# STANDARD OPERATING PROCEDURE (SOP)

<table>
<thead>
<tr>
<th>DOCUMENT ID:</th>
<th>TITLE: VIOLENCE - COMPLAINTS (RESPONDING TO)</th>
<th>SEARCH KEY:</th>
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<tbody>
<tr>
<td>SOP-181</td>
<td>To outline the process for responding to complaints of violence.</td>
<td>POST TO:</td>
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<tr>
<td>VERSION #1</td>
<td></td>
<td>Public Website</td>
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<tr>
<th>SCOPE (Applies To):</th>
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<tbody>
<tr>
<td>ASSOCIATE VICE-PRESIDENT, HUMAN RESOURCES</td>
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<tr>
<td>CAMPUS SECURITY</td>
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<td>COLLEGE COMMUNITY</td>
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<tr>
<td>COLLEGE EMPLOYEES</td>
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<td>DC STUDENTS</td>
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<tr>
<td>DIRECTOR, SAFETY, SECURITY AND RISK MANAGEMENT (SSRM)</td>
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<tr>
<td>JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE (JOHC)</td>
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<tr>
<td>REPORTING MANAGERS OR SUPERVISORS</td>
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<td>RESPONSIBLE ADMINISTRATORS</td>
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<th>STATUS: FINAL</th>
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<tbody>
<tr>
<td>AUTHOR: NANCY CONSTABLE, DIRECTOR, SAFETY, SECURITY AND RISK MANAGEMENT</td>
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<tr>
<td>CONTACT INFORMATION: 604-527-5828</td>
</tr>
<tr>
<td>RESPONSIBLE OWNER: VP, ADMINISTRATIVE SERVICES AND CFO</td>
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<td>CREATED: 2018/11/15 (yyyy/mm/dd)</td>
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<td>REVISION AUTHOR: N/A</td>
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| RELEVANT FORMS: |
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<thead>
<tr>
<th>ACCORD/POLICY APPROVAL BODY:</th>
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<tbody>
<tr>
<td>1. M. CONKLIN, MANAGER, OCCUPATIONAL HEALTH &amp; SAFETY</td>
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<tr>
<td>2. S. DENCH, AVP, ACADEMIC &amp; STUDENT AFFAIRS</td>
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<tr>
<td>3. J. FLEMING, DEAN, HUMANITIES &amp; SCIENCES</td>
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<tr>
<td>4. K. GRONSDAHL, DEAN, CHILD, FAMILY &amp; COMMUNITY STUDIES</td>
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<tr>
<td>5. T. HO, ORGANIZER, ADVOCACY, DOUGLAS STUDENT UNION</td>
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<td>6. R. MAURER, AVP, HUMAN RESOURCES</td>
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<tr>
<td>7. T. ROSSELL, PRIVACY OFFICER, LEARNING RESOURCES</td>
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<tr>
<td>8. D. SEIBEL, DIRECTOR, STUDENT AFFAIRS &amp; SERVICES</td>
</tr>
<tr>
<td>9. J. SOLMAN, MANAGER, STUDENT SUPPORT &amp; CONDUCT</td>
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<tr>
<td>10. C. UDY, MANAGER, CAMPUS SECURITY OPERATIONS</td>
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<tr>
<td>11. VICE-PRESIDENT, ADMINISTRATIVE SERVICES AND CFO</td>
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<th>QUALITY ASSURANCE FORMAT APPROVAL:</th>
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<tr>
<td>☒ ADMINISTRATORS' COMMUNITY OF PRACTICE (ACP) SOP SUBCOMMITTEE</td>
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<td>☒ THOR BORGFORD, VICE-PRESIDENT, ACADEMIC AND PROVOST</td>
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<th>RELEVANT POLICY:</th>
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<tr>
<td>Douglas College Policies</td>
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<tr>
<td>Occupational Health and Safety</td>
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<td>Respectful Workplace</td>
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### RELEVANT POLICY: (cont.)

- Sexual Violence and Misconduct Prevention and Response
- Standards of Student Conduct
- Violence Prevention and Response

_Freedom of Information and Protection of Privacy Act of B.C. (“FIPPA”) College and Institutes Act of B.C._

### RELEVANT ACRONYMS & DEFINITIONS:

**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 _DC Violence Prevention and Response Policy_, 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.

**College Community:** Includes all Douglas College employees, students, Board members, users, contractors, suppliers, visitors and any other person present on a College Campus.

**Complaint:** A formal, written report containing allegations of violence or other violation(s) of the _DC Violence Prevention and Response Policy_.

**College:** Douglas College

**DSU:** Douglas Students’ Union

**FIPPA:** Freedom of Information and Protection of Privacy Act of B.C.

**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.

**Investigator:** A person appointed by the College to investigate alleged violation(s) of the _DC Violence Prevention and Response Policy_. The Investigator may be internal or external to the College.

**Manager:** An Administrative Group employee designated as a supervisor of other employees.

**Parties:** The Complainant(s) and Respondent(s) named in a complaint under the _Violence Prevention and Response Policy_.

**Respondent(s):** A person or persons alleged to have engaged in conduct that violates the _Violence Prevention and Response 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). A Responsible Administrator may:

- decide whether the policy has been violated;
- make recommendations or decisions regarding remedies or discipline;
- assume the role of Complainant to initiate an investigation; and
- initiate interim measures.
RELEVANT ACRONYMS & DEFINITIONS: (cont.)

SSRM: Safety, Security and Risk Management

Student: A person who is enrolled as a student at Douglas College in credit or non-credit courses.

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.

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.

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.

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.

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.