

PROTECTED DISCLOSURE POLICY

Policy Statement

The Protected Disclosure Policy facilitates the disclosure of wrongdoing and investigation of wrongdoing within Bow Valley College through an internal process, except in specific circumstances where employees can directly disclose to the Public Interest Commissioner. Furthermore, it protects Bow Valley College employees from reprisal for making a disclosure, participating in an investigation, or refusing to participate in a wrongdoing.

Purpose

To ensure compliance with the *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA) and facilitate disclosures or complaints of reprisal and investigations of significant and serious matters as identified by the Act.

Scope

This policy applies to all persons involved in conducting College affairs including all employees, members of the Board of Governors, contractors, agents, representatives, and volunteers.

Compliance

All persons involved in conducting College affairs including all employees, members of the Board of Governors, contractors, agents, representatives, and volunteers are responsible for knowing, understanding, and complying with Bow Valley College procedures to the extent that procedures relate to their position, and employment at the College.

Principal Objectives

1. Bow Valley College is a responsible steward of public resources.
2. The College is committed to the highest standards of transparent, accountable, legal, fiscal, and ethical, accountable conduct.
3. The College acts with integrity and is concerned for procedural fairness and natural justice.
4. The College encourages its community to report wrongdoing and supports employees seeking advice and making disclosures without fear of reprisal.
5. The College has established procedures for receiving and reviewing disclosures, investigating disclosures, ensuring confidentiality of information collected in relation to disclosures, and reporting the outcomes of disclosure investigations.
6. The College reports annually through the Annual Report on the number of inquiries, number of disclosures of wrongdoing and reprisals, number of investigations, and recommendations made and actions taken to resolve wrongdoings.

Definitions

Gross mismanagement is defined by the Office of the Public Sector Integrity Commissioner of Canada as serious situations that result or could result in a breach of public trust. The following factors, among others, are considered when determining whether a situation could constitute “gross mismanagement.”

- I. The seriousness of the deviation from standards, policies, or practices;
- II. The functions and responsibilities of the staff member alleged to be responsible for the gross mismanagement;

- III. The seriousness and willfulness of the acts or omissions in question;
- IV. The repetitive or systemic nature of the acts;
- V. The impact or potential impact of the mismanagement on the organization's ability to carry out its mandate; and
- VI. The impact or potential impact on the organization's employees, clients, and the public trust.

Reprisal is defined as any adverse employment action taken against an employee who seeks advice on making a disclosure, makes a disclosure, participates in an investigation of a disclosure, or refuses to participate in a wrongdoing. Reprisals are specifically defined in PIDA as:

- I. A dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
- II. Any measure, other than one mentioned in clause (I.) that adversely affects the employee's employment or working conditions; and
- III. A threat to take any of the measures mentioned in clause (I.) or (II.).

Wrongdoing is defined in PIDA as:

- I. A contravention of a piece of legislation, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
- II. An act or omission that creates
 - a. A substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
 - b. A substantial and specific danger to the environment;
- III. Gross mismanagement of public funds or a public asset;
- IV. Knowingly directing or counseling an individual to commit a wrongdoing in clauses (I) to (III).

DATA SHEET

Accountable Officer

President and CEO

Responsible Officer

Vice-president College Services

Approval

Board of Governors of Bow Valley College

Contact Area

President’s Office

Relevant Dates

Approved	Board of Governors
Effective	November 22, 2013
Next Review	November 2015
Modification History	July 2016 Administration changes to logo, add policy number

Associated Policy(ies)

- Code of Conduct Policy #200-1-1
- Crisis Communications Policy #200-2-2
- Ethical Business Practices Policy #200-1-5
- Fraud Policy #200-1-4

Directly Related Procedure(s)

Protected Disclosure Procedure #200-1-6

Directly Related Guideline(s) (if any)

Related Legislation

- Post-secondary Learning Act
- Public Interest Disclosure (Whistleblower Protection) Act