

 CAPILANO UNIVERSITY		POLICY		
Policy No.		Officer Responsible		
OP.418		Vice President, Finance and Administration		
Policy Name				
At-Risk Behaviour and Violence Response and Prevention				
Approved by	Replaces		Category	Next Review
SLC			Safety	May 2030
Date Issued	Date Revised	Date in effect	Related Policies	
May 2022	May 14, 2025	May 14, 2025		

1. PURPOSE

- 1.1 The University is committed to providing a safe and healthy learning and working environment in which all Members of the University Community can learn and work without threat to personal safety from acts of violence. Any threat or act of violence against a community member is unacceptable and will not be tolerated.
- 1.2 The University recognizes that at-risk and violent behaviour does not always occur in isolation and that there is a possibility that it can escalate to violence. If the connection between incidents leads to the conclusion that an individual needs assistance, the existing support systems in place at the University would work with the individual(s) involved in an effort to provide necessary assistance.
- 1.3 This policy facilitates early identification of At-risk Behaviour and Violent Behaviour and creates a system designed to receive, respond, and manage reports of At-risk and Violent Behaviour, consistent with the requirements of the BC *Workers Compensation Act* and the associated *Occupational Health and Safety Regulation* (the "Legislation") and the Criminal Code of Canada.

2. DEFINITIONS

"Assault" any act that inflicts physical harm or unwanted touching of another person and can include threats and attempts to cause physical harm or unwanted touching.

"Appropriate Individual or Authority" a person or organization that is suitable for a particular situation and has the legal or moral right to act; for example, this could be a University official or executive officer, an external counselor or medical authority, or law enforcement professional.

“At-risk Behaviour” a person’s words or conduct that, while not indicative of a clear immediate threat, gives rise to a reasonable belief that they may engage in conduct that could cause harm to others or themselves in the future. It includes direct or indirect behaviour that:

- a) engages in unlawful, dangerous, or violent conduct, as defined by the Legislation;
- 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 person(s) engaging in the behaviour is at imminent risk of self-harm;
- d) leads to a reasonable belief that the safety of property is threatened; and/or
- e) leads to a reasonable belief that risk may escalate based on current concerning behaviours.

“Decision maker” any person(s) responsible for imposing interim measures, final outcomes, and/or delegating an investigatory process.

“Duty to Warn” is based on case law, and means the requirement to warn potential victims, and also to take reasonable precautions to protect these third parties of the significant dangers posed by an individual who expresses threats of violence, summarized by the quote from Justice Tobriner (*Tarasoff vs Regents of the University of California*): “The protective privilege ends where the public peril begins.”.

“Duty to Protect” the legal and ethical obligation, primarily within the context of mental health practice, where a professional has a responsibility to take necessary steps to prevent a client from causing harm to themselves or others, which may include actively intervening beyond simply warning potential victims if a serious threat is identified; essentially it’s the duty to take action to safeguard the client and others from foreseeable harm.

“Employee” any person employed by the University.

“Executive” refers to the President and Vice Presidents of the University.

“Hazard” a thing or condition that may

- a) expose a person to a risk of injury or occupational disease;
- b) lead to environmental harm, or cause equipment/property damage or loss; or
- c) any condition or activity that could reasonably be expected to be an imminent or serious threat to the life, safety or health of a person exposed to it before the hazard or condition can be corrected or the activity altered.

“Member of the University Community” Employees, Students, board members and volunteers.

“Risk” in this policy means the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a Hazard. It may also apply to situations with property or equipment loss, or harmful effects on the environment.

“Safety” the freedom from injury, harm, danger, or loss to property whether deliberate or accidental,

“Student” an individual enrolled in any course (credit or non-credit) at the University.

“Threatening Behaviour” behaviour that may cause another person to fear violence, injury or harm.

“University Premises or Property” any University owned or rented/leased lands, facilities, or conveyance, including on-line forum.

“University Activity” includes an activity or event conducted under the authority of the University at any location, on or off campus, including on-line forum.

“Violence” or “Violent behaviour” the use or threat of force against a person or property and includes Assault as well as self-harm; attempted or actual exercise by a person of any physical force so as to cause injury and includes any threatening statement or behaviour which gives a person reasonable cause to believe that they are at risk of injury.

“Visitor or Guest” non-University community members (including alumni and donors) visiting any University Premises or Property or participating in a University-Activity, whether invited by a member of the University community or not.

3. SCOPE

3.1 This Policy, OP.418.1 At-Risk Behaviour and Violence Response and Prevention Procedure (the “Procedure”), and the regulations, codes and statutes of the regulatory authorities (see section 10, References) apply to all members of the University community; and to At-risk Behaviour and acts of Violence that:

- a) occur on University Premises or Property, by means of using University facilities, including electronic information resources, and via online activity;
- b) occur in the course of a University Activity either on or off the University Premises or Property;
- c) affect or are directed towards members of the University community and where that behaviour has an impact on University Activities; or
- d) affect or are directed towards University Premises or Property.

and do not fall within the scope of other University policies.

- 3.2 This policy and the Procedure, also apply to
- a) Visitors and Guests,
 - b) employees of contractors or subcontractors of the University;
 - c) Employees and/or clients of University leaseholders; and
 - d) Event organizers or attendees permitted on University Premises or Property through a rental or other University approved agreement.

4. POLICY STATEMENTS

- 4.1 The University recognizes that life-safety of the University community, whether of an individual, a group of individuals, or associated University premises and property, outweighs any one individual's right to privacy, as outlined in the position by the BC and Ontario offices of the respective privacy commissioners: *Practice Tool for Exercising Discretion: Emergency Disclosure of Personal Information by Universities, Colleges and other Education Institutions*.

- 4.2 The University will
- a) endeavour to protect the health, safety, and security of the University community by receiving, assessing, responding to, reporting on and managing reports of at-risk behaviour and violence in accordance with the Legislation, University policies and associated procedures;
 - b) establish and maintain an *At-risk Behaviour and Violence Response and Prevention Program* (the "Program"); and

- 4.3 Establish a Duty of Care Team for overseeing the Program; membership will include :

- a) Safety and Emergency Services (chair);
- b) Student Affairs;
- c) People, Culture and Diversity;
- d) Centre for International Experience;
- e) Student Housing
- f) Registrar's Office;
- g) Indigenous Education and Affairs; and
- h) Others, as required

5. PRIVACY

- 5.1 All personal information collected under this policy will be handled in a confidential and sensitive manner and in compliance with applicable legislation, B.700 Privacy and Access to Information Policy and other relevant University policies.

- 5.2 Where it is determined to be reasonably necessary, and in compliance with applicable legislation personal information may be disclosed to an Appropriate Individual in order to:
- a) effectively enact a Duty to Warn and/or a Duty to Protect to safeguard health, safety and security of the University community
 - b) ensure a full and fair investigation;
 - c) implement corrective measures;
 - d) obtain legal advice; or
 - e) inform an Appropriate Individual or Authority in an effort to address suspected criminal activity or address risk of harm to self or others .

6. OTHER LEGAL REMEDIES

- 6.1 Nothing in this policy or its procedures prevents a University community member from pursuing their rights under criminal law, civil proceedings, health and safety legislation, human rights legislation, or collective agreements.

7. POLICY REVIEW

- 7.1 This policy may be reviewed and modified in specific instances, as reasonably necessary. Notwithstanding that, the policy will be operationally reviewed annually, in accordance with the Legislation, and formally reviewed every three years.

8. DESIGNATED OFFICER

- 8.1 The Vice President, Finance and Administration is the Policy Owner, responsible for the oversight of this Policy. The Administration of this Policy and the development, subsequent revisions to and operationalization of any associated procedures is the responsibility of the Director of Safety & Emergency Services.

9. RELATED POLICIES AND PROCEDURES

B.310 Protected Disclosure (Whistleblower) Policy

B.401 Sexual Violence Policy

B.506 Standards of Conduct

B.511 Discrimination, Bullying and Harassment Policy

B.700 Privacy and Access to Information Policy

B.701 Student Code of Conduct

OP.304 Public and Media Relations

OP.419 Weapons on Campus Policy

OP.420 Safety and Emergency Services Policy

OP.421 Security Technology – Surveillance Systems

OP.422 Facilities Access Policy

E.404 Crisis/Emergency Management

E.412 Emergency University Closure Policy

10. REFERENCES

Criminal Code of Canada

BC Workers' Compensation Act

BC Occupational Health and Safety Regulation

BC Freedom of Information and Protection of Privacy Act

BC Limitations Act

Practice Tool for Exercising Discretion: Emergency Disclosure of Personal Information by Universities, Colleges and other Education Institutions – David Loukidelis and Ann Cavoukian; joint publication of the Office of the Information & Privacy Commissioner for British Columbia and Information and Privacy Commissioner of Ontario.