VIOLENCE AND THREATENING BEHAVIOUR

1.0 PURPOSE

1.1 Members of the University Community and visitors to University Property should be able to pursue their activities in a safe environment which is free from Violence or Threatening Behaviour.

1.2 Privileges associated with use of University facilities or an affiliation with the University are subject to the condition that the holder of the privilege does not engage in Violence or Threatening Behaviour.

1.3 Where the Violence or Threatening Behaviour may constitute an offence under the laws and statutes of Canada and British Columbia, the police may be immediately summoned and the matter may be dealt with by the criminal justice system.

1.4 This Policy provides a mechanism to enable the University to respond immediately and effectively to acts of Violence or Threatening Behaviour and a procedure to review any response taken by the University.

1.5 This Policy does not limit the powers of the President under the University Act.

1.6 Where this Policy refers to the Director of Campus Security or designate, the powers conferred upon the Director or designate may be exercised by the President or any Vice-President of the University and nothing in this Policy detracts from the powers and responsibility of the President or any Vice-President of the University to manage the University's affairs.

2.0 DEFINITIONS

2.1 "Members of the University Community" include all students registered or enrolled in any course or program at the University, staff and faculty employed by the University, any person holding a University appointment, and persons whose place of employment is located on University Property.

2.2 "Privilege" means the ability to enter and/or use the University's facilities or University Property.
2.3 "Property" means the Gordon Head Campus and any other real property occupied by the University for the purposes of its programs and any personal property owned by, or in the possession of the University or of any other person, where the property is situated on the University Campus or in premises which are occupied by the University for purposes of its programs.

2.4 “Threatening Behaviour” includes any statement or conduct which may cause a reasonable person to believe that:

(a) the personal safety of any person is endangered; or
(b) property is at risk of damage, destruction or loss other than the authorized use or destruction of University Property; or
(c) a person has acted in a manner or is engaged in a course of conduct reasonably likely to result in risk to property or danger to anyone’s personal safety as in paragraphs (a) or (b) above.

2.5 “University” means the University of Victoria.

2.6 “Violence” means any act or attempted act of physical force which either causes or is intended to cause:

(a) bodily or physical injury to any person; or
(b) damage, destruction or loss of property.

3.0 VIOLENCE AND THREATENING BEHAVIOUR

3.1 Prohibited Conduct

No person who is a Member of the University Community or who is a visitor to University Property shall engage in any Violence or Threatening Behaviour toward:

(a) a Member of the University Community;
(b) a visitor to University Property;
(c) University Property; or
(d) property of others that is situated on University Property.

3.2 Application of Policy

3.2.1 This Policy applies to Violence and Threatening Behaviour that:

(a) occurs on University Property or by means of using University facilities including computing and telecommunication facilities;
(b) occurs in the course of a University program, activity, or event;
(c) affects or is directed toward persons or property located on University Property; or
3.2.2 This Policy does not apply where the alleged Violence and Threatening Behaviour:

(a) occurred in the context of a relationship between the alleged perpetrator and the victim which is entirely independent of the University such as a relationship existing by reason of cohabitation, blood or marriage, and

(b) did not occur:

(i) on University Property or by means of using University facilities including computing and telecommunication facilities; or

(ii) in the course of a University program, activity, or event.

3.3 Reports of Violence or Threatening Behaviour

Any person may report an act of Violence or Threatening Behaviour to a member of Campus Security Services.

3.4 Suspension and Withdrawal of Privileges

Breach of this Policy may result in privileges being suspended, cancelled or withdrawn.

4.0 IMMEDIATE RESPONSE

4.1 Where a report of Violence or Threatening behaviour is received by Campus Security Services, a member of the Campus Security Services shall respond as soon as possible and the Director of Campus Security Services (or designate) shall be notified immediately.

4.2 Upon receiving notification of a report of Violence or Threatening Behaviour, the Director of Campus Security Services (or designate) may solicit advice with respect to the appropriate manner of responding to any imminent or reasonably foreseeable danger and precautions that may be taken to reduce the possibility of similar incidents of Violence or Threatening Behaviour in the future.

4.3 When the Director of Campus Security Services (or designate) has reasonable grounds to believe that a person has caused Violence or engaged in Threatening Behaviour, the Director (or designate) may:

(a) immediately suspend the exercise of any University Privilege for either the period specified by the Director or until the suspension is cancelled by the President;

(b) impose conditions or restrictions on the exercise of any University Privilege including, without limiting the generality of the foregoing, restrictions on the times at which or the reasons for which the
person may exercise any University Privilege including, for either the period specified by the Director or until the suspension is cancelled by the President;
(c) take the necessary action to cause the person to be removed from University Property;
(d) refer the matter appropriately; or
(e) determine that the situation does not require any further action.

4.4 Any decision under 4.3 (a) - (b) is effective immediately and shall remain in effect until the earlier of the expiry of any period specified in the decision, until that decision is revoked by the President or, if the President confirms the decision, until an appeal of the President’s decision has been allowed by the Senate Committee on Appeals or Board of Governors, where such appeal process is applicable.

4.5 The Director of Campus Security Services (or designate) shall file a written report with the Associate Vice-President Faculty Relations and Academic Administration, the General Counsel and the Office of the President on the next business day describing any action taken pursuant to 4.3.

5.0 INVESTIGATION AND REVIEW

5.1 Upon receiving a report from the Director of Campus Security Services pursuant to 4.5, the President shall appoint an appropriate person to investigate the incident and report on it and on the decision of the Director of Campus Security Services. The Investigator may be the Associate Vice-President Faculty Relations and Academic Administration or any other person the President considers appropriate, other than the Director or a member of Campus Security Services. The appointment of an Investigator will be made by the President as soon as is practical.

5.2 The Investigator will normally conduct this investigation by interviewing the persons involved and any witnesses. While the Investigator will normally give the person subject to the order of the Director of Campus Security an opportunity to be heard, the Investigator need not hold a formal hearing and may receive submissions in writing, by email, in person or by telephone.

5.3 Within ten working days of being appointed by the President, the Investigator will prepare a report for the President which will include:

(a) A statement of the facts surrounding the decision of the Director of Campus Security;
(b) A report of whether any criminal or other legal proceedings are pending as a result of the incident and the current status or those proceedings;
(c) Advice as to the appropriateness of the decision of the Director of Campus Security; and
(d) A recommendation to the President as to the disposition of the matter.
5.4 Upon completion of the report, the Investigator will send the report to the person subject to the order and to the President. The person subject to the order may submit a response to the report, in writing, to the President within five working days of receiving the report.

5.5 Upon receiving the report of the Investigator, the President shall, within ten working days from the earlier of:

(a) receipt of a response from the person affected by the order; or
(b) the expiration of the time limit for submitting that response, make a final decision regarding the disposition of the matter and, the President may:

(c) continue the suspension of University Privileges for either a fixed or indefinite period;
(d) reinstate the person’s University Privileges in whole or in part or subject to any conditions which the President thinks fit;
(e) exercise any powers of suspension conferred upon the President under the University Act.

6.0 APPEAL

6.1 Where the President makes an order pursuant to 5.5 that affects a student, that student has a right of appeal to the Senate Committee on Appeals.

6.2 The Senate Committee on Appeals may grant the appeal of the student where it finds:

(a) a serious procedural error in the application of this Policy that materially affected the President’s decision; or
(b) that a reasonable person exercising his or her judgment based upon the evidence before the Committee could not have come to the decision that is under appeal.

6.3 Where the Senate Committee on Appeals grants the student’s appeal, the Committee may reinstate the student’s University Privileges in whole or in part and subject to any conditions or restrictions that it thinks fit.

6.4 Where the President exercises his power to suspend an employee of the University, that employee has a right of appeal to the Board of Governors.

6.5 This Policy (and any act or decision taken pursuant to it) is subject to any collective agreement entered into between the University and any union and to any contract between the University and an employee group.
7.0 OTHER PROCEEDINGS

7.1 Where the person who is subject to an order of the Director of Campus Security pursuant to 4.3 or the President made pursuant to 5.5 is also charged with a criminal or regulatory offence under the Criminal Code or other enactment of Canada or the Province of British Columbia, the investigation pursuant to 5.1, the Appeal pursuant to 6 or both may be delayed at the request of any defendant in those proceedings to avoid any compromise to the defendant’s legal rights.

7.2 In case of a delay under 7.1, the President will consult with the Associate Vice-President Faculty Relations and Academic Administration or the General Counsel and may make any reasonable interim order for the purpose of mitigating any hardship that may be imposed upon the person by the delay.

8.0 MANAGEMENT RIGHTS

This Policy is not to be applied in any manner so as to detract from the rights and duties of those with supervisory authority to manage, and if necessary to discipline, faculty, staff and students in accordance with collective agreements or University Policies and Procedures.

9.0 IMMUNITY

Notwithstanding any other University Policy, no action under any existing University policy shall be taken against any person who acts in good faith in respect of any decision, recommendation or act performed pursuant to this Policy.

10.0 RECOURSE AT LAW

10.1 This Policy does not detract from the right of any Members of the University Community to seek recourse at law.

10.2 Nothing in this Policy precludes recourse through criminal or civil proceedings by any complainant or victim of Violence or Threatening Behaviour or the University of Victoria.

11.0 ANNUAL REVIEW

Where, during any year, there have been any proceedings under this Policy, the Associate Vice-President Faculty Relations and Academic Administration and the General Counsel shall review all operations of this Policy and any related matter, and shall file a report with the Vice-President Academic and Vice-President Finance and Operations.