

VIOLENCE PREVENTION AND RESPONSE POLICY

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A. PURPOSE

Douglas College (the College) is committed to providing a working, learning and living environment that allows for the full and free participation of all members of the College Community, and is free from Violence, which includes threats of Violence. This policy articulates the duty of all members of the College Community to refrain from engaging in Violence and establishes procedures for addressing and resolving Complaints regarding violations of this policy; it also ensures the College’s compliance with provincial legislation and occupational health and safety regulations in place to protect Employees from Violence in the workplace.

B. SCOPE

This policy applies to Violence that is alleged to have occurred

- a. on College Property, or
- b. off College Property in connection with an event or activity sponsored, organized, led or required by the College, including but not limited to an off-campus activity that Students are required to participate in for successful completion of their studies (e.g., field trips, practicum placements), or
- c. in other circumstances that may adversely affect the working, learning or living environments at the College, or the College’s interests or reputation, and

where the alleged Violence involves a member of the College Community or a person who was a member of the College Community at the time of the incident.

If an incident of Violence does not meet the above criteria, the College may still take steps to mitigate the impact of the incident on the working, learning or living environment.

In incidents of Violence directed at an Employee of the College, this policy will be applied in accordance with the *Workers Compensation Act* and applicable *WorkSafeBC Regulation*; procedures for responding to incidents of Violence directed at Employees are housed in Standard Operating Procedures (see section E).

Limitations of Scope

This policy is designed to complement and not to conflict with the College's collective agreements. If there is any inconsistency between this policy and a collective agreement, the applicable collective agreement provision(s) will prevail to the extent of the inconsistency.

This policy is separate from any criminal or civil proceedings. The College is not responsible for determining violations of criminal or civil law.

Application of Other College Policies

Conduct that violates this policy may also violate other College policies, such as but not limited to the following:

- For bullying and harassment of an Employee, including Students who are also Employees and who experience the bullying and harassing behaviour while acting in their capacity as Employees, see also the *Bullying and Harassment Prevention and Response* policy;
- For bullying and harassment of a Student who is not also a College Employee, where that bullying and harassment is alleged against other Student(s) who are not College Employees, see also the *Student Non-academic Misconduct* policy;
- For incidents where one or more Student(s) are alleged to have defaced, damaged or destroyed College Property, see the *Student Non-academic Misconduct* policy;
- For Violence, violent misconduct or the threat of Violence that is Bias- or Hate-Motivated, see also the *Human Rights* policy; and
- For Violence, violent misconduct or the threat of Violence that is sexual in nature, see also the *Sexual Violence and Misconduct Prevention and Response* policy.

C. DEFINITIONS

Campus Security: The security services company duly contracted by Douglas College to provide security services to College campuses and Properties as assigned.

College Community: All College Employees, Students and Board members, and any other person contractually obligated to comply with College policy.

College Property: In addition to the College's physical campuses and centres, includes, for the purposes of this policy, technology and technological spaces—such as online learning platforms and

social media networks—that are relied upon by Students and/or Employees in the completion of their studies and/or work.

Complainant: A person who files a Complaint. In instances where the College becomes aware of allegations of Violence that, if true, would violate College policy but no person comes forward with a Complaint, or where an investigation is required by law, the College may initiate an investigation.

Complaint: A written statement alleging violation(s) of policy.

Duty to Warn: An obligation to notify the person(s) at risk of imminent or foreseeable danger.

Employee: A person employed by the College, including administrators, faculty and staff and contractors, and Students when employed by the College (e.g., as Student Assistants or Peer Tutors); for the purposes of this policy, includes Students on placement at clinical, practicum, co-op or work experience settings.

Incident Report: A written record produced by Campus Security to document details of any unusual and/or concerning event; submitted to the Manager, Campus Security Operations and Director, Safety, Security and Risk Management.

Investigator: A person appointed by the College to investigate a Complaint; for the purposes of this policy, in the investigation of Workplace Violence, the role of Investigator may be assumed by a team, as outlined in the relevant College Standard Operating Procedures (see section E).

Party/Parties: The Complainant(s) and/or Respondent(s) named in a Complaint under policy.

Respondent(s): A person or persons alleged to have engaged in conduct that violates policy.

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).

Retaliatory Action: Any adverse action taken against a person because that person reports or alleges a violation of policy, seeks advice on making a Complaint, makes a Complaint, or co-operates in an investigation of a Complaint.

Student: A person enrolled in studies at the College in credit or non-credit courses.

Support Person: A member of the College Community who is able to offer confidential support to participants in an investigation (i.e., to either Party or a witness), and who may accompany the participant to any meetings relating to the process; the Support Person is not a party to or participant in the investigation and does not represent or speak or present on behalf of the participant.

Threat Assessment Team: The multi-disciplinary team established by the College to conduct Violence Threat/Risk Assessments – that is, to assess, investigate and determine an appropriate level of response to reports of behaviours of potential concern and/or threats that may have the potential to result in harm to the campus community. (*See the definition for Violence Threat/Risk Assessment.*)

Violence: Any attempted, threatened or actual use of physical force or action by a person so as to cause injury to self or other(s); includes any threatening statement or behaviour that gives a person reasonable cause to believe that they or others are at risk of injury.

Forms of Violence include but are not limited to the following:

Bias- or Hate-Motivated: Violence targeting one or more person(s) because of the targeted person's membership or perceived membership in a social group; Violence motivated by prejudice against one or more factors in the targeted person's identity, including but not limited to factors such as Indigenous identity, race, colour, ancestry, place of origin, age, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or gender identity or expression.

Domestic: In the context of a family, household or intimate relationship, any of a range of behaviours or actions including but not limited to the use of abusive, coercive, forceful or threatening acts and/or words, undertaken by one person to control and dominate another person; may take the form of physical, emotional, sexual, financial and/or spiritual abuse. Domestic Violence that results in risk of or harm to workers or others in the workplace may be within scope of this policy.

Sexual Violence and Misconduct: Any sexual act or act targeting a person's sex, sexuality or gender identity or expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person's consent, including but not limited to

- sexual assault;
- sexual exploitation;
- sexual harassment;
- stalking;
- indecent exposure;
- voyeurism;
- the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video;
- the attempt to commit an act of Sexual Violence and Misconduct; or
- the threat to commit an act of Sexual Violence and Misconduct.

Workplace: Violence that is directed against an Employee by someone who is not an Employee and results from the Employee's employment, regardless of whether the incident(s) occurred on or off College Property; extends into the location(s) in which Students and/or Employees are

completing their studies or employment duties (i.e., remote work). Threats against an Employee's family that arise or result from the Employee's employment are considered threats against the Employee, as per *WorkSafeBC Regulation* (see section F).

Note: Instances of alleged Workplace Violence will be investigated under relevant College [Standard Operating Procedures](#) (see section E), in compliance with *WorkSafeBC Regulations*.

Violence Threat/Risk Assessment: A process undertaken by the College's Threat Assessment Team involving data collection and the use of evaluative tools to identify indicators that suggest whether 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 to receive the help necessary to address the issues contributing to the high-risk behaviour. (See the definition for Threat Assessment Team.)

D. POLICY STATEMENTS

1. Douglas College is committed to providing a safe working, learning and living environment that is free from Violence.
2. Violence is prohibited and will not be tolerated.
3. All members of the College Community share responsibility for creating and sustaining a College environment that is free from Violence. All users of College facilities and visitors to the College, including Students, College Board members, contractors and their employees and agents, guest lecturers, visiting researchers and other third parties are expected to conduct themselves in a respectful manner consistent with this policy.
4. The College does not have jurisdiction to take disciplinary action against a person who is not a member of the College Community or who is not currently affiliated with the College. However, under certain circumstances the College may be able to take other action, such as revoking a person's access to College Property or a College event, where it is deemed necessary to do so to ensure the health, safety and security of any member(s) of the College Community.
5. The College recognizes that while Violence can affect any member of society, its consequences may disproportionately affect individuals who experience intersecting forms of systemic discrimination or barriers (e.g., on grounds of any combination of factors such as their Indigenous identity, race, colour, ancestry, place of origin, age, religion, marital status, family status, physical or mental disability, sex, sexual orientation or gender identity or expression), and individuals who occupy the less powerful position in a relationship characterized by a power dynamic (e.g., a Student in relation to an instructor, a staff person in relation to a supervisor).
6. Any breach of this policy by a member of the College Community represents serious misconduct and is grounds for disciplinary sanction, which may include, where appropriate, suspension or dismissal of an Employee or suspension of a Student from the College.

7. The College is committed to establishing and maintaining a Violence Prevention and Response program that will include the following measures:
 - a. Providing coordination of and oversight for risk assessment and risk management practices and controls that can be implemented to control the risk of Workplace Violence;
 - b. Ensuring the development and delivery of appropriate education and training for members of the College Community regarding this policy; and
 - c. Ensuring that Employees are aware of their right under BC's *Occupational Health and Safety Regulation* to refuse unsafe work, so that Employees who have information or reasonable grounds to believe that they are at risk of campus Violence may refuse, and feel supported in refusing, any such unsafe work, in accordance with this right (see [Standard Operating Procedures](#) listed in section E).

8. The College is committed to addressing Violence through the following response measures:
 - a. Reducing barriers to filing Complaints regarding Violence;
 - b. Establishing procedures for reporting, investigating and documenting incidents of Violence in a prompt, sensitive and procedurally fair manner; and
 - c. Implementing appropriate corrective actions, such as discipline, remedies and/or restorative actions as necessary or when a violation of this policy is found to have occurred.

9. The College reserves the right to investigate alleged Violence on its own initiative.

10. The College reserves the right to implement immediate interim measures it considers appropriate, pending the resolution of an investigation into alleged Violence. Such measures may include but are not limited to directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour; restricting access to a specific College campus, specific areas of a College campus, online learning platform or work environment; alteration of the work or learning schedule of an individual; imposing a no-contact directive; and/or temporary, non-disciplinary leave of an individual. Such interim measures will be carried out in accordance with the provisions of the relevant collective agreement(s); they will be precautionary rather than disciplinary and thus should be in place for as short a time as possible.

11. Complaints of Violence involve confidential and sensitive information. The College recognizes its responsibility to avoid or minimize circumstances that might reasonably be expected to cause participants distress, so that those who may have experienced Violence will feel free to come forward, and the reputations and interests of those accused are protected. All members of the College Community who are involved in Complaints or investigations regarding alleged violations of this policy must maintain the confidentiality of any information they receive during the course of the process.

12. A member of the College Community may have the right to pursue another process in connection with the alleged Violence, such as reporting the matter to the police, initiating a civil action or filing a complaint under the BC *Human Rights Code*. If another process is pursued, the College may

elect to place its process under College policy in temporary abeyance pending the outcome of the other process.

13. Retaliatory Action of any kind is prohibited.

14. The College will keep a written record of all Complaints and investigations, according to the *College's Record Series and Retention Schedule*.

E. PROCEDURES

FOR VIOLENCE IN PROGRESS OR IMMINENT THREATS OF VIOLENCE

CALL 9-1-1
THEN CONTACT CAMPUS SECURITY

See the following [Standard Operating Procedure](#) available to internal College users on DC Connect:

- *Violence – Reporting Threats/Violence Requiring Immediate Intervention*

FOR INSTANCES OF WORKPLACE VIOLENCE

Reporting and responding to Workplace Violence, namely Violence exercised against an Employee by someone who is not an Employee, is governed by *WorkSafe BC Regulation*.

Procedures relating to Workplace Violence reports and investigations are outlined in the following [Standard Operating Procedures](#), available to internal College users on DC Connect:

- *Reporting a Workplace Accident, Injury, Incident or Occupational Disease – for DC Employees and Students on Practicum/Experiential Learning within BC*
- *Investigating a Workplace Accident, Injury, Incident or Occupational Disease – for DC Employees and Students on Practicum/Experiential Learning within BC*
- *Reporting Unsafe Work Conditions*

The procedures outlined below do NOT apply to incidents of Workplace Violence.

Accommodation and Safety Planning

Any member of the College Community affected by an incident of Violence may request a safety plan or other academic or workplace accommodation(s) relating to the incident, and may do so by contacting the Associate Vice President, Human Resources (for Employees) or the Director, Safety, Security and Risk Management (for Students and other non-Employees).

THE FOLLOWING PROCEDURES APPLY WHERE THE ALLEGED INSTANCE OF VIOLENCE IS NOT 'WORKPLACE VIOLENCE' AS DEFINED IN THIS POLICY (*see Definition, p. 4*).

Reporting Instances of Alleged Violence

1. Any member of the College Community who has been involved in any incident of Violence that falls within scope of this policy, including Domestic Violence likely to expose a member of the College Community to physical injury while on campus or using College Property, who has information or reasonable grounds to believe that an incident of Violence has occurred, or who perceives themselves at risk of Violence within the College's working, learning or living environment is required to report the incident/concern to a Responsible Administrator (RA) or Campus Security. This requirement applies regardless of whether the person reporting the alleged violation has experienced or witnessed the conduct.
2. A Complaint under this policy is to be filed in writing with a RA or reported verbally to a member of Campus Security, who will complete and file an Incident Report. The Complaint/ Incident Report should set out the relevant details regarding the alleged Violence or other alleged violation of this policy, including a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any text messages, emails or social media communications, should be included with the Complaint/Incident Report, along with the Complainant's full name, contact information and Employee or Student number, as applicable.

Informal Resolution

1. Nothing in the following procedures precludes early attempts by individuals to resolve their concerns directly and informally. However, the College does not recommend that any members of the College Community attempt direct or informal resolution in circumstances in which anyone's personal safety may be at risk; in such situations, members of the College Community are instead advised to seek immediate help and support.
2. Where Employees who believe they have experienced or witnessed Violence feel safe and comfortable doing so, they may choose to attempt to resolve the situation by bringing the matter to the attention of the person who has engaged in the conduct, advising them that the conduct is unacceptable and contrary to this policy, and asking that the conduct cease immediately.
3. Employees may seek assistance from their RA in resolving the matter informally. The RA may serve as the mediator in such a conversation or process or consult with the Human Resources department for appropriate internal or external support. At the Employee's request, another appropriate Support Person may participate in a supportive role alongside the Employee.
4. The Complainant or Respondent may withdraw their participation from an informal resolution process at any time.

Submitting a Complaint of Alleged Violence

If the matter cannot be resolved informally, or if the Complainant does not wish to pursue informal resolution, the Complainant may file a Complaint in accordance with the procedures outlined here.

1. Complaints are to be submitted as follows:

- Complaints filed by one Student against another Student should be submitted to a College Employee with whom the Complainant feels comfortable (e.g., an instructor, a counselor, a department Chair/program Coordinator, the Associate Dean or Dean of their Faculty, or a person in Indigenous Student Services), who will forward it to their Responsible Administrator.
- Complaints filed by a Student against a College Employee should be submitted to the Employee's supervisor (e.g., a Dean or Director if the Employee is a faculty member; a supervisor, manager, Registrar or member of the Senior Management Team if the Employee is not a faculty member);
- Complaints filed by a Student or another member of the College Community who is not an Employee against a member of the College Community who is not a Student or an Employee should be submitted to the Director, Safety, Security and Risk Management.

Exception: If the Respondent named in the Complaint is the person to whom the Complaint would normally be submitted, according to the guidelines above, the Complainant should submit the Complaint to that person's supervisor or RA instead, as outlined in the following examples:

- if the Respondent is a Dean, Director or Registrar, the Complaint should be submitted to the appropriate member of the Senior Management Team (e.g., to the Vice President, Academic if the Respondent is a Dean; to the Vice President, Student Affairs if the Respondent is the Registrar, Director, Learning Resources or Director, Student Services;
 - if the Respondent is a Vice President or Associate Vice President, the Complaint should be submitted to the College President;
 - if the Respondent is the President, the Complaint should be submitted to the College Secretary and addressed to the Chair of the College Board.
2. Complaints must be made in writing; however, in circumstances where the Complainant is unable to submit a written Complaint, they may contact the appropriate recipient of the Complaint for accommodation, which could include accepting an initial verbal report or arranging for the verbal report to be written down by another party.
3. The Complaint should be dated and signed and set out the relevant details regarding the alleged Violence or other alleged violation of this policy, including dates. The Complaint should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any text messages, emails or social media communications, should be included with the Complaint, along with the Complainant's full name, contact information and Student number, if applicable. Where the Complainant has attempted to resolve the alleged violation(s) informally, the details about and results of those efforts should also be included.

4. Where the Complaint involves more than one Respondent, Complainants are encouraged, to the extent practicable, to address allegations about each Respondent in a separate document.
5. 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(s) identified in the Complaint where it is obligated by law or policy to do so.

Initial Review of Complaints

1. Upon receipt of a Complaint, the Responsible Administrator (RA) will within two (2) business days respond to the Complainant to acknowledge its receipt and conduct an initial review to determine whether any immediate interim measures are warranted to ensure the safety of all Parties in the working, learning and/or living environment, pending full review of the Complaint. Where interim measures are warranted, the College will put such measures in place expeditiously.
2. Where the Complaint raises ongoing concerns of physical safety and/or the threat of imminent harm or danger to any member of the College Community, the RA will immediately notify the Director, Safety, Security and Risk Management (SSRM), who will initiate Violence Threat/Risk Assessment protocols.
3. Where the Complaint submitted identifies an Employee as Respondent, the RA will immediately inform the Associate Vice President, Human Resources (AVPHR) about the Complaint.
4. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place and/or informing the AVPHR, the RA will within an additional seven (7) business days review the Complaint in full and do one of the following:
 - a. Where the allegations within the Complaint do not fall within scope of any conduct-related College policy, advise the Complainant in writing that the Complaint will not proceed and provide an explanation.
 - b. Where the allegations within the Complaint are found to fall within scope of any conduct-related policy, advise the Respondent in writing that a Complaint has been filed, and
 - i. with the agreement of both Complainant and Respondent, refer the matter to an alternative resolution process, as outlined below; or
 - ii. appoint an Investigator, as outlined below.
 - c. Where the RA believes that the Complaint discloses information that the College may be obligated to act on, whether under law or under another College policy or process, the RA will consult with the Director, SSRM, or a member of the Senior Management Team, as appropriate, and refer the Complaint or the relevant portions of the Complaint on as warranted. When appropriate, the RA will advise the Complainant before referring the Complaint elsewhere; however, where the College has a duty to act, its actions are not subject to the Complainant's consent.

5. Under exceptional circumstances, where the Responsible Administrator (RA) is unable to meet the timelines set out above, the RA will inform the Complainant as soon as possible of this fact and provide a revised timeline.

Alternative Resolution Processes

Dispute resolution processes other than formal investigations are co-operative and voluntary processes. They may include but are not limited to a facilitated or mediated conversation between the Parties, a restorative justice process or a healing circle.

The College recognizes that alternative resolution processes may be most appropriate when the Parties to the Complaint belong to the same group (e.g., they are both Students, both staff, both faculty members or both administrators), and less appropriate when there is a real or perceived power differential between Parties (e.g., one is a Student and one a faculty member, or one is a staff member and the other a supervisor).

Participation in an alternative dispute resolution process is entirely voluntary. The Parties are under no obligation to participate in such a process.

1. The RA should consider the appropriateness and potential effectiveness of an alternative resolution process regardless of whether or not the Complainant attempted to address their concerns directly and informally with the Respondent prior to submitting a written Complaint.
2. If the RA believes an alternative resolution process may be appropriate, the RA will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the RA will contact the Respondent to discuss this option with the Respondent. If the Respondent agrees to participate in an alternative resolution process and the RA remains satisfied that an alternative resolution process is appropriate, the RA will explore the available options and, with the agreement of both Parties, refer the matter to that process for resolution.
3. If the Parties do consent to participate in an alternative resolution process, they may decide at any time to withdraw this participation, at which point the RA will appoint an Investigator to investigate the Complaint, as outlined below.

Investigations

If the matter cannot be resolved through an alternative resolution process, or if either Party declines to participate in an alternative resolution process, the College will investigate the Complaint in accordance with the procedures outlined here.

1. The College will appoint an Investigator to investigate the Complaint and establish the appropriate terms of reference. Investigators may be external or internal to the College. In every case, prior to making an appointment, the College shall ensure that there are no grounds for a reasonable apprehension of bias on the part of the Investigator under consideration.

2. The College will identify for the Investigator the College policy or policies and any laws or regulations under which the investigation will proceed.
3. Where the misconduct is alleged to have taken place at an off-campus location (e.g., a practicum setting or worksite), the College will pursue appropriate action and investigation with the appropriate level of administration for that off-campus setting.
4. The College will advise participants in the investigation of the option to have a Support Person present for interviews.
 - For Students, this Support Person will normally be a representative of the Douglas Students' Union, a counselor or a person from Indigenous Student Services.
 - For unionized Employees, this Support Person will normally be a union steward.
 - For non-unionized Employees, this Support Person will normally be someone from Human Resources or from the same Employee group as the participant.

The Investigator has discretion to consider requests for others to serve as Support Persons. Investigators are encouraged to consider intersectional factors of vulnerability and/or systemic barriers faced by persons from underrepresented or socially marginalized groups, and to be receptive to inclusion of other Support Persons where such inclusion would serve to lessen such barriers or marginalization.

5. Investigations (including the preparation of the Investigator's report) will be completed expeditiously, and normally within one hundred twenty (120) calendar days of an Investigator's receipt of a Complaint. If during the course of an investigation the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent and the Responsible Administrator (RA) as soon as possible to inform them of a revised timeline. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Associate Vice President, Human Resources, a Vice President or Director, Safety, Security and Risk Management), as appropriate.
6. Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with civil or criminal trials will not be applied.
7. In all investigations, the Respondent will be informed of the allegations made against them and will be given a full opportunity to respond.
8. The Investigator will conduct the investigation using a procedurally fair and sensitive process, taking care to minimize or avoid circumstances that might reasonably be expected to cause participants distress (e.g., the Complainant having to come into direct contact with the Respondent). The investigation process may include, but is not limited to, the following:
 - a. Requesting a written response to the Complaint from the Respondent, including a list of any potential witnesses along with a description of the information those witnesses are

- expected to provide, and any relevant documents, including any text messages, emails or social media communications;
- b. Meeting separately with or requesting further information from the Complainant;
 - c. Meeting separately with or requesting further information from the Respondent;
 - d. Meeting separately with or requesting further information from any other individuals who may have information relevant to the investigation;
 - e. Obtaining any other evidence that may be relevant to the investigation.
9. At the completion of the investigation, the Investigator will submit a written report to the Responsible Administrator (RA) who appointed the Investigator. Where the RA who received the Complaint is conducting the investigation, that RA will also notify other College administrators (e.g., the Associate Vice President, Human Resources, a Vice President or the Director, Safety, Security and Risk Management (SSRM)), as appropriate. The report will normally include the following information:
- a. A summary of the evidence considered;
 - b. Any assessment of credibility that is required to render a determination;
 - c. The Investigator's findings of fact; and
 - d. A determination as to whether, on a balance of probabilities, policy has been violated.
10. The College will provide the Complainant and the Respondent with a summary of the Investigator's findings and conclusions.

Investigative Outcomes

1. If the Investigator's report determines that Violence has occurred, or that College policy has otherwise been violated, the following will occur:
 - a. As appropriate to the circumstances, the Complainant may be offered a personal safety plan or access or referral to other supports or resources. When the Complainant is a Student, such supports will be facilitated by the office of the Director, SSRM, and, when the Complainant is any other member of the College Community, by the Human Resources department.
 - b. With respect to the Respondent, the appropriate RA, in consultation with the appropriate member of the College's Senior Management Team, will determine what disciplinary sanctions and/or other measures are appropriate based on the findings in the report. Disciplinary sanctions will be commensurate with the seriousness of the violation, up to and including temporary or permanent suspension of a Student or suspension or termination of an Employee. Other measures may include the requirement that Parties to the investigation, or other members of the College Community affected by the Complaint or by the investigation, participate in workshops, education or training, or the recommendation that they participate in mediation or restorative processes.

- c. Where suspension of a Student or an Employee is a potential outcome, the Responsible Administrator (RA) will refer the matter to the President for decision, in compliance with Section 37 of BC's *College and Institute Act*.
 - d. The Respondent will be notified of the RA's decision regarding disciplinary or other measures to be taken against the Respondent. (Note: The College will disclose information regarding disciplinary actions taken against a Respondent only where it is authorized to do so for compelling health or safety reasons and in accordance with the *Freedom of Information and Protection of Privacy Act*.)
 - e. The Respondent will be notified of the option to appeal, as described below.
 - f. Information on any violent incident resulting in disciplinary actions will be sent to the Director, Safety, Security and Risk Management (SSRM), who will maintain a list of users of College facilities who have been disciplined or sanctioned for violent behaviour.
 - g. Where a Duty to Warn exists, the Director, SSRM will be notified and will provide information to the appropriate members of the College Community: such a Duty is present where either physical campus conditions or the presence of an individual with a history of violent behaviour or threat-making may present a risk of Violence, and where the members of the College Community can be expected to encounter such physical conditions or that individual in the course of their work or study. In keeping with the College's Confidentiality Guidelines and *Freedom of Information and Protection of Privacy* policy, no more personal information will be disclosed than is reasonably necessary to protect the health and safety of College Community members.
2. If the Investigator's report determines that College policy has not been violated, the RA will dismiss the Complaint and so notify the Complainant and the Respondent. The Complainant will be notified of the option to appeal, as described below.
3. Whether or not the Investigator's report determines that Violence has occurred, or that College policy has otherwise been violated, the RA may
 - a. Direct Parties to the investigation or other members of the College Community affected by the Complaint or by the investigation to participate in workshops, education or training, or recommend that they participate in mediation or restorative processes; or
 - b. If the RA believes that the report discloses other kinds of misconduct or information that the College may need to act on under another College policy or process, refer the Investigator's report, or the relevant portions of it, to the appropriate College authority.
4. A finding of misconduct and any sanctions imposed on a Respondent who is a Student or Employee will form part of the Respondent's Student or Employee record. For findings against Student Respondents, the Office of Enrolment Services must be notified to place a notation on the Student's file, and any finding of misconduct should be taken into account in the event of subsequent findings of misconduct against the Student.

5. Following an investigation, the Responsible Administrator (RA) (in consultation with the Associate Vice President, Human Resources (AVPHR), if the AVPHR did not receive the Complaint) will review and revise College procedures as appropriate, to prevent future Violence incidents. Appropriate corrective actions will be taken in a reasonable timeframe.

Appeal

1. A Complainant or Respondent may appeal the process followed by the Investigator only if there are grounds to show that due process was not followed or that the relevant policies were incorrectly applied during that process.
2. An appeal must be submitted in writing within ten (10) business days after receipt of the decision of the RA. The written submission must provide specific grounds for appeal, describing how this policy was incorrectly applied or due process was not followed, and be directed as follows:
 - a. Students who are not Employees of the College must submit the appeal to the Vice President, Student Affairs.
 - b. Employees, including Student Employees, must submit the appeal to the person to whom the RA reports.
 - c. Board members or other members of the College Community not captured in (a) or (b) above must submit their appeal to the Vice President, Administrative Services and CFO.
3. An appeal will not reconsider the original Complaint, although the person or body deciding the appeal has discretion to consider any new evidence that could not reasonably have been available at the time of the original investigation.
4. An appeal may be upheld or dismissed, in whole or in part, and/or referred back to the RA for reconsideration.
5. The person or body deciding the appeal will give reasons for the decision in writing. Their decision is final.

Confidentiality

1. Confidentiality from and about all persons and information involved in a Complaint of Violence is expected.
2. To protect the integrity, fairness and effectiveness of investigations, and to ensure compliance with BC's *Freedom of Information and Protection of Privacy Act* (FIPPA), all participants in an investigation must act in accordance with the requirements set out below.
3. Individuals, including the Complainant and the Respondent, who have obtained personal information about an identifiable individual through the course of participating in an

investigation must not disclose this information to anyone except their own personal advisors or representatives, or as required by law. However, this section does not prevent

- a. Any participants in an investigation from disclosing information about themselves or from disclosing information that they have obtained outside the investigation; or
 - b. College representatives from disclosing investigation-related information as authorized under this policy.
4. The College will not disclose any personal information related to an investigation except to the extent that such disclosure is
- a. Expressly authorized by the affected individual;
 - b. Made to a College representative on the grounds that it is necessary for the performance of that individual's duties (e.g., communicating to a supervisor any restrictions to the times of day or days of the week that an Employee may access specific College facilities);
 - c. Made to a Complainant, Respondent, witness or other participant in the investigation on the grounds that it is necessary for the conduct of the investigation;
 - d. Authorized by this policy;
 - e. Authorized or required under law; or
 - f. Deemed necessary to prevent imminent risk of harm to self or others in the College Community or wider community.
5. To maintain the integrity of the investigation process, the College must ensure that both Complainants and Respondents know the Investigator's findings.
6. Under the *FIPPA*, the College will authorize the disclosure of disciplinary actions it has taken against a Respondent only if such disclosure is necessary for compelling health or safety reasons (e.g., the College will normally inform Complainants of any restrictions that may have been imposed upon the Respondent's movements or activities).

Retaliatory Action, Breaches of Confidentiality and Complaints Made in Bad Faith

1. Where a member of the College Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
2. Where an investigation determines that a Complaint was filed in bad faith, the College may take appropriate disciplinary action.

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

Related [Administration Policies](#) are publicly available on the College website:

- *Bullying and Harassment Prevention and Response*
- *Occupational Health and Safety*
- *Sexual Violence and Misconduct Prevention and Response*

- *Student Non-academic Misconduct*
- *Weapons on Campus*

The following related document is publicly available on the College website:

- Douglas College Threat Assessment Team Terms of Reference

G. RELATED ACTS AND REGULATIONS

- *BC Human Rights Code* [RSBC 1996], c. 210
- *BC Occupational Health and Safety Regulation* (for Workplace Violence, see OHSR 4.24 – 4.31)
- *BC Workers Compensation Act* [RSBC 2019], c. 1

H. RELATED COLLECTIVE AGREEMENTS

Current Collective Agreements are publicly available on the website of the BC Post-Secondary Employers' Association (PSEA).

- *Collective Agreement between Douglas College and the BC General Employees' Union (BCGEU)*
- *Collective Agreement between Douglas College and Douglas College Faculty Association (DCFA)*