

## Complaints and Discipline Risk Assessment Procedure

<b>Procedure Name:</b>	<b>Complaints and Discipline Risk Analysis Procedure</b>				
<b>Approval Authority:</b>	College Board	<b>Adopted:</b>	June 23, 2023	<b>Reviewed:</b>	
<b>Responsible Staff:</b>	Registrar/Deputy Registrar	<b>Revised:</b>			

### 1.0 Purpose

The purpose of this procedure document is to provide guidance to the Registrar and Investigation Committee regarding how complaint files are assessed for risk and prioritized.

### 2.0 The Procedure

The Complaints and Discipline Risk Assessment Procedure aims to ensure that complaint files submitted to the College are afforded the appropriate level of risk and priority for administrative action.

The first step in the complaint intake process is to confirm if the complaint is within the jurisdiction of the College by meeting one of the following criteria:

- Professional misconduct
- Conduct unbecoming of a registrant, or
- Incompetent performance of duties undertaken while engaged in the registrant's regulated practice.

Once the complaint has been confirmed as within the College's jurisdiction the file is then assessed for risk based on 5 standard allegation criteria that aligns with the College's Code of Ethics and Professional Conduct and the extraordinary measures to protect the public interest in section 67 of the *Professional Governance Act*.

The risk assessment has 5 risk criteria that includes three terms incompetence, professional misconduct, and conduct unbecoming of a registrant defined in the [Office of the Superintendent of Professional Governance \(OSPG\) Guidance: Regulatory Body Complaints and Discipline Process](#).

Each of the 5 risk criteria has an assigned risk rating which is weighted based upon their seriousness with the highest weight being the most serious (i.e., extraordinary action to protect the public). Both the criteria and rating are detailed in Table 1.0 below. A complaint file's total risk rating is the combined risk rating for all 5 risk criteria out of 10, the highest combined risk rating that a compliant file can have. The complaint file priority level is assigned based upon the file's total risk rating, with 10 being the highest and 0 being the lowest.

Table 1.0 Complaint File risk criteria and associated risk rating.

Complaint file risk criteria*	Risk Rating	
	Yes	No
1. Requires extraordinary action to protect the public (College Bylaws Section 9-7 and 72 – 74 of the <i>Professional Governance Act</i> ) and/or if a delay in the intake phase could cause key evidence or individuals' memory (e.g., information, testimony) to be lost if not actioned in a reasonable timeframe.	3	0
2. Harm to the safety, health & welfare of the public <sup>^</sup>	2	0
3. Harm to the environment <sup>^</sup>	2	0
4. A lack of competence, fitness, incapacity or impairment that prevents a registrant from engaging in the regulated practice of applied biology with reasonable skill, competence and safety to the public.	2	0
5. Alleged failure to comply with or a breach of the Professional Governance Act or one of more Principles of the College's Bylaws Schedule 1 - Code of Ethics & Professional Conduct (e.g., Neglect or improper performance of duties while engaged in the regulated practice applied biology as defined in Applied Biologists Regulation).	1	0
Total Risk Rating – the total number of yes' out of 10. With 10 being the highest and 0 being the lowest.	10	0

<sup>^</sup>This complaint may need to be deferred pursuant to section 9-11(1) of the Bylaws while another jurisdiction (e.g., other regulatory body/agency, Work Safe BC, RCMP) takes precedence and their investigation etc. is over.

\*In the event of more than one complaint meeting the criteria outlined in 1 they would be treated with equal priority, the highest.

Appendix A provides the College's complaint file risk assessment and determination of prioritization checklist, two examples of complaint files risk ratings and additional threshold questions and associated actions to consider when reviewing a complaint file.

A complaint file that requires extraordinary action to protect the public, is given the highest priority and follows the process outlined in the College's Bylaws sections 9 – 4 and 9 – 7 and section 67 of the *Professional Governance Act* Extraordinary Actions to Protect the Public respectively.

A complaint file with a high-risk rating that does not require extraordinary action to protect the public is actioned as a priority based upon the risk ratings of all complaints and subsequent information gathered during the intake phase of the College's complaint process.

## Appendix A

Table A1.0 The below table is the College's complaint file risk assessment and determination of prioritization checklist. Each complaint file will contain the checklist. The checklist will be updated if more information is obtained that may change the risk rating or priority for action.

Complaint file risk rating criteria	Complaint File	Date Assessed
1. Requires extraordinary action to protect the public (College Bylaws section 9-7 and section 67 of the <i>Professional Governance Act</i> ) and/or if a delay in the intake phase could cause key evidence or individuals' memory (e.g., information, testimony) to be lost if not actioned in a reasonable timeframe.		
2. Harm to the safety, health & welfare of the public		
3. Harm to the environment		
4. Alleged lack of competence, fitness, incapacity or impairment that prevents a registrant from engaging in the regulated practice of applied biology with reasonable skill, competence and safety to the public.		
5. Alleged failure to comply with or a breach of the <i>Professional Governance Act</i> or one of more Principles of the College's Bylaws Schedule 1 - Code of Ethics & Professional Conduct (e.g., Neglect or improper performance of duties while engaged in the regulated practice applied biology)		
Total Risk Rating	10/10	2/10

Table A2.0 provides examples of the College's complaint files risk and determined prioritization of importance based upon the risk assessment rating and other factors.

Complaint file risk rating criteria	Complaint File A	Complaint File B
1. Requires extraordinary action to protect the public (College Bylaws section 9-7 and section 67 of the <i>Professional Governance Act</i> ) and/or if a delay in the intake phase could cause key evidence or individuals' memory (e.g., information, testimony) to be lost if not actioned in a reasonable timeframe.	3	0
2. Harm to the safety, health & welfare of the public	3	0
3. Harm to the environment	2	0
4. Alleged lack of competence, fitness, incapacity or impairment that prevents a registrant from engaging in the regulated practice of applied biology with reasonable skill, competence and safety to the public.	1	1
5. Alleged failure to comply with or a breach of the <i>Professional Governance Act</i> or one of more Principles of the College's Bylaws Schedule 1 - Code of Ethics & Professional Conduct (e.g., Neglect or improper performance of duties while engaged in the regulated practice applied biology)	1	1
Total Risk Rating	10/10	2/10

Complaint file A has a total risk rating of 10 and meets the extraordinary action to protect the public interest risk rating criteria. Therefore, this complaint file would be a priority for immediate administrative action as outlined in section 9 – 7 of the *College Bylaws Act* including notifying the Superintendent of Professional Governance and section 67 of the *Professional Governance Act*. Complaint file B has a total risk rating of 2 and therefore, this

complaint file would be acted appropriately based upon information gathered during the intake phase of the College's compliant process.

Table A3.0 provides additional threshold questions and associated actions to consider during the College's intake phase of a compliant file.

Threshold Questions	Yes/No	Action(s), if required
<p>Is the complaint within the jurisdiction of the College:</p> <ul style="list-style-type: none"> <li>Professional misconduct;</li> <li>Conduct unbecoming of a registrant; or</li> <li>Incompetent performance of duties undertaken while engaged in the registrant's regulated practice.</li> </ul>		<p>If no, the complaint can be dismissed as per 9-4(1)(a) or 9-8(1)(e) of the Bylaws<sup>1</sup>.</p>
<p>Does this complaint need to be deferred pursuant to section 9-11(1) of the College Bylaws while another jurisdiction (e.g., other regulatory body/agency, Work Safe BC, RCMP,) takes precedence and their investigation etc. is over?</p>		<ul style="list-style-type: none"> <li>If yes, complaint is deferred pursuant to section 9-11 of the Bylaws and referred to the appropriate external agency/regulatory body; and</li> <li>The respondent and complaint(s) are notified in writing of the deferral.</li> </ul>
<p>Could a delay in the complaint process cause key evidence or an individual(s) testimony to be lost due to the duration of obtaining said evidence or interview. For example:</p> <ul style="list-style-type: none"> <li>Is there a possibility that evidence may be eroded by natural resources, development or other causes and individual testimony - will we be speaking to anyone that has a recollection of the situation and can time affect the recall?</li> </ul>		<ul style="list-style-type: none"> <li>If yes, complaint may be referred to an investigation pursuant to section 9-8(1)(b) of the Bylaws; and</li> <li>The respondent and complaint(s) are notified in writing of the investigation and process.</li> </ul>
<p>Could a delay in <b>the intake</b> phase potentially allow a project to continue to completion, and thus making the said investigation futile? For example:</p> <ul style="list-style-type: none"> <li>If the College does not intervene in time, would the results of the investigation become to late to halt or reverse a project?</li> <li>Is there a possibility similar mistakes can continue to occur in the individual's other projects if intervention by the College does not occur?</li> </ul>		<ul style="list-style-type: none"> <li>If yes, complaint may be referred to an investigation pursuant to section 9-8(1)(b) of the Bylaws; and</li> <li>The respondent and complaint(s) are notified in writing of the investigation and process.</li> </ul>
<p>Could a delay in <b>the investigation</b> phase potentially allow a project to continue to completion, and thus making the said investigation futile? For example:</p> <ul style="list-style-type: none"> <li>If the College does not intervene in time, would the results of the investigation become to late to halt or reverse a project?</li> <li>Is there a possibility similar mistakes can continue to occur in the individual's other projects if intervention by the College does not occur?</li> </ul>		<ul style="list-style-type: none"> <li>If yes, complaint may be referred to an investigation pursuant to section 9-8(1)(b) of the Bylaws;</li> <li>The investigation (and complaint file) may be considered a high priority; and</li> <li>The respondent and complaint(s) are notified in writing of the investigation and process.</li> </ul>
<p>Has the individual (registrant) previously received a letter with compliance advice or was disciplined for a similar matter by the College. For example:</p> <ul style="list-style-type: none"> <li>Is there a pattern of an issue(s) of professional practice (PP)? OR</li> <li>Is there a pattern of professional misconduct (PM)?</li> </ul>		<ul style="list-style-type: none"> <li>If yes to PP the file should be referred to the Audit and Practice Committee pursuant to sections 9-4(1)(b) or 9-8(1)(c) of the Bylaws.</li> <li>If yes to PM, previous complaint files involving the respondent should be reviewed to confirm if there is a pattern and be considered in the request for information sections 9-4(1)(d) or 9-8(1)(a).</li> </ul>

<sup>1</sup> Refers to the College's Bylaws.