



**Niagara College of Applied Arts
and Technology
&
Niagara Regional Police Service**

**Security Operations
Protocol**

2003

Acknowledgements

Niagara College of Applied Arts and Technology would like to extend its sincere appreciation to the Niagara Regional Police Service for all the time, knowledge and assistance it has contributed to the development of the protocol.

Current Revision: January 2003

**Contents of Security Operations Protocol
Niagara College of Applied Arts and Technology
and Niagara Regional Police Service**

1.0	PURPOSE OF THE PROTOCOL.....	4
2.0	NIAGARA COLLEGE WATCH.....	5
3.0	RELEVANT LEGISLATION.....	7
4.0	POLICE CONTACT WITH STUDENTS.....	8
4.1	STUDENTS AS POTENTIAL WITNESSES.....	8
4.2	STUDENTS AS ACCUSED.....	9
4.3	ARRESTS.....	10
5.0	UNACCEPTABLE ACTIVITIES.....	11
5.1	NEED FOR A SEARCH AND SEIZURE.....	11
5.2	VANDALISM.....	11
5.3	TRESSPASS TO PROPERTY.....	12
5.4	INCIDENTS INVOLVING VIOLENCE AND OR WEAPONS.....	13
5.5	EXPOSIVES AND BOMB THREATS.....	15
5.6	ASSAULT, VERBAL OR PHYSICAL.....	15
5.7	GANG ACTIVITIES.....	16
5.8	DRUGS AND ALCOHOL.....	16
6.0	POLICE ACCESS TO STUDENT RECORDS.....	17
7.0	SIGNING OF AGREEMENT.....	18
	APPENDICES A, B, C & D	20

1.0 PURPOSE OF THE PROTOCOL

Niagara College of Applied Arts and Technology (herein, referred to as Niagara College) and the Niagara Regional Police Service support equally the premise that staff, faculty and students expect and deserve a safe working/learning environment.

Together, the two agencies will provide programs to increase safety at the College (herein, referred to as College Watch). These programs will include : Niagara Regional Police Service/Niagara College of Applied Arts and Technology Protocol, On-Site Security, Campus Watch, Drug Awareness Week, Alcohol Awareness Week, as well as Sexual Awareness Week (sponsored by the Student Administrative Council). Also, a Liaison Officer between the College and Niagara Regional Police Service has been established.

The College and Niagara Regional Police Service have created this document which represents the agreement between the two agencies to cooperate and communicate effectively. This document clarifies the respective roles of the two agencies, as well as the responsibilities outlined in maintaining open lines of communication in dealing with any situation that may arise on the College campuses.

The College and Niagara Regional Police Service will monitor the implementation of the protocol and will periodically discuss any issues that may arise.

The above policies and procedures are exclusive to Niagara College properties, including the College residences and student centres, as well as off site College sanctioned activities.

2.0 NIAGARA COLLEGE WATCH

The victim has the right to, firstly, lay a complaint of an alleged criminal activity to a Police officer.

The College Watch will include components similar to the College's Harassment and Discrimination Policy (APPENDIX E):

- (1) The College's existing complaint practices will be used with the victim's consent.
- (2) Clear and consistent disciplinary action will be applied in response to the following acts of violence:
 - (a) All levels of assaults including uttering threats;
 - (b) Sexual assaults and other sexual offences;
 - (c) Hate-motivated violence;
 - (d) Robbery and extortion;
 - (e) The possession and/or use of weapons;
 - (f) Extensive vandalism.
- (3) A Zero Tolerance Provision.

The College agrees to:

- (1) address issues regarding harassment and discrimination under the existing College policy and take witness statements accordingly.
- (2) dutifully and consistently release information and provide assistance to the Niagara Regional Police Service concerning emergencies and any criminal activities that occur on College property or involve members of the College community.
- (3) obtain the approval of the President and Vice-Presidents for the creation and continued existence of this protocol, with full recognition as a meaningful entity in the entire College community.
- (4) invite the Niagara Regional Police Service to routinely suggest measures to improve protocol as required.

2.0 NIAGARA COLLEGE WATCH continued

The Niagara Regional Police Service agrees to:

- (1) report, in a timely manner, all significant incidents that occur on all Niagara College campuses to the Manager Corporate Communications.
- (2) distribute all media releases pertaining to Niagara College to the College's Communications department.
- (3) ensure that the Niagara Regional Police Service policy regarding release of information is followed under the Freedom of Information and Protection of Privacy Act and/or the Municipal Freedom of Information and Protection of Privacy Act. In particular, restricted details that place the College and/or Police in a position of liability regarding criminal records or pending charges should not be released.
- (4) dutifully and consistently release information and provide assistance to the College concerning emergencies or any criminal activities that occur on College property or involve members of the College community subject to Freedom of Information Legislation restrictions.
- (5) ensure that all reasonable efforts are made to cause as little embarrassment to a student as possible if the Police must remove the student from the College.
- (6) In routine matters, ensure that unless the Police business is College related, the student is visited by Police at his/her residence.

3.0 RELEVANT LEGISLATION

Federal and provincial legislation govern the Police, College, faculty, staff and students, as well as any visitors to the College. The governing legislation is as follows :

- The Canadian Charter of Rights and Freedoms;
- Criminal Code of Canada(which takes precedence over all other acts);
- Young Offenders Act;
- Controlled Drugs and Substances Act;
- Trespass To Property Act;
- Colleges and Universities Act;
- Liquor Control Act;
- Municipal Freedom of Information and Protection of Privacy Act;
- Freedom of Information and Protection of Privacy Act.

The enforcement of the acts is under the jurisdiction of the Niagara Regional Police Service, with full cooperation from the College. If staff, students or visitors are charged with a criminal offence, all normal procedures will be followed under the Criminal Code of Canada and other relevant legislation.

4.0 POLICE CONTACT WITH STUDENTS

In the course of their investigations the Police may need to speak to students who were potential witnesses to an event or have some knowledge of some criminal conduct, and in these situations the following procedure will be followed.

4.1 INTERVIEWING STUDENTS AS "POTENTIAL WITNESSES"

General procedures:

If the student being interviewed is under 18 years of age:

1. The College will advise the student who is being interviewed as a potential witness that they will request the presence of their parent or legal guardian to be in attendance with them during the interview with the Police.
2. If a parent cannot be in attendance and the parent gives Police permission to proceed in their absence, the Director, Student Services or designate will be present during any interview of the student held at the College at the request of the student or parent.
3. If a parent cannot be located or refuses permission to proceed in their absence, the Police will be asked to arrange an interview with the parent and student at the student's home or Police station. If the Police refuse to reschedule the interview and the student wishes to speak to the Police, the Director, Student Services or designate will be present during the interview if given permission by the student.

If the student being interviewed is over 18 years of age:

Parent(s) and guardian(s) shall not be contacted by Police or the College without the permission of the adult student. (An adult student is a person 18 years of age and older.)

Specific Procedures:

1. If the Police wish to interview a student on College property, the Police officer shall contact the office of the Director, Student Services to advise the College officials of the nature of the visit, and to request a meeting with the student. College Security will locate and escort the student to a designated meeting room.
2. If the College is encountering a problem that may necessitate the involvement of the Police, Security Services will contact the Niagara Regional Police Service and request Police to attend at the College.

4.1 INTERVIEWING STUDENTS AS "POTENTIAL WITNESSES" continued

3. Parent(s) and guardian(s) shall not be contacted by Police or the College without the permission of the adult student. (An adult student is a person 18 years of age and older.)

4. When permission has been granted by the student (or parent in cases where student is under 18 years of age or less) it is the responsibility of the College to communicate to the Police officer if any student has a known learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. Depending on the nature or extent of the disability or exceptionality, the Director, Student Services or designate may remain if requested by the student during any interview held at the College.

5. A private room will be made available for such interviews to ensure confidentiality for students and/or parents.

6. If the student is not in attendance at College on that day, the College shall, if requested, inform the Police officer of the student's address, phone number, and proper date of birth in accordance with section 42(g) of the Freedom of Information and Protection of Privacy Act or section 32(g) of the Municipal Freedom of Information and Protection of Privacy Act, which is the authority for providing such personal information (see Appendix D for definition) to law enforcement officials who are conducting an investigation of law enforcement proceedings.

4.2 INTERVIEWING OF STUDENTS AS "ACCUSED"

1. If the Police wish to interview a student on College property, the Police officer shall contact the College or Security Services to advise College officials of the nature of the visit, and to request a meeting with the student.

2. If the College is encountering a problem that may necessitate the involvement of the Police, the Manager, Health, Safety and Security or Security Services may contact the Niagara Regional Police Service and request Police to attend at the College.

3. Parent(s) and guardian(s) shall not be contacted without the permission of the adult student. (An adult student is a person 18 years of age and older.)

4. When permission has been granted by the student (or parent in cases where student is under 18 years of age or less) It is the responsibility of the College to communicate to the Police officer if any student has a known learning disability or other exceptionality that may impede the student from expressing or understanding written/oral communication. Depending on the nature or extent of

the disability or exceptionality, the Director, Student Services, or designate, may remain if requested by the student during any interview held at the College.

4.2 QUESTIONING OF STUDENTS AS "ACCUSED" continued

5. A private room will be made available for such interviews to ensure confidentiality for students and/or parents.

6. It is the responsibility of the Police officer to inform a student, under the age of 18 years, who is being questioned of his or her rights, specifically the right to talk with a lawyer; the right to talk with his/her parents or any other adult relative or adult who may be of assistance to them; and that he/she have been properly informed about the nature of the charge and cautioned by the Police. If a college employee is consulted as an adult who may be of assistance, that employee is to advise the student not to make a statement without his or her parents or lawyer being present.

7. If the student is not in attendance at College on that day, the College shall, if asked, inform the Police officer of the student's address, phone number, and proper date of birth in accordance with section 42(g) of the Freedom of Information and Protection of Privacy Act or section 32(g) of the Municipal Freedom of Information Protection of Privacy Act, which is the authority for providing such personal information (see Appendix D for definition) to law enforcement officials who are conducting an investigation of law enforcement proceedings.

4.3 ARRESTS

If, as the result of the Police investigation it is determined that an arrest will be made, it is the role of the Police to do the following:

1. If the student is under 18 years of age the Police shall attempt to contact the parents or legal guardians to advise them that an arrest has been made.

2. The Police will ensure the student is informed of his/her rights, cautioned and placed under arrest.

3. Where practical all accused statements will be written at the Police station, not at the College.

4. If the student is under 18 years of age the Police will prepare and serve the requisite "Notice to Parents" when completing the "Information" to be sworn by the Justice of the Peace, as proof that the parents have been informed of the charges and the arrest.

5.0 UNACCEPTABLE ACTIVITIES AND OR BEHAVIOR

Niagara College has the duty to carry out an investigation to establish the nature and extent of an incident, but when it becomes apparent that an offence has been committed, the Police should be notified.

However, in the case of minor incidents it will be left to the discretion of the College as to whether or not the Police will be contacted. The College has both the duty and authority to maintain order and discipline on its properties. College officials retain their power to investigate and punish commonplace student misconduct without involvement of the Police. Pushing, shoving, wrestling and punching where no one is seriously hurt (no medical attention is required) could be handled by the College as a discipline matter. A victim or the victim's parents can always involve the Police and if they decide to do so, the College should not interfere. The College can also deal with other commonplace student misbehaviour, such as defacing College property. College discipline may achieve the purpose of instruction and rehabilitation of the offender without Police involvement.

5.1 NEED FOR A SEARCH AND SEIZURE

1. The Canadian Charter of Rights and Freedoms (Section 8) states "Everyone has the right to be secure against unreasonable search or seizure. Potential criminal activity observed by College Security will be forwarded to the police who would then conduct an investigation and take appropriate action.
2. It is the responsibility of college staff to advise the students at the beginning of the academic year verbally and/or in writing (i.e., student handbooks, codes of conduct) that lockers are considered College property, and that a search of such property is permissible by the College administration. It is recommended that the student and a College official be present when the locker is being opened to avoid allegations of improper conduct by administration.

5.2 VANDALISM

Vandalism is defined as "any damage to property that occurs on College grounds caused by irresponsible behaviour". Vandalism, therefore, is considered by the College to be a serious disciplinary matter and under all circumstances constitute criminal behaviour.

Both the College and the Police recognize that immediacy in contacting the Police regarding any vandalism complaint will assist in the investigation and preservation of evidence. However, in the event of minor vandalism to College property it is left

to the discretion of the College to handle it internally through disciplinary action and/or securing compensation for damage.

5.2 VANDALISM continued

1. It is the responsibility of the College to immediately upon discovery, report all major acts of vandalism or mischief to the Police to investigate.
2. The College shall provide a written financial costing of the damage to the investigating officer. Alternatively, this information shall be provided to the Police or Crown Attorney's Office as soon as available. The College shall in writing request a "restitution order" from the Court in favour of Niagara College of Applied Arts and Technology as opposed to a "compensation order". The former method is preferable to the College because direct payment of any damages will be made to the Court House, who in turn will reimburse the College.

5.3 TRESPASS TO PROPERTY

Under the Trespass to Property Act R.S.O. 1990 c.T-21, the College has all the rights of an "occupier" to maintain control over the College premises which is broadly defined to include the College buildings, offices, and parking area.

In order to ensure that only those with a legal right to be on College property are present, the College and Police agree to comply with the following protocol in dealing with trespassers and unwanted visitors.

1. The College has the duty to exercise its discretion to refuse admission to anyone, particularly anyone whose presence in the College or classroom would be detrimental to the physical or mental well being of the students and staff.
2. In the event a staff member observes or becomes aware of a person who has or is entering premises where entry is prohibited, or is engaging in a prohibited activity or fails to leave the premises immediately after being directed to do so, they shall contact security services who will:
 - 1) if possible, confront the "trespasser" and identify themselves
 - 2) ask the "trespasser" to identify him/herself including postal address and the reason for his/her presence on College property.
 - 3) verbally request the person to leave the premises and not return.
 - 4) send the "trespasser" a written notice, by registered mail, in conformity with Appendix A.

5) if unable to identify the person for the purpose of sending a letter, Security Services shall record the incident and the fact that the trespasser received a verbal warning.

5.3 TRESPASS TO PROPERTY continued

4. Once warned, if a staff member observes or becomes aware of the trespasser returning, it is his/her responsibility to immediately contact Security Services and then monitor the situation while awaiting the arrival of Security, as he/she may be necessary as a witness in any subsequent proceedings.

5. It is the responsibility of the Police to investigate, arrest/or charge an alleged trespasser if they observe the trespassing or in circumstances deemed to be "fresh departure". Alternatively, the Police will issue the trespasser with a summons under the Trespass to Property Act.

5.4 INCIDENTS INVOLVING VIOLENCE AND/OR WEAPONS

A. Definition of a Weapon

1. It is clear from the following definition that the term "weapon" has broad meaning. It includes everything from legally restricted weapons or replicas of a weapon (i.e., firearms, knives, laser pointers) to commonplace objects like penknives and elastic bands. Individual circumstances will often dictate whether an object is viewed as a weapon or not.

2. Section 2 of the Criminal Code of Canada defines "weapons" as follows:

- a) anything used or intended for use in causing death or injury to persons whether designed for that purpose or not, or
- b) anything used or intended for use for the purpose of threatening or intimidating any person.

B. Possession of a Weapon by a Student

1. When a student is found to be in possession of an "object" on College property or at a College function, which could be deemed a "weapon" as defined in this policy, the Manager, Health, Safety and Security or Security Services shall confiscate the object if it is safe to do so. If the student refuses to relinquish the weapon, the Police (and parent or guardian if the student is under 18 years of age) shall be called.

2. If the office of the Director, Student Services or the Manager, Health, Safety and Security perceives that it would be prudent to return the

object/weapon to the student at the end of the College day with instructions that it not be brought to College in the future, he or she may do so. In addition, other appropriate disciplinary action may be taken.

5.4 INCIDENTS INVOLVING VIOLENCE AND/OR WEAPONS continued

3. The College may decide it may not be prudent to return the object/weapon to the student. In addition, appropriate disciplinary action may be taken.

4. If the object is a restricted or prohibited weapon, including a firearm, it must be turned over to the Police and appropriate disciplinary action shall be taken.

C. Possession of a Weapon by Persons other than Students

1. Where a person who is not a student is found to be in possession of a weapon or replica on College property or at a College function, the College will make every effort to ensure the safety of students and staff and call the Police for assistance.

2. The College, if it is safe to do so, has the authority to request any person to leave the property under appropriate circumstances in accordance with the Trespass to Property Act.

D. Use of a Weapon by Students

1. When a student has used a weapon, the College will do the following:

- a) contact the Police, and if necessary other emergency services (i.e., fire, ambulance) and,
- b) communicate with the student's parent/legal guardian if the student is under the age of 18

2. In addition to the above, but depending on the nature and severity of the situation, the College may also:

- a) suspend the student, with the provision that the suspension may be continued after further investigation and consideration of this incident and/or
- b) determine an alternative learning placement for the student upon consultation with the Director, Student Services and/or
- c) recommend the student be expelled from Niagara College of Applied Arts and Technology.

3. Any student who is found in possession of a weapon, a replica or who uses a weapon on College property or at a College function may be

5.4 INCIDENTS INVOLVING VIOLENCE AND/OR WEAPONS continued

charged after a Police investigation, and/or disciplined in accordance with College policy (See Appendix B) which views any incident involving weapons or violence as requiring serious disciplinary action.

4. College staff may deny entry to College-sponsored activities to students whom they know to have a record of violence or who have been found in possession of any weapon.

5.5 EXPLOSIVES AND BOMB THREATS

Bomb threats will be handled according to the College policy currently in effect (See Appendix C).

5.6 ASSAULT: VERBAL OR PHYSICAL

The College will not tolerate acts of violence or assault on or by its students and staff.

The purpose of this protocol is to offer guidance to the College staff in dealing with allegations of incidents of assault. These incidents would include visitors, college staff and or students.

It should be noted that THREATENING, under the Criminal Code of Canada is a form of assault. The College procedures and consequences in dealing with threatening may thus be similar to those for assault.

Depending on the severity and frequency of the assault or threat, the Police will be contacted for consultation and the filing of an incident report. The Police will provide the College with an incident number for the College's records.

The *Criminal Code of Canada* defines assault in the following manner:

- a) the application of force intentionally to that other person, directly or indirectly, without the consent of another person, or
- b) to attempt or threaten, by an act or a gesture, to apply force to another person, when you have, or cause another person to believe upon reasonable grounds that you have, the present ability to effect such a purpose, or

c) while openly wearing or carrying a weapon or an imitation thereof, you accost or impede another person or beg.

d) the Criminal Code provides the following: Section 265 (1) "A person commits an assault when he attempts or threatens by an act or gesture, to apply force to

5.6 ASSAULT: VERBAL OR PHYSICAL continued

another person, if he has, or causes that other person to believe upon reasonable grounds that he has, present ability to effect his purpose". Verbal threats in section 264(1) states that "Everyone commits an offence who in any manner knowingly utters, conveys or causes any person to receive a threat (a) to cause death or bodily harm to any person; (b) to burn, destroy or damage real or personal property; or kill, poison or injure an animal or bird that is the property of any person."

5.7 GANG ACTIVITIES

Role of Security:

(1) Officers need to be aware of any gang or racism-related activities. Files should be created concerning each group as Security is made aware of them.

(2) Officers will increase their knowledge of gang and racism-related material on a regular basis i.e.:

- colours
- dress-code
- affiliation
- purpose

(3) Niagara Regional Police will be apprised of all gang or racism-related activities at the College.

5.8 DRUGS AND ALCOHOL

Possession, trafficking, or use of illegal drugs is prohibited on any Niagara College property. If drug possession, trafficking, or use is observed on Campus, it will be reported to the Niagara Regional Police.

Alcohol is strictly forbidden on the College Campus, with the exception of the student residences and the student centres, and under controlled conditions. If

alcohol is observed being consumed anywhere, other than the above-described areas, it will be disposed of. If the person refuses to either pour the beverage out or give it to Security, Niagara Regional Police will be summoned. A zero-tolerance policy will be strictly adhered to be the College, Security and Niagara Regional Police.

6.0 POLICE ACCESS TO COLLEGE RECORDS

Records such as attendance reports, suspension records, incident reports, etc. may be the subject of a search warrant or subpoena.

In civil matters, a court may issue an order to produce certain records and in those situations the College shall produce the records in accordance with the court order.

In criminal matters, if the College is served with a *search warrant* requesting the surrender of records to the Police, the College is obliged to comply with the warrant. In no other circumstances can the records be given to the Police.

If a College employee is personally served with a *subpoena* requiring his/her testimony in a criminal case, he/she is obliged to comply with the subpoena, attend court, and produce records if required. Records requested in the subpoena should immediately be sealed and taken to court on the date requested.

If the Police are conducting an investigation for the purpose of law enforcement proceedings, the College may rely upon section 42(g) of the Freedom of Information and Protection of Privacy Act or 32(g) of the Municipal Freedom of Information and Protection of Privacy Act to release personal information (see Appendix D for definitions) to the law enforcement official. The Police may make a request verbally or, in writing and state that it is for the purpose of a Police investigation.

7.0 SIGNING OF AGREEMENT

Niagara Regional Police Service and Niagara College of Applied Arts and Technology protocol approved by :

Gary E. Nicholls, B.A., Chief,
Niagara Regional Police Service

Dan Patterson, President,
Niagara College of Applied Arts and Technology

Date

Date

References

- The Canadian Charter of Rights and Freedoms
- Criminal Code of Canada
- Young Offenders Act
- Controlled Drugs and Substances Act
- Trespass To Property Act
- Colleges and Universities Act
- Liquor Control Act
- The Municipal Freedom of Information and Protection of Privacy Act
- Freedom of Information and Protection of Privacy Act

NOTES

APPENDIX A

-SAMPLE LETTER-

Date

Mr. John Doe
000 Any Street,
Anytown, ON
X1X 1X1

Dear Mr. Doe:

As a result of information received by the Administration of Niagara College, and interviews with various members of the college community, you are hereby notified pursuant to the provisions of the *Trespass to Property Act*, R.S.O. 1990, c. T.21 and amendments thereto, that you are prohibited from entering on any property of Niagara College, and for the purposes of this notice, Niagara College's property includes the following:

Welland Campus (including Student Residence and Student Centre)
300 Woodlawn Road
Welland, ON

Glendale Campus (including Student Residence, Student Centre and Pub)
Taylor Road
Niagara-on-the-Lake, ON

Maid of the Mist Centre
Dunn Street
Niagara Falls, ON

Niagara College Career Centre
Huggins Street
Niagara Falls, ON

Sincerely,

Rick Demers
Manager, Health & Safety and Security

RD:im

Cc: Student Centre Manager
Site Supervisor, Initial Security
Director, Student Services
General Manager, Niagara College Residence & Conference Centre

APPENDIX B

Niagara College Weapons Policy

Intent:

Niagara College is committed to establishing and maintaining a working and learning environment that is free of violence and intimidation. The College has initiated a “Zero Tolerance” policy in regard to the presence of weapons and firearms on any College campus.

Practice

No one shall be permitted to have or use firearms, replica firearms, weapons, ammunition or explosive substances on lands or in premises which are leased, owned, operated or otherwise controlled by Niagara College, unless specifically granted such permission by the College.

Explosive substances stored in accordance with College requirements and used in the ordinary course in College supervised laboratories for the purposes of conducting research and teaching shall not be included in this policy while being used for the purposes intended.

The College and the Niagara Regional Police Service are willing to comply with religious and cultural requirements in regard to the presence of ceremonial weaponry. This compliance will be given with full expectation that the weapon is being worn strictly in a religious, cultural and non-violent manner. Full disciplinary measures will be exercised if the weapons are used for any other purpose.

Peace officers and members of the Canadian Armed Forces attending College premises in the course of their duty, shall not be required to obtain permission to carry duty weapons. Weapons used within the confines of the Centre for Policing and Community Safety shall be subject to procedures used by the Niagara Regional Police Service.

Anyone found to have contravened the restrictions set out herein, shall be disciplined and/or prosecuted and all offending firearms, replica firearms, weapons, ammunition or exploding substances may be confiscated.

The terms Firearms, Replica Firearms, Weapons, Ammunition and Explosive Substances shall have the meanings given to them under the Criminal Code of Canada from time to time.

APPENDIX B

Procedures

1. Permission

Persons wishing to bring firearms, replica firearms, weapons, ammunition or explosive substances on lands or premises which are leased, owned, operated or otherwise controlled by Niagara College may request permission to do so as follows:

For Academic Purposes:

- ❖ If the firearm, replica firearm, weapon, ammunition or explosive substance is being brought on to College premises for use in teaching, permission to do so must be requested from the Manager of Health , Safety and Security.

For Other Purposes:

- ❖ If the firearm, replica firearm, weapon, ammunition or explosive substance is being brought on to College premises for other than academic purposes, permission to do so must be requested from the Manager, Health, Safety and Security.

2. Form of Request:

All requests will be made in writing and include, among other things:

- ❖ Proof of ownership and registration of any firearms,
- ❖ Copies of such other permits or documents as may be required by law from time to time,
- ❖ A detailed statement of the purpose of the request and the use to which the weapon or material will be put, including information as to when and for what purpose the firearms or weapons will be fired, and how and where the material will be stored.
- ❖ Such evidence as can be provided as to the experience and expertise of the applicant in using or handling the weapon or material.

3. The College shall be free to either give or withhold the permission being requested, or to impose such conditions on its permission as it determines are appropriate in the circumstances.

3. It shall be a condition of any permission granted that the applicant sign an undertaking and indemnity in the form attached hereto (or as may be amended from time to time).

APPENDIX B

PERMISSION FORM FOR WEAPONS AND FIREARMS

Please Print Clearly

Date: _____

NAME:

First	Middle	Last
-------	--------	------

ADDRESS:

PHONE: _____

BUS: _____

FAX: _____

STUDENT/EMPLOYEE NO. _____

FIREARMS ACQUISITION CERTIFICATE: _____yes _____no
NUMBER: _____

DEPARTMENT: _____

PROGRAM: _____

CONSENTING DIRECTOR:

NAME: _____

SIGNATURE: _____

(Please print)

REASON FOR FIREARM/WEAPON ON CAMPUS:

STUDENT/STAFF MEMBER'S SIGNATURE

MGR-HEALTH, SAFETY, SECURITY

APPENDIX C

NIAGARA COLLEGE'S BOMB THREAT PREPAREDNESS PLAN

INTRODUCTION TO BOMB THREATS

Bomb threats may be received by telephone, fax, mail, or through a third party (i.e. media or police).

Time is of the essence when a bomb threat is issued by any means. Responsible people have to be ready to react effectively and efficiently in order to proceed in a safe manner. It is the policy of the Niagara Regional Police that they will not search for bombs in a bomb threat situation. College staff officials will search the site in question. Any decision to evacuate will be initiated by the most senior College management person available. The Niagara Regional Police Bomb Squad may be activated through the police officer responding to the site.

Bomb Threat by Telephone

If a bomb threat is received by telephone, attempt to keep the person talking. Most bomb threats received during the day will be through the switchboard operators. When a bomb threat is received:

- Listen
- Be calm and courteous
- Do not interrupt the caller
- Obtain as much information as possible
- Immediately after hanging up, the person receiving the bomb threat should:
 1. Call the Manager, Health, Safety and Security at extension 7417 and/or Security at ext. 6666, who will notify the police
 2. Record, and take the completed telephone checklist to:
 - Manager, Health, Safety and Security, or Director of Human Resources or designee (Welland)
 - Vice President, or designee (Glendale)
 - Director of Hospitality and Tourism, or designee (Maid of the Mist Centre)
 - Director, or designee for the remote campuses/centres

APPENDIX C

TELEPHONE CHECKLIST

Questions to Ask:

1. What time will the bomb explode? _____
2. Where is it? _____
3. What does it look like? _____
4. What is the bomb made of? _____
5. Where are you calling from? _____
6. Why did you place the bomb? _____
7. What is your name? _____

Threat Specifics

Date: _____ Time: _____

Duration of Call _____ Internal/External Line _____

Exact Wording of Threat _____

Identifying Characteristics:

Sex: Male _____ Female _____ Not Sure _____

Estimated Age: _____

Accent: English _____ French _____ Other _____

Voice: Loud _____ Soft _____ Other _____

Speech: Fast _____ Slow _____ Other _____

Diction: Good _____ Nasal _____ Lisp _____ Other _____

Manner: Emotional _____ Calm _____ Vulgar _____ Other _____

APPENDIX C

Identifying Characteristics (continued)

Background Noises: _____

Voice was Familiar (specify): _____

Caller was Familiar with Area: _____

Threat Recipient's Particulars

Name: _____

Department: _____

APPENDIX C

LIKELY LOCATIONS FOR A BOMB

Lockers	Behind Pictures
Filing Cabinets	Under Sinks
Under Couch Cushions	Behind Plumbing
Garbage Containers	Hollow Furniture
Closets	Cupboards
Behind Plants	Air Vents
Stairwells	Under Piles of Laundry
Inside Stoves, Refrigerators	Under Desks
Drawers, Cabinets	Mechanical Rooms
Utility Room	Lounge Areas
Meeting Rooms	

BOMB THREAT BY MAIL

The first person reading the document shall insert it into a mylar or plastic cover to avoid smearing possible fingerprints and then take it to the Manager, Health and Safety and Security and/or Security who will then initiate a bomb search.

BOMB THREAT BY THIRD PARTY

If a third party, i.e. a police officer receives a bomb threat, direct them to the Manager, Health and Safety and Security and/or Security.

APPENDIX C

SEARCH PROCEDURE

The Manager, Health and Safety and Security and all Security (or designated personnel will put an identification so they can be easily recognized by outside agencies and staff. A location will be designated as the Control Centre where all search personnel can report their findings. The following personnel will conduct a systematic and predetermined search of their area of duty, including adjacent stairwells, washrooms, elevators etc.

WELLAND CAMPUS

AREA	PERSONNEL
Hennepin, CCC, After Hours	Search Team A
BW, Skill Centre, Motorcycles, Lot I	Search Team B
Voyageur, BRTF, Boiler Rm, Tunnel, S&R, Mail Room	Search Team C
Lundy, Secord	Search Team D
Merritt, Lots E&F	Search Team E
Simcoe	Search Team F
Mackenzie, Gas Storage, Portables 4,6,7, Lot H	Search Team G
TEC, Garage, Caff, LRC, HR, Bookstore, Manera C	Search Team H

GLENDALE CAMPUS

AREA	PERSONNEL
Lower Ground Floor	Search Team A
Ground Floor	Search Team B
2 nd Floor	Search Team C
3 rd Floor	Search Team D

MAID-OF-THE-MIST-CENTRE

AREA	PERSONNEL
North Half	Search Team A
South Half	Search Team B

Other campuses/centres, Director of campus/Centre

APPENDIX C

FINDING OF SUSPICIOUS OBJECT(S)

The person finding a suspicious object should notify the Manager, Health and Safety and Security and Security, or person in charge, immediately and provide the following information:

- Location of the object
- Reason(s) suspected
- Description of the object
- Any other useful information

While awaiting the arrival of the explosives unit, the Manager, Health and Safety and Security of person in charge (in consultation with authorities) should:

1. Establish perimeter control of the area and ensure that no one approaches, or attempts to remove the object.
2. Endeavor to establish ownership of the object to ensure that the object does not actually belong to someone.
3. Establish the most direct route to the object.
4. Detail someone familiar with the building, and the area the object is, to meet the explosives unit personnel on their arrival.
5. Continue search procedure until all areas have reported to the Manager, Health and Safety and Security or person in charge as there may be more than one unidentified object.

EVACUATION

When directed to evacuate, the following procedures should be followed:

1. Ensure that students and staff have taken all of their personal belongings that are in their immediate possession.
2. Evacuate to a minimum distance of 100 meters (300 feet) in all directions.
3. **Avoid Panic** – Leave all buildings in an orderly fashion.
4. Ensure that the access routes used in the evacuation have been thoroughly searched and that personnel direct evacuees along these routes.
5. Use elevators with caution.
6. **Never disturb suspicious packages!**

PRESIDENT RESPONSIBILITIES

Responsibilities include:

1. Delegate individual(s) in the event of the President being absent.
2. Appointed delegates will address all media queries.
3. Decide whether to officially close the College and to ensure all campuses\centres have received the message.

VICE PRESIDENT RESPONSIBILITIES

Responsibilities include:

1. Ensure that the responsible people understand and follow all emergency procedures.
2. Act in the absence of the President if assigned.

APPENDIX D

Freedom of Information and Protection of Privacy Act

R.S.O. 1990, c. F-31

Amended by: 1992, c. 14, s. 1; 1992, c. 32, s. 13; 1993, c. 38, s. 65; 1994, c. 11, s. 388; 1994, c. 12, s. 49; 1995, c. 1, s. 82; 1996, c. 1, Sched. K, ss. 1-12; 1996, c. 2, s. 66; 1996, c. 6, ss. 2, 3; 1996, c. 25, s. 6; 1997, c. 41, s. 118; 1998, c. 26, s. 103; 2001, c. 28, s. 22.

As of December 12, 2001.

Definitions:

"personal information" means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

APPENDIX D

Municipal Freedom of Information and Protection of Privacy Act

R.S.O. 1990, c. M-56

Amended by: 1992, c. 32, s. 23; 1995, c. 1, s. 83; 1996, c. 1, Sched. K, ss. 13-24; 1996, c. 2, s. 73; 1996, c. 32, s. 77; 1997, c. 25, Sched. E, s. 8; 2000, c. 26, Sched. J, s. 2; 2001, c. 28, s. 23.

As of December 14, 2001.

Definitions:

"personal information" means recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except if they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

APPENDIX E

PRACTICE TITLE: Harassment and Discrimination

INTRODUCTION

Niagara College is committed to the principles of the Ontario Human Rights Code which are to recognise the dignity and worth of every person and to provide equal rights and opportunities without any form of discrimination that is contrary to law. With specific reference to Harassment and Discrimination (as described below), Niagara College adopts the principle of Zero Tolerance.

Each member of the Niagara College community is responsible for helping to create an environment which is harassment and discrimination free so that work and learning can be conducted in an environment of understanding and mutual respect for the dignity and rights of each individual.

WHAT IS COVERED?

This practice is intended to address discrimination, harassment and sexual harassment within the college environment recognising that conduct to be offensive, degrading, and threatening. The prohibited grounds of discrimination or harassment covered under this practice relate to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, and handicap. In addition to addressing direct discrimination or harassment the practice also addresses systemic or constructive discrimination.

However, it is to be understood that this practice is not intended to constrain social interaction between people at Niagara College.

WHO IS COVERED BY THE PRACTICE?

The practice and procedures will apply to:

- All College staff, full-time and part-time;
- All students (including students on work placement), full-time or part-time;
- Members of the Board of Governors;
- Members of standing, ad hoc and advisory committees established by the institution;
- Members of societies, associations and clubs which have a direct relationship or are under the authority of the institution;
- Contractors such as those undertaking construction, provision of service or research, and;
- Visitors or guests who have no ongoing connection to the institution but are on campus.

APPENDIX E

PRACTICE TITLE: Harassment and Discrimination

WHERE DOES THIS APPLY?

The practice covers conduct that may occur on or off the College campus. Specific to off campus conduct the discrimination or harassment complained of must directly relate to the action of an individual associated with the college and carrying out some form of duty, responsibility or other activity on behalf of Niagara College. Individuals who have complaints regarding discrimination or

harassment unrelated to Niagara College are encouraged to pursue those complaints against the appropriate parties directly with the Ontario Human Rights Commission.

DEFINITIONS AND EXAMPLES

Harassment - one or a series of vexatious comments or conduct related to one or more of the prohibited grounds that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate. Examples include gestures, remarks, jokes, taunting, innuendo, display of offensive materials, offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion related to the prohibited grounds.

Sexual Harassment - one or a series of comments or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate. Examples include gestures, remarks, jokes, slurs, taunting, innuendo, threats, physical, verbal, or sexual assault, unwanted physical contact, invitations, leering, the display of sexually offensive material, solicitation, demands, penalties related to sexual orientation, marital, or family status; unwanted attention, implied or express promise of reward or benefit in return for sexual favours, implied or express threat or act of reprisal if sexual favours are not given, sexual assault.

Discrimination - action(s) or behaviour(s) that results in the unfavourable or adverse treatment or preferential treatment related to the prohibited grounds. Examples include any differential treatment. Common examples are refusal to provide goods, services or facilities, exclusion from employment or employment benefits, refusal to work with, teach, or study with someone, failure to provide physical access.

Negative Environment - a series of comments or pattern of conduct that creates a negative environment for individuals or groups and **are related to the prohibited grounds**. The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes conduct or comment that creates and maintains an offensive, hostile, or intimidating climate for study or work. Examples include exposure to graffiti, signs, cartoons, remarks, exclusion, adverse treatment related to one or more of the prohibited grounds.

Systemic or Constructive Discrimination - policies, practices, procedures, actions or inaction, that appear neutral, but have an adverse impact associated with one of the prohibited grounds. An example is exam schedules that conflict with important religious events.

APPENDIX E

PRACTICE TITLE: Harassment and Discrimination

REPRISALS, RETALIATION OR THREATS

It is contrary to this practice for anyone to retaliate, make reprisals or threats of retaliation or reprisal against a complainant or other individual for:

- (a) having pursued rights under this practice or the *Ontario Human Rights Code*;
- (b) having participated or co-operated in an investigation under this practice or the *Ontario Human Rights Code*;
- (c) having been associated with someone who has pursued rights under this practice or the *Ontario Human Rights Code*.

Anyone found to have retaliated or made reprisals in these circumstances will be subject to sanction and discipline.

PREVENTION AND EDUCATION

Copies of this practice will be posted on staff bulletin boards throughout the college as well as in the Student Handbook and on the College Website at www.niagarac.on.ca.

Consistent with the Ontario Human Rights Code and the principle of zero tolerance, persons who have the authority to prevent or discourage harassment or discrimination are considered responsible for failing to exercise their authority to do so. This would apply when the person knew or should have known about the harassment or discrimination, and could have stopped it.

FRIVOLOUS, VEXATIOUS OR BAD FAITH

Complaints may be found to be without merit or trivial, frivolous, vexatious, or made in bad faith. Allegations of harassment or discrimination are serious matters. Frivolous, vexatious, or bad faith complaints may result in sanction against the complainant.

TIMELINES

A complaint, either formal or informal, must be filed within six (6) months of the incident except in extenuating circumstances that would explain the delay. Should a late complaint be filed, the College will assess the extenuating circumstances against any prejudice to a respondent to determine if the matter should proceed through the complaint process.

COMPLAINT PROCESS

As an important part of this practice, the complaint process provides an internal mechanism for receiving complaints of discrimination or harassment and setting out a procedure by which the College will deal with a complaint received.

Any person who is covered by this practice may make complaints under this practice and nothing precludes the College from being a complainant.

APPENDIX E

PRACTICE TITLE: Harassment and Discrimination

Complainants are encouraged to utilise this internal practice and procedure. However, it is recognised that he/she may choose to pursue a complaint under the *Ontario Human Rights Code* directly with the Ontario Human Rights Commission or by way of a grievance procedure outlined under an applicable collective agreement.

Complainants and respondents may receive advice and counselling regarding this practice, the complaint process and external avenues of redress through the Student Services Division, Student Administrative Council, the Administrative Staff Association (NASA) or OPSEU Locals 242/243 or the Human Resources Department.

Informal Resolution Process

Recognising that it is often in the best interest of all parties, individuals are encouraged, where appropriate, to attempt to resolve the matter themselves. An employee having a complaint should discuss the matter with:

- (a) their immediate supervisor, or
- (b) the Director of Human Resources, or designate.

A student having a complaint should discuss the matter with:

- (a) their Academic Director, or
- (b) the Director of Student Services, or designate.

Any other person covered by this practice having a complaint should discuss the matter with the College Administrator most closely associated with their activity on Campus.

During the informal resolution process, the emphasis will be on problem resolution; consequently, this stage will not involve a formal investigation.

The person receiving the complaint will interview both the complainant and the respondent, advise the parties of their rights under this practice, the Collective Agreement or Terms and Conditions of Administrative Staff and the Ontario Human Rights Code. At the first opportunity, the parties will be provided with a copy of this practice.

If the complaint is resolved at this stage, the complainant, the respondent and the College will prepare a brief written summary reporting general circumstances and resolution only. Each party will retain a copy.

The informal process is to be concluded within thirty (30) college working days of the initial discussion of the complaint. In most circumstances it is anticipated that the informal process should result in:

- (a) an informal resolution, or
- (b) a withdrawal of complaint.

PRACTICE TITLE: Harassment and Discrimination

If no resolution occurs at the informal resolution stage, and if initiated by the complainant within ten (10) college working days of the conclusion of the Informal Resolution Stage and agreed to by the respondent and the College, a Mediator may be appointed. If mediation is agreed to, the process will not normally exceed (30) college working days. An extension must be agreed to by all parties.

If a complaint is not resolved the complainant may then initiate the formal complaint process without delay.

Formal Complaint Process

If there is no resolution under the Informal Resolution Process and the complainant wishes to proceed with the matter, he/she must complete a complaint form and file same with the office of the appropriate Vice-President within five (5) college working days of the conclusion of the informal process. On receipt of this formal complaint, the Vice-President or designate will acknowledge receipt of the complaint within ten (10) college working days to the complainant on behalf of the College. **Should the complaint not be filed within five (5) college working days of the conclusion of the informal process, the complaint will be deemed abandoned and the complainant will only have further right to pursue the matter under the terms of this practice at the College's discretion.**

Assuming the complaint is filed in a timely manner, the College will appoint an impartial investigator to determine if the complaint has merit. The investigator will normally submit his/her report within sixty (60) college working days of his/her appointment.

If no resolution occurs at the investigative stage, a committee of three (3) persons will be struck to review the complaint. The committee shall be composed of:

- (a) an individual named by the respondent,
- (b) an individual named by the complainant,
- (c) an impartial Chair appointed by the college (or by mutual agreement of the respondent and complainant).

The committee will review the matter with the persons concerned, cause further investigations to be conducted where necessary and make arrangements for a hearing date as soon as possible, but normally no later than thirty (30) college working days following the impartial investigator's report.

The committee will hear representations from the Complainant and the Respondent, both of which may choose a representative to be present during the hearing process. The committee may call other witnesses as deemed necessary. The committee will decide on its own procedures respecting the principles of natural justice.

APPENDIX E

PRACTICE TITLE: Harassment and Discrimination

Normally, within ten (10) college working days of the hearing, the committee will forward its findings, in writing, to the appropriate Vice-President or designate with recommendations, where appropriate, for sanctions or redress. The decision regarding the resolution of the complaint including sanctions and/or redress, where appropriate, will be communicated in writing to the complainant and respondent in writing normally within ten (10) college working days from receipt of the committee report.

SANCTIONS AND REDRESS

The following sanctions and redress options are available during both the informal process and the formal process. Complaints that are found to be without merit or trivial, frivolous, vexatious or made in bad faith are subject to these sanction and redress options.

- Sanctions should relate to both the seriousness of the matter and to the respondent's relationship to the College. If a sanction applies to an employee, the principles of progressive discipline will be considered.
- Redress options should aim at restoring the complainant to the position they would have been in had the breach not occurred.
- Sanctions may include verbal or written warning, apology, transfer, demotion, suspension, mandatory training/education, dismissal or expulsion.
- Examples of redress may include receipt of written apology, restoration of employment position or academic status, review of marking, and provision of counselling.

RECORDS AND CONFIDENTIALITY

Niagara College acknowledges that it may be difficult to come forward with a complaint of discrimination or harassment. The College recognises a complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the individual complained against and any others who may be involved, the College will use its best efforts to maintain confidentiality through the process to the extent practicable and appropriate under the circumstances. Given the very nature of these matters, the procedure to be followed and the necessity to often include individuals in the process other than the complainant and the respondent(s), the College cannot guarantee confidentiality.

The appropriate Vice-President will retain closed investigative files. All information retrieved or generated relating to the complaint will be maintained in a secure manner. The requirements of the *Freedom of Information and Protection of Privacy Act* will govern. Only records of reprimand or discipline will be placed in individual's personnel or student file. In the event of subsequent allegations, reference may be made to previous complaint files.

REVISIONS AND AMENDMENTS

The College retains the exclusive right to alter, modify or amend this practice from time to time as it determines necessary to do so.