University of Victoria

Response to At-Risk Behaviour

University Policy No.: SS9125
Classification: Safety and Security
Approving Authority: Board of Governors
Effective Date: September 2017
Supersedes: May 2005
Last Editorial Change:
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Associated Procedures: Procedures for Responding to At-Risk Behaviour

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PURPOSE

1.00 This policy provides a framework for the university to respond immediately to at-risk behaviour.

2.00 This policy supersedes the Violence and Threatening Behaviour policy (SS9105).

DEFINITIONS

3.00 For the purposes of this policy, the following definitions apply:

"administrative authority" means the individual with management responsibility who is designated by the university according to the procedures under this policy.

"at-risk behaviour" means behaviour that:

(a) engages in unlawful, dangerous, or violent conduct;

(b) leads to a reasonable belief that the safety or security of any person(s) is threatened, whether or not the threat was communicated to such person(s);

(c) leads to a reasonable belief that the individual engaging in the behaviour is at imminent risk of harm or self-harm; or

(d) leads to a reasonable belief that the safety of property is threatened.

"decision maker" means an individual responsible for imposing interim measures.

"emergency" means a situation or incident where at-risk behaviour leads to a reasonable belief that the university must take immediate action to protect the safety and security of person(s) or property.

"interim measures" means any restrictions on a person's ability to enter upon or to carry out activities upon university premises, or their ability to exercise university privileges. Interim measures may include, but are not limited to:

(a) the exclusion of one or more persons from all or any part of university premises;

(b) the prohibition of, or the implementation of restrictions over, any activities that one or more persons may undertake on university premises; and

(c) the prohibition or restrictions on access to any facilities operated by the university, including without limitation computer and communication systems.

See also: Appendix A – Examples of Interim Measures.

"university activity" means any activity that is directly connected to the operations of the university at any location, or any activity where a university community member is formally representing the university.

"university community" means:

(a) credit and non-credit students, including distance students and continuing studies students;

(b) faculty and staff members;

(c) anyone holding a university appointment;

(d) post-doctoral fellows;

(e) all persons employed under contracts with university faculty members as the employer who provide research or administrative services directly supporting faculty members' research activities;

(f) visiting researchers;

(g) anyone contractually required to abide by university policies;

(h) anyone volunteering with a university program or activity;

(i) members of the Board of Governors and Senate; and

(j) anyone who ordinarily resides on campus because of their relationship with the university.

"university premises" means lands and premises in which the university has a property interest or over which the university otherwise exercises jurisdiction or control. It does not include lands or premises that are managed by external entities on behalf of the university, except to the extent that university activities are occurring in such externally managed premises.

SCOPE

4.00 This policy applies to at-risk behaviour that:

(a) occurs on university premises or by means of using university facilities, including university electronic information resources;

(b) occurs in the course of a university activity;

(c) affects or is directed towards a university community member and where that behaviour has an impact on university activities; or

(d) affects or is directed towards university property or property located on university premises.

POLICY

Response to At-Risk Behaviour

5.00 If the university reasonably believes that a university community member engages or has engaged in at-risk behaviour, then the university will respond according to the procedures under this policy.

Interim Measures

6.00 Interim measures imposed under this policy and its procedures are intended to mitigate risks to the safety of individuals and the university community, while considering the requirement of fairness towards all parties involved.

6.01 Interim measures are non-disciplinary, and are not to be construed as indicative of wrongdoing.

Other Legal Remedies

7.00 Nothing in this policy or its procedures prevents a university community member from pursuing their rights under criminal law, civil proceedings, human rights legislation, or collective agreements.

AUTHORITIES AND OFFICERS

8.00 The following is a list of authorities and officers for this policy:

a) Approving Authority: Board of Governors
b) Designated Executive Officer: President
c) Procedural Authority: President
d) Procedural Officer: Director, Campus Security

RELATED POLICIES AND DOCUMENTS

Acceptable Use of Electronic Information Resources (IM7200)
Critical Incident Response Procedures (SS9115)
Discrimination and Harassment Policy (GV0205)
Environmental Health and Safety Policy (SS9200)
Family Housing Agreement
Practice Guide for Leaders and HR Professionals
Protection of Privacy Policy (GV0235)
Residence Community Standards
Residence Contract
Resolution of Non-Academic Misconduct Allegations (AC1300)
Responding to the Death of a Student (AC1215)
Sexualized Violence Prevention and Response Policy (GV0245)

RELEVANT LEGISLATION

Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165
University Act, RSBC 1996, c 468
Workers Compensation Act, RSBC 1996, c 492

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Procedures for Responding to At-Risk Behaviour

Procedural Authority: President
Procedural Officer: Director, Campus Security

Effective Date: September 2017
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Parent Policy: Response to At-Risk Behaviour

Response Procedures

1.00 The university will be guided by the following procedures when responding to reported at-risk behaviour.

Response Coordination Team

2.00 The university may form a response coordination team to coordinate response efforts, review risk, facilitate support and services, and consider interim measures.

Emergencies

3.00 At-risk behaviour may or may not result in an emergency. Where an emergency does arise, any university community member who becomes aware of an emergency should follow these steps:

1) Wherever possible, get to a safe location and alert those nearby. The first priority is personal safety. Life safety takes precedence over property.
2) Dial 911 to contact the police and other emergency responders. The caller should provide their location and as much detail as possible about the emergency.
3) Report the emergency to Campus Security at 250-721-7599.

4.00 Once Campus Security becomes aware of an emergency, Campus Security will liaise with the police and other emergency responders to determine whether they have been notified and if so whether the emergency has been resolved, and to ascertain whether any further action is required.

4.01 If the emergency is unresolved, Campus Security will engage with any appropriate external agencies and are authorized to implement such interim measures on behalf of the university as are necessary to respond to the emergency (see section 20.00).

5.00 Any interim measures imposed pursuant to section 4.01 of these procedures will be reviewed as soon as practicable, and adjusted as appropriate, by the Director of Campus Security or their designate.

6.00 Where the emergency calls for action under the Emergency Response Plan, Campus Security will notify the relevant persons as set out in the Emergency Response Plan and decision-making authority for responding to the emergency will be transferred to such person or persons as set out in the Emergency Response Plan.

7.00 Campus Security will take steps, as soon as reasonably practicable, to notify persons who have been threatened or impacted by at-risk-behaviour of the status of any threats and the university's response. Where possible, Campus Security will consult with the response coordination team prior to notifying impacted individuals.

Non-Emergencies or Post-Emergencies

Initial Response by Campus Security

8.00 Where at-risk behaviour has not resulted in an emergency, or where the emergency has been resolved, Campus Security has initial responsibility for assessing and managing the at-risk behaviour.

Risk of Harm Not Imminent

9.00 Where the university reasonably believes that a university community member is at risk of harm to self or others, but does not believe the risk of such harm is imminent, the university may offer appropriate assistance, support, or referral to support services.

Occupational Health & Safety

10.00 Where the at-risk behaviour might pose a threat to any university faculty or staff, Campus Security will notify Occupational Health, Safety & Environment of the at-risk-behaviour. Occupational Health, Safety & Environment will be responsible for managing the university's compliance with the *Workers Compensation Act* and *Occupational Health and Safety Regulation*.

Appropriate Administrative Authority

11.00 Campus Security will refer the at-risk behaviour to the appropriate administrative authority (or their designate), according to the following chart.

Individual Demonstrating At-Risk Behaviour	Appropriate Administrative Authority
Students registered or actively participating in degree-seeking programs for behaviours occurring outside the academic environment	Student Affairs
Students actively participating in degree-seeking programs for behaviours occurring within the academic environment (e.g. classes, labs, field study, etc.)	Faculty Dean or Associate Dean. In the case of a Graduate Student, the Dean or Associate Dean of Graduate Studies
Continuing Studies students	Dean of Continuing Studies
University faculty & librarians	The faculty member's Dean (or the University Librarian in the case of a librarian)
University staff	The staff member's executive director, director, or excluded equivalent

Individual Demonstrating At-Risk Behaviour	Appropriate Administrative Authority
A person who is both a student and a faculty or staff member	Student and faculty/staff administrative authorities have joint responsibility
Employees under contract to university faculty members	The faculty member who holds the employment contract
All other persons	Campus Security

Administrative Authority Will Respond

12.00 The administrative authority will assume responsibility for responding to at-risk behaviour appropriately. When there is an ongoing identified safety concern, the administrative authority will work in consultation with Campus Security.

13.00 A faculty or staff member's administrative authority will respond to the at-risk behaviour in a manner that is consistent with any applicable employment laws, university policies, contracts, academic calendar, or collective agreements. The administrative authority will consult with Faculty Relations or Human Resources as appropriate.

14.00 If more than one administrative authority is responsible for responding to at-risk behaviour, then the administrative authorities will jointly assume responsibility and will coordinate their activities, which may include determining that only one of them is necessary to manage the situation. Administrative authorities will consult with Faculty Relations or Human Resources as appropriate.

15.00 Where the individual exhibiting the at-risk behaviour is not listed in section 11.00, or where the individual's status has not yet been determined, Campus Security will retain jurisdiction over the matter and will be responsible for ensuring that the at-risk behaviour is responded to in a manner that is consistent with the university's general legal obligations.

Administrative Authority Will Review Interim Measures

16.00 The administrative authority will review any existing interim measures as soon as is reasonably practicable and may maintain, modify, or rescind any such interim measures or impose new interim measures.

17.00 The administrative authority will consult with the response coordination team and other units such as the Division of Student Affairs, Equity and Human Rights, Faculty Relations, Human Resources, and General Counsel as applicable when making decisions about interim measures.

18.00 The administrative authority will keep Campus Security informed of the status of their response to at-risk behaviour and any interim measures that they have implemented, modified, or rescinded.

Administrative Authority May Consult With Campus Security

19.00 Campus Security will be available as a resource for administrative authorities to consult with regarding the matters contemplated in this policy and its procedures.

Interim Measures

20.00 Interim measures may be required for reasons including but not limited to the following:

(a) there are reasonable grounds to believe that a person's continued presence on all or part of campus poses a threat or risk to the safety or security of themselves, of others, or to property;

(b) it is practical or appropriate to separate a respondent from a complainant and/or a witness for a period of time;

(c) the individual's continued presence on all or part of campus could lead to a breach of court-imposed restrictions (such as release or probation conditions, or a peace bond), or where the university is unable to reasonably accommodate those conditions;

(d) there are reasonable grounds to believe that an individual poses a threat of disruption or interference with university operations; or

(e) there are reasonable grounds to believe that a person's health or safety are significantly impacting their academic studies or conduct.

21.00 Where interim measures are imposed or reviewed under these procedures, such interim measures must, in the opinion of the decision maker(s):

(a) be reasonably necessary to properly respond to the at-risk behaviour or emergency; and

(b) consider the interests of the individual exhibiting the at-risk behaviour and the legitimate interests of the university, the person(s) impacted by the at-risk behaviour, and other members of the university community.

21.01 The General Counsel should be consulted for guidance where appropriate before imposing interim measures.

22.00 All interim measures implemented under section 4.01 will remain in effect unless and until modified or rescinded.

23.00 Information related to interim measures will be treated as highly confidential, in compliance with the *Freedom of Information and Protection of Privacy Act* and applicable university policies and collective agreements.

Students

Interim Measures Not Disciplinary

24.00 The implementation of interim measures in respect of a student is not a disciplinary action and is intended to be temporary pending a final resolution of the at-risk behaviour. However, the implementation of interim measures may nonetheless affect a student's ability to continue with their studies at the university.

25.00 Efforts will be made to limit the impact of interim measures on a student's academic life and employment status, without compromising health or safety.

26.00 If it appears that interim measures would substantially impact a student's ability to continue with their studies (e.g. that would prevent the student from completing a course), then the decision maker will review the interim measures to determine if alternate measures or actions can be taken to allow the student to continue with their studies.

Resolution of Student At-Risk Behaviour

27.00 If interim measures would substantially impact a student's ability to continue with their studies, and alternatives are not feasible, then the response coordination team will decide how to resolve the situation.

27.01 If the at-risk behaviour or some component of the at-risk behaviour appears to constitute sexualized violence as defined in the Sexualized Violence Prevention and Response Policy, or appears to constitute discrimination, harassment, or workplace bullying as defined in the Discrimination and Harassment Policy, then the response coordination team will consult with the Equity & Human Rights Office regarding possible resolution under the above-mentioned policies. The Equity & Human Rights Office may recommend to the administrative authority or the response coordination team that interim measures be imposed, maintained, modified, or rescinded.

27.02 If the at-risk behaviour or some component of the at-risk behaviour appears to constitute non-academic misconduct, then the response coordination team will refer the matter to the Office of Student Life to be reviewed/investigated under the Policy on Resolution of Non-Academic Misconduct Allegations.

27.03 In cases that do not fall under sections 27.01 or 27.02, the response coordination team will determine the appropriate response, including support and resolution options as appropriate.

28.00 Interim measures will be rescinded upon a final determination being made, and replaced by whatever sanctions, if any, that may be imposed upon conclusion of any investigation.

Student Found Not Responsible

29.00 If a student is found not responsible following an investigation, and interim measures were imposed that had a significant academic or financial impact on the student, then the student may appeal to Student Affairs, who may decide to take action to mitigate the impact.

Student Interim Measures Review Process

30.00 If interim measures have been imposed on a student, the student may request a review. The review will be carried out by the Associate Vice-President Student Affairs (for credit students), the Dean of Continuing Studies (for continuing studies students), or their designate (the "reviewing authority"). In the case of a conflict of interest, the Vice-President Academic and Provost will be the reviewing authority. The following provisions will apply to such review:

30.01 The student must provide their written request for review to the reviewing authority within 14 days of the imposition of interim measures. The request for review will state the student's concerns regarding the interim measures and will include any documentation upon which the student wishes to rely.

30.02 The reviewing authority may modify any interim measures if:

(a) the reviewing authority determines that, based upon the information considered by the decision maker, the decision to impose interim measures, or the interim measures imposed, are unreasonable; or

(b) the reviewing authority is provided with new information that was not reasonably available at the time that the interim measures decision was made and such information, in the opinion of the reviewing authority, would have changed the decision if it had been considered.

30.03 The reviewing authority will consider the student's request for review, and may solicit a written response from the decision maker. The reviewing authority will not rehear the matter or conduct a new investigation.

30.04 Any interim measures imposed on the student will remain in place until such time as the reviewing authority has provided their written decision regarding the request for review.

30.05 The reviewing authority may accept a request for review pursuant to section 30.00 later than 14 days from the decision if the reviewing authority is satisfied, in their absolute discretion, that the student was unable to provide it within 14 days.

30.06 The reviewing authority may establish a process to follow with respect to requests for reviews, provided that such process is consistent with these procedures.

General

31.00 Nothing in these procedures detracts from the powers of the university and nothing in these procedures will act to limit or diminish any power or authority that may be exercised by faculty, staff, or agents of the university. Without limiting the generality of the forgoing, nothing in these procedures restricts or governs:

(a) the President's authority under the *University Act* to deal summarily with any matter of student discipline, or to suspend a student, a member of the teaching or administrative staff, or any officer or employee of the university;

(b) the university administration's authority to manage student residences and other housing on university premises in accordance with the contracts, agreements, and procedures applicable to those properties;

(c) faculty members and other instructors' authority to manage conduct in their classrooms; or

(d) university faculty, staff, or agents' authority to carry out their day to day responsibilities, including their ability to require people to immediately leave any part of university premises under their authority.

32.00 The exercise of powers pursuant to these procedures does not preclude proceedings being taken regarding the same facts pursuant to other university processes, collective agreements, the criminal justice system, or civil proceedings.

33.00 Nothing in these procedures requires university faculty or staff to disclose or not disclose information, where such action would:

(a) be in violation of the *Freedom of Information and Protection of Privacy Act*; or

(b) cause a faculty or staff member who has a professional designation in the medical or mental health fields to breach the code of ethics governing their profession.

34.00 Nothing in these procedures is intended to restrict the lawful exercise of employee rights.

Annual Report

35.00 The Associate Vice-President Faculty Relations and Academic Administration, the Associate Vice-President Human Resources, and the Associate Vice-President Student Affairs will report annually to the President on any proceedings under or related to this policy and its procedures.

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Appendix A – Examples of Interim Measures

1.00 This appendix provides examples of the types of interim measures that may be considered under this policy. This appendix is for general information purposes only – interim measures are imposed on a case-by-case basis depending on the particular circumstances and the individuals involved.

Interim Measures	
Type	**Description**
No contact directives	A directive prohibiting a person from contacting (whether face-to-face, electronically, through a third party, or otherwise), and from being in the same area as, a specified individual. This may involve a restriction from entering all or part of university premises at specified times.
Changing academic schedules	Altering a student's academic schedule without penalty, such as switching to a different course/tutorial/lab section, changing lab hours, providing alternate course work, etc.
Changing work schedules	Altering a university faculty or staff member's work arrangements, which may include work hours, location, etc. This may involve placing that person on leave with pay.
Relocating a student's residence	Moving a student out of their current university residence and into alternate accommodations.
Suspension or denial of specified university privileges	Suspending or denying specified university privileges, for a specified period of time.
Restricting a person's access to campus buildings or university premises	A restriction on entering all or segments of university premises, for a specified period of time.