

PROTECTED DISCLOSURE PROCEDURE

Parent Policy

Protected Disclosure Policy #200-1-6

Purpose

The purpose of this procedure is to:

- Facilitate the disclosure and investigation of wrongdoing as defined by *Public Interest Disclosure (Whistleblower Protection) Act (PIDA)*;
- Protect employees who make those disclosures from reprisals;
- Manage, investigate, and make recommendations respecting disclosures of wrongdoings and reprisals; and
- Promote public confidence in the administration of Bow Valley College.

Scope

This procedure 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.

Steps of Disclosure

The following section of the procedure provides the critical steps for making a disclosure and subsequent actions and protections.

1. Step 1: Making a Disclosure

- 1.1. A disclosure must be in writing by completing the attached form.
- 1.2. Employees or learners submit disclosures to the vice president college services (known as the Designated Officer under the Act—roles and responsibilities are attached)
- 1.3. A disclosure should be submitted directly to the Public Interest Disclosure Commissioner in the following circumstances:
 - Where an individual is not satisfied with the results of a previous internal process;
 - Where a disclosure is about the College's president and CEO (known as the Chief Officer under the Act) or vice president college services (Designated Officer);
 - Where a disclosure is anonymous; or
 - Where a disclosure involves an imminent risk; however, the employee or learner is still required as soon as is practicable to disclose the wrongdoing to their Designated Officer, who will begin the internal investigation process.
- 1.4. Time to acknowledge receipt of disclosure is 5 business days from date disclosure was received.

2. Step 2: Receipt of Disclosure and Preliminary Analysis

- 2.1. Upon receipt of a disclosure, the vice president college services (Designated Officer) conducts an initial assessment to determine whether a disclosure is an allegation of wrongdoing or an airing of a grievance and is clear enough to prepare terms of reference/mandate for investigators to conduct preliminary analysis of disclosure.
- 2.2. A preliminary analysis may be undertaken and would include:
 - Assessing the validity and credibility of the information provided;
 - Determining the severity of the complaint and the significance;
 - Identifying critical issues that may require immediate attention;
 - Ensuring whether alternative and satisfactory means of redress is available; and
 - Identifying other subject matters that may be subject to an alternative policy or procedure;
- 2.3. Following a preliminary analysis, the vice president college services (Designated Officer) issues a decision on whether to proceed with a formal investigation;
- 2.4. Time to determine whether investigations will proceed is 10 business days from the date of disclosure.

3. Step 3: Conducting an Investigation

- 3.1. The vice president college services (Designated Officer) has three principal responsibilities concerning investigations:
 - Receiving, screening, and performing preliminary analysis of disclosures or wrongdoing allegations;
 - Selecting, mandating and managing the investigation team; and
 - Reviewing the report of the investigator's findings, and making recommendations to the president and CEO (Chief Officer—roles and responsibilities attached).
- 3.2. Terms of reference for investigations should include:
 - Scope of investigation and the investigators' responsibilities for informing witnesses of their rights and obligations;
 - The projected date/timeline for completion of the investigation;
 - A preliminary list of the witnesses that may be interviewed;
 - The data or documentary evidence needed;
 - Consideration that authorizations may be required from various sources to conduct the investigation should be identified; and
- 3.3. At the earliest possible opportunity, the employee who is the subject of the disclosure should be given an opportunity to respond to the generalities of the allegations made against him or her.
- 3.4. Any information prepared by the witness must be turned over to the investigation and becomes part of the record.
- 3.5. Investigation team should submit a report to the vice president college services (Designated Officer).
- 3.6. The vice president college services (Designated Officer) is required to make a separate report to the Chief Officer that includes whether the disclosure was substantiated, and where applicable, any recommendations or corrective action;
- 3.7. Time to complete investigation and submit investigation report to Chief Officer is 110 business days;
- 3.8. The Chief Officer may extend the time limit by up to 30 business days in the event the process cannot be completed within the prescribed limits. The Public Interest Commissioner must grant any further extensions of time.

Steps of Dealing with Reprisal

The following section of the procedure outlines the critical steps for making a complaint of reprisal and subsequent actions and protections.

4. Step 1: Making a Complaint of Reprisals

- 4.1. Employees and learners who suffer reprisals must make their written complaints directly to the Commissioner, who will then investigate and make recommendations to the public entity involved. This does not prevent an employee from seeking additional avenues of redress.
- 4.2. A complaint made directly to the Commissioner must be in the prescribed form (see Schedule 3 of the PIDA Regulation).

5. Step 2: Protection from Reprisal

- 5.1. No person shall take or direct, or counsel or direct a person to take or direct any measures of reprisals against an employee or learner because the employee or learner has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation under PIDA, declined to participate in a wrongdoing or done anything in accordance with PIDA.

Definitions

Definitions are included in procedures where key terms need to be explained for the understanding of readers inside and outside of the College community. When writing several related procedures, ensure that your definitions are consistent throughout. Only supply a definition if it is not contained in Policy 100 and is in need of explanation. Definitions are optional; however if not in use, do not delete the “DEFINITIONS” heading. In such cases use this statement: Definitions of common terms may be found in Policy #100.

Chief Officer is the permanent head of Bow Valley College (i.e., the President and CEO) and is responsible for the overall administration and reporting requirements under the legislation as well as designating a senior official to administer the day-to-day administration of the internal policies and procedures.

Designated Officer is the senior official designated by the Chief Officer to manage and investigate disclosures under this policy and procedure.

Disclosure of wrongdoing is a wrongdoing or a risk that a wrongdoing will occur. In a disclosure of wrongdoing, the employee is a witness.

Grievance is a personal complaint about one’s own employment situation. In a grievance, the employee is a complainant.

Imminent Risk is significant risk to public health or safety, or danger to the environment.

Reprisals are defined as 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;

any measure that adversely affects the employee's employment or working conditions; a threat to take any of the measures mentioned.

Wrongdoing is defined as a contravention of an Act, 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; an act or omission that creates and imminent risk to the health and safety of individuals, or a specific threat to the environment; gross mismanagement of public funds or a public asset; or knowingly directing or counseling an individual to commit a wrongdoing mentioned in the above instances.

DATA SHEET

Accountable Officer
President and CEO

Responsible Officer
Vice-president College Services

Relevant Dates

Approved	Board of Governors
Effective	November 22, 2013
Next Review	Every two years (required by legislation)
Modification History	July 2016 Administration changes to logo, add policy number

Related Policy

Protected Disclosure Policy #200-1-6

Associated Policy(ies), Procedure(s), and Guideline(s)

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

Related Legislation

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

Attachments

President and CEO (Chief Officer) Responsibilities
 Vice-president College Services (Designated Officer) Responsibilities

Attachments**1. President and CEO (Chief Officer) Responsibilities**

- 1.1. Establish and maintain a working and learning environment that encourages members of the Bow Valley College community to report a wrongdoing;
- 1.2. Establish an effective internal reporting system to appropriately deal with reports of wrongdoing, support staff/learners who report, and ensure reprisals are not taken against them;
- 1.3. Ensure that staff are aware of the internal disclosure procedure and the whistleblower protections of the PIDA through effective communication and training.
- 1.4. Ensure an experienced and Designated Officer is responsible for receiving and dealing with reports of wrongdoing; and
- 1.5. Ensure adequate financial and human resources are dedicated towards achieving these outcomes.
- 1.6. Ensure appropriate management of process when wrongdoings are reported and support staff/learners involved:
 - Assess all disclosures of wrongdoing according to established policies and procedures;
 - Ensure confidentiality of the employee making the disclosure, the employee who is the subject of the disclosure, and any witnesses involved;
 - Be advised on decisions made in investigation reports, and ensure follow-up on recommendations or actions are completed according to established timeframes;
 - Provide adequate resources to those investigating a disclosure;
 - Ensure systems and strategies are established to mitigate the risk of reprisals;
 - Ensure that the workplace situation is effectively managed; particularly if there is conflict or reprisal is threatened or takes place;
 - Take appropriate action against anyone who threatens or takes reprisal against a person disclosing a wrongdoing;
 - Take appropriate remedial action in response to any findings that substantiate the allegations of wrongdoing; and
 - Implement any organizational reform that is necessary to address any identified systemic issues.
 - Where the Designated Officer is in conflict of interest, then the Chief Officer must appoint an alternate official to act for the Designated Officer.

2. Vice President College Services (Designated Officer) Responsibilities

- 2.1. Be a contact point for general advice and guidance about the operation of PIDA and the organization's internal process;
- 2.2. Impartially assess each disclosure to determine whether it is a public interest disclosure;
- 2.3. Coordinate the disclosure process;
- 2.4. Carry out or appoint an investigator to carry out investigations;
- 2.5. Oversee and coordinate an investigation where an investigator has been appointed;
- 2.6. Review results of completed investigations; provide the findings and any recommendations to the Chief Officer;
- 2.7. Advise the whistleblower of the progress of an investigation into the disclosed matter, and inform them of the outcome of the investigation;
- 2.8. Establish and manage a confidential filing system;

- Keep all files regarding disclosures of wrongdoing separate from existing files and restrict access to only authorized officials; both electronic and paper files should be stored in such a manner;
- 2.8.1. Confirm documentation required by legislation is collected and filed appropriately; and
- 2.8.2. Ensure additional information captured and maintained by the investigation is kept.
- 2.9. Share information about disclosures only with those authorized to address disclosures (e.g., investigators, designated officers, chief officers).
 - Develop a tracking system to manage disclosures and investigations;
 - Collage and publish statistics on disclosures made;
 - Take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential; and
- 2.10. Protect employees involved in a disclosure of wrongdoing from possible reprisals.
- 2.11. Annual reports are required to include:
 - The number of disclosures received by the Designated Officer;
 - The number of disclosures acted on; and
 - The number of disclosures not acted on.
 - The number of investigations commenced by the Designated Officer as a result of disclosures; and
 - In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.