter: _____

Date: _____
(enter as month / day / year)

Reporter may click on this e-mail icon to send the form as an attachment (without signature) to the supervisor. When Outlook opens, select the email address. A copy will be sent to the Manager of Human Resources.



SUPERVISOR TO COMPLETE THE FOLLOWING SECTION:

Immediate action/Investigation done:

Investigation Summary Report (7pg) Yes No *(if no, see investigation below)*

Investigation:

Control Measures/Corrective Actions:

Signature

Supervisor: _____

Date: _____
(enter as month / day / year)

Supervisor may click on this e-mail icon to send this form electronically (without signature) to the Manager of Human Resources.



PART I - PARTICULARS

If Injury, Injured Worker's Information:

Name of Injured: _____
First Name Middle Name Last Name

Home Address: _____

Telephone Number: _____

Occupation/Job Title: _____

Incident Information:

Location of Incident: _____

Supervisor's Name: _____
First Name Middle Name Last Name

Did the incident involve property damage? Yes No

If yes, please describe:

Was first aid administered? Yes No

If yes, please describe and include by whom:

PART II – DESCRIPTION OF INCIDENT

Describe the incident in detail:

PART III – EVIDENCE

Sketch of the incident scene:



Describe physical evidence collected:



Photo/Video evidence:



PART III – EVIDENCE (continued)

Persons with Information – Statement Summary:

Name:

First Name *Middle Name* *Last Name*

Date Interviewed:

dd/mm/yy

Occupation: _____

Did you witness the accident? Yes No

Name of Interviewer: _____

Summary of Statement:

Persons with Information – Statement Summary:

Name:

First Name *Middle Name* *Last Name*

Date Interviewed:

dd/mm/yy

Occupation: _____

Did you witness the accident? Yes No

Name of Interviewer: _____

Summary of Statement:

PART IV – INCIDENT CAUSATION

What was the DIRECT CAUSE of the incident? (What caused injury or damage?)

What were the INDIRECT CAUSES? (What caused the incident?)

Task:

Worker(s):

Material/Equipment:

Management:

Environment:

PART IV – INCIDENT CAUSATION (continued)

Immediate corrective actions to prevent reoccurrences:

Target Date for Corrective Action: _____
dd/mm/yy

Long-term solutions:

Target Date for Corrective Action: _____
dd/mm/yy

PART V – REPORT REVIEW

Signature of Investigator: _____

Date Report was Completed: _____
dd/mm/yy

Distribute Report To: _____

Signatures of Co-Chairpersons – Safety and Health Committee:

Employer Co-Chair: _____ Date: _____

Worker Co-Chair: _____ Date: _____



EMPLOYEE ACKNOWLEDGEMENT FORM

I hereby agree to comply with the Freedom from Harassment and Violence procedure. I understand the contents and I understand that disciplinary action, up to and including termination, may result if I should I commit any violation,

Employee Name (please print): _____

Employee Signature: _____

Date: _____