



**The University of British Columbia
Board of Governors**

Policy No.:

14

Approval Date:

June 8, 2011

Responsible Executives:

Vice-President, Students

Vice-President, Human Resources

Title:

Response to At-Risk Behaviour

Background & Purpose:

The University strives to provide a welcoming environment in which all individuals can visit, work and study without threat to personal safety or property, or disruption. When such threats or disruption occur it is important that the University act to control such behaviour promptly and effectively. This policy outlines procedures for the University community to follow when faced with behaviour that threatens personal safety or property, or disrupts lawful or legitimate activities.

1. Response to At-Risk Behaviour

- 1.1 Members of the University community who encounter At-Risk Behaviour, which includes behaviour that threatens personal safety or property, or disrupts lawful or legitimate activities, must follow the Procedures associated with this Policy.

PROCEDURES

Approved: June 8, 2011

Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors". Note: the most recent procedures may be reviewed at <http://universitycounsel.ubc.ca/policies/index/>.

1. Definitions

- 1.1 "At-Risk Behaviour" means behaviour that:
 - 1.1.1 disrupts lawful and legitimate activities on University Premises; or
 - 1.1.2 leads to a reasonable belief that the safety or security of any person(s) on University Premises is threatened; or
 - 1.1.3 leads to a reasonable belief that the safety of property of the University or another person located on University Premises is threatened; or
 - 1.1.4 leads to a reasonable belief that the individual engaging in the behaviour is at imminent risk of harm to himself or herself; or
 - 1.1.5 leads to a reasonable belief that there is a threat to the safety or security of any person(s) on University Premises whether or not such threat was communicated to such person(s).
- 1.2 "Campus Security" means the UBC Okanagan Department of Parking and Campus Security or the UBC Vancouver Department of Campus Security, as appropriate.
- 1.3 "Director of Campus Security" means the Director of Campus Security and Parking Services, UBC Okanagan, or the Director of Campus Security, UBC Vancouver, as appropriate.
- 1.4 "Director, Health, Safety and Environment" means the Director of the Department of Health, Safety and Environment, UBC Okanagan or the Manager, Occupational Health and Research Safety of the Risk Management Services Department, UBC Vancouver, as appropriate.
- 1.5 "Disaster Response Plan" means the plans contemplated under Policy #8 (Disaster Management) that are in place for dealing with campus-wide emergencies at UBC Okanagan or UBC Vancouver, as appropriate.
- 1.6 "Emergency" means a situation where At-Risk Behaviour leads to a reasonable belief that the University must take immediate action to protect the safety and security of any property or person(s) on University Premises.
- 1.7 "Head of Student Affairs" means:
 - 1.7.1 The Vice President, Students (UBC Vancouver); or
 - 1.7.2 The Associate Vice President, Students (UBC Okanagan) as appropriate.

- 1.8 “Health, Safety and Environment” means the Department of Health Safety and Environment, UBC Okanagan or the division responsible for workplace health and safety in the Risk Management Services Department of UBC Vancouver, as appropriate.
- 1.9 “Provost / Principal” means:
- 1.9.1 the Provost and Vice President Academic (UBC Vancouver); or
- 1.9.2 the Deputy Vice Chancellor and Principal (UBC Okanagan) as appropriate.
- 1.10 “Restrictions” means any restrictions on a person’s ability to enter upon or to carry out activities upon University Premises, or their ability to use University facilities, including but not limited to:
- 1.10.1 the exclusion of one or more persons from all or any part of University Premises;
- 1.10.2 the prohibition of or the implementation of controls over any activities that one or more persons may undertake on University Premises;
- 1.10.3 the prohibition of access to or implementation of controls over any facilities operated by the University, including without limitation computer and communication systems.
- 1.11 “University Premises” means lands and premises in which the University has a property interest or over which the University otherwise exercises jurisdiction or control.
- 1.12 “University Student” means a person who is presently enrolled at the University in a credit course.

2. Implementation

- 2.1 The Associate Vice-President, Human Resources, the Head of Student Affairs, and the Provost / Principal may delegate all or any portion of their authority to act or to make any decision contemplated by this Policy to one or more persons, provided the delegation is made in writing. The Associate Vice-President, Human Resources will ensure that a person is present on the Vancouver Campus and the Okanagan Campus who has the authority to exercise his or her powers pursuant to this Policy.
- 2.2 Where a person reasonably believes that a University Student or University employee is at risk of harm to himself or herself, but does not believe the risk of such harm is imminent, appropriate assistance and support should be offered to such person. For assistance with these matters please contact the following offices:
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|-------|---|--|
| 2.2.1 | Regarding Students of UBC Okanagan | Department of Student Health and Wellness |
| 2.2.2 | Regarding Students of UBC Vancouver | Student Development and Services,
Office of Vice President Students |
| 2.2.3 | Regarding Staff and Faculty of UBC Okanagan | Department of Human Resources |
| 2.2.4 | Regarding Staff of UBC Vancouver | Department of Human Resources |
| 2.2.5 | Regarding Faculty of UBC Vancouver | Faculty Relations |

3. Responding to Emergencies

- 3.1 At-Risk Behaviour may or may not result in an Emergency. Where an Emergency does arise, any member of the University community who becomes aware of an Emergency should follow these steps:
 - 3.1.1 Wherever possible, get to a safe location and alert those nearby. The first priority is personal safety. Lives take precedence over property.
 - 3.1.2 Dial 911 to contact the police. The individual should provide his/her location and complete details of the Emergency.
 - 3.1.3 Report the Emergency to either UBC Okanagan Campus Security ((250) 807-8111) or UBC Vancouver Campus Security ((604) 822-2222), as appropriate.
- 3.2 Once Campus Security staff become aware of an Emergency, Campus Security staff will liaise with the police to check whether they have been notified, and if so whether the Emergency has been resolved by the police, and to ascertain whether any further action is required. If the Emergency is unresolved, Campus Security staff will engage with any appropriate agencies and are authorized to implement such Restrictions on behalf of the University as are necessary to respond to the Emergency. Units and employees of the University must provide Campus Security with any requested information if such information is requested to assist Campus Security manage an Emergency.
- 3.3 Where Restrictions are imposed or reviewed pursuant to Articles 3.4, 4.3, 4.4, 4.5 or 4.6 of these Procedures, such Restrictions must be, in the opinion of the decision maker, reasonably necessary to properly respond to the At-Risk Behaviour or Emergency and consideration must be given to balancing the interests of both the individual exhibiting the At-Risk Behaviour and the legitimate interests of the University and other members of the University community. Consideration should also be given to the University's commitment to freedom of expression and academic freedom. The Office of the University Counsel should be consulted for guidance where appropriate before imposing a Restriction.
- 3.4 Any Restrictions imposed pursuant to Article 3.2 of these Procedures must be reviewed as soon as practicable and adjusted as appropriate by the Director of Campus Security, or another manager who has been delegated this authority in writing by the Director of Campus Security.
- 3.5 Where the Emergency calls for action under the Disaster Response Plan, Campus Security will notify the relevant persons as set out in the Disaster Response Plan and decision-making authority for responding to the Emergency will be transferred to such person or persons as set out in the Disaster Response Plan.
- 3.6 Campus Security should 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 University response. The Office of the University Counsel should be consulted where appropriate regarding any privacy considerations with respect to such notifications.

4. General Provisions for Handling Non-Emergency or Post-Emergencies

- 4.1 Where At-Risk Behaviour has not resulted in an Emergency or the Emergency has been resolved under Article 3.0 of these Procedures, the At-Risk Behaviour must be referred to Campus Security for assessment and management pursuant to this Policy. Where the At-Risk Behaviour might pose a threat to any University employees, Campus Security will notify Health, Safety and Environment of the At-Risk-

Behaviour and the Director, Health, Safety and Environment will be responsible for managing the University's compliance with the *Workers Compensation Act* and regulations.

- 4.2 Unless and until modified or rescinded in writing as provided in Articles 4.3 through 4.6 of these Procedures, all Restrictions implemented under Article 3.0 of these Procedures will remain in effect.
- 4.3 Where the individual exhibiting the At-Risk Behaviour is a University employee, Campus Security will refer the matter to the Associate Vice-President, Human Resources, who will assume responsibility for responding to the At-Risk Behaviour appropriately and in a manner that is consistent with any applicable employment laws, contracts or collective agreements. The Associate Vice-President, Human Resources, must review any existing Restrictions affecting the University employee as soon as is reasonably practicable and may maintain, modify or rescind any such Restrictions or impose new Restrictions.
- 4.4 Where the individual exhibiting the At-Risk Behaviour is a University Student, Campus Security will refer the matter to the Head of Student Affairs, who will assume responsibility for responding to the At-Risk Behaviour appropriately. The Head of Student Affairs must review any existing Restrictions affecting the University Student as soon as is reasonably practicable and may maintain, modify or rescind any such existing Restrictions or impose new Restrictions.
- 4.5 Where the individual exhibiting the At-Risk Behaviour is both a University employee and a University Student, Campus Security will refer the matter to both the Associate Vice-President, Human Resources, and the Head of Student Affairs, who will each assume responsibility for responding to the At-Risk Behaviour in accordance with this Policy. In such situation, the Associate Vice-President, Human Resources, and the Head of Student Affairs will coordinate their activities, which may include determining that only one of them is necessary to manage the situation. The Associate Vice-President, Human Resources, and the Vice-President, Students, must review any existing Restrictions affecting the University Student as soon as is reasonably practicable and maintain, modify or rescind any existing Restrictions or impose new Restrictions provided that they consult with each other prior to doing so to ensure their actions are coordinated.
- 4.6 Where the individual exhibiting the At-Risk Behaviour is neither a University employee nor a University Student, or 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. The Director of Campus Security may modify or rescind existing Restrictions or impose new Restrictions.
- 4.7 Where the Associate Vice-President, Human Resources, and/or the Head of Student Affairs have assumed responsibility for responding to At-Risk Behaviour pursuant to Article 4.3, 4.4, or 4.5 of these Procedures, they will keep Campus Security informed of the status of the matter and any Restrictions that they may have implemented, modified or rescinded in respect of such matter. The Director of Campus Security, or his or her designate, will be available as a resource for the Associate Vice-President, Human Resources, and/or the Head of Student Affairs, to consult with regarding the matters contemplated in this Policy.

5. Special Provisions for Students

- 5.1 The implementation of Restrictions in respect of a University Student pursuant to Article 4.4 or 4.5 of these Procedures is not a disciplinary action and is intended to be an interim measure pending a final resolution of the At-Risk Behaviour. However, the implementation of Restrictions may nonetheless affect the ability of a University Student to continue with his or her studies at the University. If it appears that Restrictions

that would materially affect the University Student's ability to continue with his or her studies will need to be maintained for more than 21 days, then:

- 5.1.1 if the At-Risk Behaviour or some component of the At-Risk Behaviour appears to constitute misconduct, the Head of Student Affairs will consult with the person responsible for managing that process, and if that person agrees, refer the matter to be handled as a misconduct case pursuant to section 61 of the *University Act*, in which case the Restrictions will be automatically rescinded upon a decision being made by the President and replaced by whatever discipline, if any, that may be imposed by the President; or
 - 5.1.2 if the At-Risk Behaviour is not referred as a misconduct case pursuant to Article 5.1.1 of these Procedures, the Head of Student Affairs will undertake an investigation pursuant to Article 5.2 of these Procedures to ascertain what, if any, Restrictions need to be taken on an ongoing basis to manage the At-Risk Behaviour or its consequences, in which case the Restrictions will be automatically rescinded and replaced by whatever Restrictions are determined to be necessary pursuant to Articles 5.2 and 5.3 of these Procedures.
- 5.2 Where an investigation is required under Article 5.1.2 of these Procedures, the Head of Student Affairs may conduct the investigation as he or she deems appropriate and will seek advice from the Office of the University Counsel where appropriate. Without limiting the generality of the foregoing:
- 5.2.1 the University Student exhibiting the At-Risk Behaviour will normally be given notice of the investigation and an opportunity to present information to be considered in the course of the investigation;
 - 5.2.2 other University officers, employees, and external consultants or professionals may be consulted in the course of the investigation;
 - 5.2.3 witnesses or other members of the University community who may have relevant information may be asked to provide information in the course of the investigation;
 - 5.2.4 the Head of Student Affairs may require information or advice to be provided in writing, in person, by teleconference, or in any other manner that he or she deems appropriate;
 - 5.2.5 where the University Student does not comply with the requirements of the Head of Student Affairs, the Head of Student Affairs may proceed without the further involvement of the University Student and the refusal of a University Student to comply with the requirements of the Head of Student Affairs may constitute a misconduct case to be dealt with pursuant to section 61 of the *University Act*.
- 5.3 Upon completion of an investigation pursuant to Article 5.1.2 of these Procedures, the Head of Student Affairs will make a finding, based on a balance of probabilities, regarding whether the University Student engaged in the At-Risk Behaviour, and if so, may modify or rescind existing Restrictions on a University Student or impose new Restrictions. These Restrictions may be imposed permanently or for a period of time, and they may provide for any steps required of the University Student should the University Student be entitled to apply to remove the Restrictions at a later date. If the Head of Student Affairs does not find that the University Student engaged in the At Risk Behaviour, the Head of Student Affairs will remove any Restrictions on the Student.
- 5.4 The Head of Student Affairs will provide the University Student with a written decision which will include a summary of his or her findings.

- 5.5 If the Head of Student Affairs has imposed Restrictions on a University Student pursuant to Article 5.3 of these Procedures, the University Student may request a review of the decision of the Head of Student Affairs. The review will be carried out by the Provost / Principal. The following provisions will apply to such review:
- 5.5.1 The University Student must provide the Provost / Principal with his or her request for review in writing within 14 days of the decision of the Head of Student Affairs pursuant to Article 5.4 of these Procedures. The request for review will state the University Student's concerns regarding the decision of the Head of Student Affairs and will include any documentation upon which the University Student wishes to rely.
 - 5.5.2 The Provost / Principal may modify the decision of the Head of Student Affairs and modify any Restrictions if:
 - 5.5.2.1 the Provost / Principal determines that, based upon the evidence considered by the Head of Student Affairs, the decision of the Head of Student Affairs, or the Restrictions imposed by the Vice President, are unreasonable; or
 - 5.5.2.2 the Provost / Principal is provided with new information that was not reasonably available at the time the decision of the Head of Student Affairs made his or her decision and such information, in the opinion of the Provost / Principal, would have changed the decision of the Head of Student Affairs if it had been considered by the Head of Student Affairs.
 - 5.5.3 The Provost / Principal will review the request for review of the University Student, and may solicit a written response from the Head of Student Affairs. The Provost / Principal will not rehear the matter or conduct a new investigation into the matter.
 - 5.5.4 Any Restrictions imposed on the University Student will remain in force until such time as the Provost / Principal has provided his or her written decision regarding the request for review.
 - 5.5.5 The Provost / Principal may accept a request for review pursuant to Article 5.5.1. later than 14 days from the decision of the Head of Student Affairs if the Provost / Principal is satisfied, in his or her absolute discretion, that the Student was unable to provide it within 14 days.
 - 5.5.6 The Provost / Principal may establish a process to follow with respect to requests for reviews, provided that such process is consistent with this Policy. Different processes may be put in place for UBC Vancouver and UBC Okanagan.

6. General

- 6.1 Nothing in this Policy detracts from the powers of the University and nothing in this Policy shall act to limit or diminish any power or authority that may be exercised by the employees or agents of the University. Without limiting the generality of the forgoing, nothing in this Policy restricts or governs:
- 6.1.1 the authority of the University administration to manage student residences, faculty housing, and staff housing on University Premises in accordance with the procedures for those facilities;
 - 6.1.2 the authority of a faculty member to manage conduct in his or her classroom; or

- 6.1.3 the authority of any representatives of the University 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.
- 6.2 The exercise of powers pursuant to this Policy does not preclude proceedings being taken regarding the same facts pursuant to other University processes, the criminal justice system, or civil law proceedings.
- 6.3 Nothing in this Policy requires employees of the University to disclose information, where such disclosure would:
 - 6.3.1 be in violation of the *Freedom of Information and Protection of Privacy Act*; or
 - 6.3.2 cause an employee who has a professional designation in the medical or mental health fields to breach the code of ethics governing their profession.
- 6.4 Nothing in this Policy is intended to restrict the lawful exercise of employee rights.