



STANDARD OPERATING PROCEDURE (SOP)

DOCUMENT ID: SOP-181 VERSION #1	TITLE: VIOLENCE - COMPLAINTS (RESPONDING TO)	SEARCH KEY:
PURPOSE:	<ul style="list-style-type: none"> To outline the process for responding to complaints of violence. 	POST TO: Public Website <input checked="" type="checkbox"/> DC Connect <input checked="" type="checkbox"/>
SCOPE (Applies To):	<ul style="list-style-type: none"> ASSOCIATE VICE-PRESIDENT, HUMAN RESOURCES CAMPUS SECURITY COLLEGE COMMUNITY COLLEGE EMPLOYEES DC STUDENTS DIRECTOR, SAFETY, SECURITY AND RISK MANAGEMENT (SSRM) JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE (JOHC) REPORTING MANAGERS OR SUPERVISORS RESPONSIBLE ADMINISTRATORS 	
STATUS: FINAL	AUTHOR: NANCY CONSTABLE, DIRECTOR, SAFETY, SECURITY AND RISK MANAGEMENT CONTACT INFORMATION: 604-527-5828	CREATED: 2018/11/15 (yyyy/mm/dd)
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RELEVANT FORMS:	N/A	REVISED: (yyyy/mm/dd)
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QUALITY ASSURANCE FORMAT APPROVAL: <input checked="" type="checkbox"/> ADMINISTRATORS' COMMUNITY OF PRACTICE (ACP) SOP SUBCOMMITTEE <input checked="" type="checkbox"/> THOR BORGFORD, VICE-PRESIDENT, ACADEMIC AND PROVOST		DATE APPROVED: 2019/08/13 (yyyy/mm/dd)
RELEVANT POLICY:	Douglas College Policies <ul style="list-style-type: none"> Occupational Health and Safety Respectful Workplace 	

<p>RELEVANT POLICY: (cont.)</p>	<ul style="list-style-type: none"> • Sexual Violence and Misconduct Prevention and Response • Standards of Student Conduct • Violence Prevention and Response <p><u>Freedom of Information and Protection of Privacy Act of B.C. ("FIPPA") College and Institutes Act of B.C.</u></p>
<p>RELEVANT ACRONYMS & DEFINITIONS:</p>	<p>Complainant: A person who files a complaint; a member of the College community who observes or is the subject of an alleged violation of the <i>DC Violence Prevention and Response Policy</i>, and who seeks recourse under the Policy. In some instances, the College may initiate a complaint in the absence of a complainant where it becomes aware of alleged misconduct and no one comes forward with a complaint, or where an investigation is required by law.</p> <p>College Community: Includes all Douglas College employees, students, Board members, users, contractors, suppliers, visitors and any other person present on a College Campus.</p> <p>Complaint: A formal, written report containing allegations of violence or other violation(s) of the <i>DC Violence Prevention and Response Policy</i>.</p> <p>College: Douglas College</p> <p>DSU: Douglas Students' Union</p> <p>FIPPA: Freedom of Information and Protection of Privacy Act of B.C.</p> <p>Frivolous, or vexatious complaint: Reports that are knowingly false, intended to harass or embarrass the named party or parties involved, or is submitted with the intention of causing annoyance or distress.</p> <p>Investigator: A person appointed by the College to investigate alleged violation(s) of the <i>DC Violence Prevention and Response Policy</i>. The Investigator may be internal or external to the College.</p> <p>Manager: An Administrative Group employee designated as a supervisor of other employees.</p> <p>Parties: The Complainant(s) and Respondent(s) named in a complaint under the <i>Violence Prevention and Response Policy</i>.</p> <p>Respondent(s): A person or persons alleged to have engaged in conduct that violates the <i>Violence Prevention and Response Policy</i>.</p> <p>Responsible Administrator: An executive of the College, or an Administrator responsible for the operations of a College Department, Faculty, or service area (e.g., Dean, Director, Chief Information Officer, Registrar). A Responsible Administrator may:</p> <ol style="list-style-type: none"> a. decide whether the policy has been violated; b. make recommendations or decisions regarding remedies or discipline; c. assume the role of Complainant to initiate an investigation; and d. initiate interim measures.

<p>RELEVANT ACRONYMS & DEFINITIONS: (cont.)</p>	<p>SSRM: Safety, Security and Risk Management</p> <p>Student: A person who is enrolled as a student at Douglas College in credit or non-credit courses.</p> <p>Supervisor: A person, not necessarily a Responsible Administrator and/or not necessarily with Supervisor in their title, who has been assigned or delegated supervisory responsibility for others while working or studying at Douglas College.</p> <p>Threat Assessment Team (TAT): The multi-disciplinary team established by the College to assist in creating and maintaining a working and learning environment where students, employees and users feel safe and secure. The purpose of the TAT is to assess, investigate and determine an appropriate level of response to reports of behaviours of potential concern and/or threats with the potential to result in harm to the campus community.</p> <p>Violence: The attempted or actual exercise by a person, of any physical force so as to cause injury to any member of the College community, and includes any threatening statement or behaviour which gives a member of the College community reasonable cause to believe that they are at risk of injury. A threat against an employee’s family that is a result of the employee’s employment is considered a threat against the employee. Incidents of violence may not necessarily occur on Douglas College premises. These incidents are considered workplace violence if they arise out of the employee’s employment.</p> <p>Violence Threat/Risk Assessment: A process involving data collection and the use of evaluative tools to identify indicators that suggest a person may be moving on a pathway towards violence against self or others and interventions to decrease that risk, prevent injury, and support the person in receiving the help necessary to address the issues contributing to the high-risk behaviour.</p>
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PREAMBLE:

The following procedures will be used for responding to **violence complaints** made under the [Douglas College Violence Prevention and Response Policy](#) . The level of initial response will vary according to the particular circumstances.

A. VIOLENCE REQUIRING IMMEDIATE INTERVENTION

STEPS:

1. Incidents of **campus violence** that are **in progress**, or where a **threat is imminent**, must be **reported immediately to Police (911) and Campus Security**. (See SOP [Violence - Reporting a Violent Incident or Threats/Violence requiring Immediate Intervention](#))

SAFETY PLANNING AND SUPPORTS

Members of the **College community** who are impacted by **violent behaviors** shall have access to support through the **Director, Safety, Security and Risk Management (SSRM)**, including safety planning to identify measures that they, and the College, may take to mitigate the risk to safety in the College environment, and support in reporting to law enforcement as appropriate; and

- a. For **students**, access to support services through the College Counselling Services or referrals to community agencies, as appropriate;
- b. For **employees**, access to support services through the College Employee Assistance Program or referrals to community agencies, as appropriate.

B. INFORMAL CONFLICT RESOLUTION

STEPS:

1. A **person** making a complaint may choose to approach the **respondent** directly, in person or in writing, about the alleged violence with a request that it cease, provided they feel safe and capable of doing so.
2. Alternatively, a **person** making a complaint may first consult with an appropriate College **employee** such as a **Supervisor, Manager or Administrator** responsible for a learning or service environment, for advice or assistance in pursuing informal resolution.

C. COMPLAINT TO THE RESPONSIBLE ADMINISTRATOR

STEPS:

1. A **complainant** may file a complaint under the [*Douglas College Violence Prevention and Response Policy*](#) by submitting a written report to the **Responsible Administrator**, or filing a *Campus Security Incident Report* with **Campus Security**. The complaint should include the relevant details regarding the alleged violation of the Policy; and names of any potential witnesses and any relevant documents and/or action taken by the **complainant** to attempt to resolve the alleged violation(s) and the result of those actions.
2. A **complainant** has the right to withdraw a complaint at any stage of the process. However, the College may continue to act on the issue identified in the complaint to comply with its obligations under law or the Policy.
3. Upon receipt of a complaint, the **Responsible Administrator** must first determine if the complaint falls within the scope of the *DC Violence Prevention and Response Policy*. If it does not, the **Responsible Administrator** will inform the **complainant** in writing.
4. If no previous attempt has been made to resolve the complaint informally, the **Responsible Administrator** may propose an alternate dispute resolution process, if it is appropriate in the circumstances, and with the consent of the **complainant**. Otherwise, the **Responsible Administrator** will appoint an **investigator** to investigate the complaint.

C. COMPLAINT TO THE RESPONSIBLE ADMINISTRATOR (cont.)

STEPS:

5. Participation in an alternative dispute resolution process is voluntary. If either the **complainant** or the **respondent** do not agree to engage in an alternate process, or wish to discontinue their participation in that process, then the **Responsible Administrator** will appoint an **investigator** to investigate the complaint.

D. WHERE RESPONDENT IS A COLLEGE EMPLOYEE

STEPS:

1. Where the **respondent** to the complaint is a College **employee**, the **Responsible Administrator** in consultation with the **AVP, Human Resources**, will notify the **respondent** of the **complaint** and the initiation of an investigation, and take appropriate action that may include:
 - a. Notifying the **respondent** to cease any behaviors as described, pending completion of the investigation;
 - b. Restricting access for the **respondent** from any specific area of the College, pending completion of the investigation;
 - c. According to the particular circumstances, temporarily suspending the **employee**, or restricting access to specific College facilities, pending the outcome of the investigation;
 - d. Notifying the **Director, SSRM** who will initiate Violence Threat/Risk Assessment protocol.
 - e. Notifying the **Supervisor** of the area where the incident occurred (as appropriate).

E. WHERE THE RESPONDENT IS A STUDENT/USER

STEPS:

1. Where the **respondent** to the complaint is a **student/user**, the **Responsible Administrator** will notify the **respondent** of the complaint and of the initiation of an investigation and take appropriate action that may include:
 - a. Notifying the **respondent** to cease any behaviors as described, pending completion of the investigation;
 - b. Restricting access for the **student/user** from any specific area of the College, pending completion of the investigation;
 - c. According to the particular circumstances, restricting access of the **student/user** from all College facilities, pending the outcome of the investigation.
 - d. Notifying the **Director, SSRM** who will initiate Violence Threat/Risk Assessment protocol.

F. INVESTIGATION

STEPS:

1. An investigation into a complaint of violence is not an adversarial process. Oral hearings will not be held as part of the investigation process.
2. Investigations will be conducted in accordance with applicable *WorkSafe BC* and *Occupational Health & Safety (OH&S) Regulations* and the *Workers Compensation Act*. This will include the **Director, SSRM** notifying the **Joint Occupational Health and Safety Committee** of all incidents of violence impacting College **employees**, with details as appropriate.
3. Where the violent behaviour is alleged to have taken place at an off-campus location (e.g., practicum or worksite), the **Responsible Administrator** will pursue appropriate action and investigation with the appropriate level of administration for that off-campus setting.
4. In all investigations, the **respondent** will be provided with a copy of the complaint, or particulars of the complaint where the complaint was not submitted in writing, and be given full opportunity to respond.
5. The **investigator** will advise **participants** in the investigation process of the option to have a **support person** present for interviews. For unionized employees, this would normally be a steward or union representative. For **students**, this would normally be the **DSU** Advocate, a counselor, or a person from aboriginal student services. The **investigator** has discretion to consider requests for others to be support persons.
6. The **investigator** will conduct the investigation in a procedurally fair manner, following the principles of administrative fairness and natural justice, using a process determined by the **investigator**. The investigation process may include some or all of the following steps:
 - a. Requesting a written response to the complaint from the **respondent**, including a list of any potential **witnesses**, along with a summary of the information those witnesses are expected to provide, and any relevant documentation.
 - b. Meeting with or requesting further information from the **complainant**.
 - c. Meeting with or requesting further information from the **respondent**.
 - d. Meeting with or requesting further information from any other **individuals** who may have relevant information, including any witnesses identified by the **parties**.
 - e. Obtaining any other relevant evidence.
 - f. An **investigator** may choose to record some or all interviews conducted.
7. Once the investigation is complete, the **investigator** will prepare a confidential written report that will normally include a summary of the evidence considered, any assessment of credibility that was required to be made, the **investigator's** findings of fact, and a determination as to whether, on a balance of probabilities, the College Policy has been violated.

F. INVESTIGATION (cont.)

STEPS:

8. A copy or a summary of the **investigator's** report will be provided to the **complainant** and the **respondent** and to the **Responsible Administrator**.
9. Based on the findings of the **investigator's** report, the **Responsible Administrator** will determine what sanctions or other measures are appropriate. Sanctions involving **employees** will be determined in consultation with the **AVP, Human Resources**.
10. Where an investigation upholds the **complaint** in whole or in part, the **Responsible Administrator** will determine an appropriate penalty or sanction for the **respondent**, except where suspension is deemed the appropriate penalty, the **Responsible Administrator** will make such a recommendation to the **President** for determination.
11. Penalties and sanctions imposed under the *DC Violence Prevention and Response Policy*, will commensurate with the seriousness of the **violence**. It may include, but is not limited to, one or more of the following:
 - a. Mandatory education or awareness training;
 - b. Letter of reprimand;
 - c. Restriction of access to specific College activities, facilities and/or services;
 - d. College Community Service Order
 - e. Restitution Order
 - f. Suspension for a defined period of time, termination or permanent suspension (expulsion) from Douglas College. Under Section 37 of the *College and Institute Act of BC*, the **President** has sole authority to suspend **employees** and **students**.
12. Information on any violent incident resulting in disciplinary actions will be sent to the **Director, SSRM** who will maintain a list of **students/users** and **employees** who have been disciplined for violent behavior.
13. If the **investigator's** report determines that the *DC Violence Prevention and Response Policy* has not been violated, the **Responsible Administrator** will dismiss the complaint and notify the **complainant** and **respondent** of the outcome.
14. If the **investigator's** report determines that the complaint was frivolous, vexatious or vindictive in nature, the College may take appropriate disciplinary action against the **complainant**.
15. A finding of violence under the Policy and any sanctions imposed on the **respondent** as a consequence will form part of the **respondent's** official student record at the College and should be taken into account if there are subsequent findings of violence. The **Registrar's Office** will be notified to place information on the **student's** record.

G. CONFIDENTIALITY

1. To encourage persons who have witnessed or who have been subject to behaviours that are in violation of the Policy to come forward, and to protect the rights and reputations of the **parties** throughout the investigation and resolution process, confidentiality of all persons and information involved in a **complaint of violence** is expected.
2. Confidentiality must, however, be distinguished from anonymity. If a **complainant** wishes to proceed with a **complaint**, the **respondent** must be made aware of the nature of the allegations, including the identity of the **complainant**.
3. To protect the integrity, fairness and effectiveness of investigations and to ensure compliance with the ***Freedom of Information and Protection of Privacy Act of B.C. (FIPPA)***, all **participants** in an investigation must act in accordance with the requirements, set out as follows:
 - a. **Individuals**, including the **complainant** and the **respondent**, who have obtained personal information about an identifiable **individual** through their participation in an investigation must not disclose this information to anybody except their own personal **advisors** or **representatives**, or as required by law. However, this does not prevent:
 - i. Any **participants** in an investigation from disclosing information about **themselves**; or
 - ii. College **representatives** from disclosing investigation-related information as authorized under the [*Douglas College Violence Prevention and Response Policy*](#).
4. The College will not disclose any personal information related to an investigation except to the extent such disclosure is:
 - a. expressly authorized by the affected **individual**;
 - b. to a **College representative**, if necessary for the performance of that person's duties;
 - c. to a **complainant, respondent, witness** or other **participant** in the investigation, if necessary for the conduct of the investigation;
 - d. authorized by the *DC Violence Prevention and Response Policy*; or
 - e. authorized or required under law.

Information may also be shared where:

- a. an **individual** is at imminent risk of self-harm;
 - b. an **individual** is at imminent risk of harming another; or
 - c. there are reasonable grounds to believe that others in the College community, or wider community may be at risk of harm.
5. To maintain the integrity of the investigation process, the College must ensure that both **complainants** and **respondents** are advised of the investigation findings.

G. CONFIDENTIALITY (cont.)

6. Under **FIPPA**, the College is only authorized to disclose disciplinary actions it has taken against a **respondent** if the disclosure is for compelling health or safety reasons.
7. All recorded personal information collected during an investigation will be treated as “supplied in confidence” for the purposes of compliance with **FIPPA** and responding to access requests under that legislation.
8. Any **person** breaching confidentiality may be subject to discipline or other appropriate action.

H. APPEALS

STEPS:

1. A **complainant** or **respondent** may appeal the decision of a **Responsible Administrator** to the **person** to whom the **Responsible Administrator** reports. A College **employee** or **student** who has been suspended by the **President** has a right of appeal to the **College Board**.
2. The Appeal must be submitted in writing within ten (10) business days of the decision being received by the **complainant/respondent** and must provide specific grounds for the Appeal, describing how the policy was incorrectly applied and/or due process was not followed.
3. The Appeal will deal with appropriateness of process or disciplinary decisions, and will not reconsider the original complaint. However, the **person** or **body** deciding the Appeal has the discretion to consider new evidence that could not reasonably have been available at the time of the investigation.
4. The Appeal may be upheld or dismissed, in whole or in part, and/or referred back to the **Responsible Administrator** for reconsideration.
5. The **person** or **body** deciding the Appeal will give reasons for the decision in writing.