



College Policy & Procedures Manual	
Category	1 General
Policy #	1.1.7

1.1.7 Safe Disclosure (Whistle Blower)

POLICY

Employees are required to act with the highest level of integrity, honesty and ethical conduct. The College provides a mechanism whereby employees can disclose suspected serious matters of wrong doing of another employee that might not otherwise come to light.

The College commits to maintaining the confidentiality of those who disclose in good faith and to provide protection from reprisals. The College also commits to protecting the rights of an employee against whom an allegation has been made as well as the rights of employees who may be required to participate in an investigation of alleged wrongdoing.

PURPOSE

Employees of the College are often in the best position to observe or encounter wrongdoing because of their proximity to day-to-day operations. The College relies on these individuals to disclose such activities in order that it can take prompt corrective action.

Individuals should not be subject to reprisal of any kind for showing courage in making disclosures that are made in good faith and based on reasonable grounds.

The College has an obligation to protect the rights of the person against whom an allegation has been made and similarly any employee involved in an investigation related to an allegation of wrongdoing.

This Safe Disclosure policy (herein referred to as the Policy) is intended to supplement and not replace the Whistleblowers Protection Act of the British Columbia Legislature (herein referred to as the Act). <http://www.bclaws.ca/civix/document/id/lc/billsprevious/4th40th:m207-1>. The Act applies to government and public bodies including College of the Rockies. The purpose of the Act is to facilitate disclosure and investigation of serious matters of alleged wrongdoing in or related to the public service and to protect persons who make disclosures. In the case of jurisdiction, the requirements of the Act supersede or take precedence over any conflicts between the requirements of the Act and the Policy.

SCOPE

The Policy applies to all College employees.

Non-College employees such as members of the Board of Governors or students can make a disclosure of suspected wrongdoing of an employee or Board Member to the Ombudsman as per the Act, in which case the guidelines of the Policy do not apply.

The Policy is not normally applicable:

- a) Where disclosure results from employee performance or employee discipline proceedings
- b) Where the alleged wrongdoing is one that would be more appropriately dealt with by another policy.

DEFINITIONS

Anonymous means a disclosure in writing without an indication of authorship.

Confidential in the context of this policy means that unauthorized revealing of names, information or other details is not permitted.

Disclose or disclosure means the sharing of information with someone more senior regarding the perceived or observed wrongdoing of another College employee.

Duty to act fairly means that investigators of alleged wrongdoing must follow rules of accepted procedural fairness when determining the need for an investigation or when conducting an investigation.

Employee means an employee in an existing temporary or on-going employment relationship with the College.

In good faith means there is a sincere intent to present one's belief honestly and fairly, based on observation or due evidence and without malice or desire to do harm.

Supervisor would typically be the immediate manager of a unit or department, but could also be a coordinator or department head.

Ombudsperson means the Ombudsperson appointed under the Ombudsperson Act of the British Columbia Legislature.

Wrongdoing involves serious matters such as fraud, theft of College assets, other financial irregularities, corruption and conduct that threatens the environment or the health and safety of others.

GUIDELINES

A. Disclosure

- A.1** If an employee reasonably believes that he or she has information that a wrongdoing has been committed or is about to be committed, then the employee may make a disclosure in writing to their designated supervisor, or if the concern involves the supervisor, to the next level of authority. The person receiving the disclosure should immediately convey the concern to both the Executive Director, Human Resources and to the Vice President or Executive Director in his or her division.
- A.2** If the concern is with the actions of a Vice-President or an Executive Director, then the next level of authority for disclosure is the President of the College.
- A.3** If the concern is with the actions of the President, then the next level of authority for disclosure is the Chair of the Board of Governors.
- A.4** If the employee making the report is uncertain as to who might be in a conflict of interest with respect to the disclosure, then the employee can make the disclosure to the Ombudsperson in accordance with the Act.
- A.5** The identity of employees involved in making a disclosure will be protected, subject to legal requirements or in compliance with the investigators' duty to act fairly.
- A.6** All disclosures must be provided in good faith and be based on reasonable grounds. Employees are encouraged to provide factual information to substantiate the disclosure and to share any evidence supporting their allegations of wrongdoing.
- A.7** Anonymous disclosures are unlikely to be pursued unless accompanied by clear evidence of the wrongdoing.
- A.8** Disclosure should be made in a timely manner. The earlier a matter is raised, the more likely an investigation can be conducted effectively.
- A.9** Disclosures of an alleged wrongdoing will be considered jointly by the Executive Director, Human Resources and the area Vice President or Executive Director (herein referred to as the Reviewers).

- A.10** In determining whether to pursue an investigation of an alleged wrongdoing the Reviewers will consider the following factors:
- a) The sufficiency of information and/or timeliness of the allegation to be able to conduct an investigation.
 - b) The credibility of the allegation. Is the disclosure frivolous, vexatious, or not made in good faith?
 - c) Would the alleged wrongdoing be better dealt with under a different policy?
- A.11** The Executive Director, Human Resources will within ten working days of receiving the disclosure notify the employee making the disclosure of the decision to proceed or not to proceed with an investigation into the alleged wrongdoing.

B. Investigation

- B.1** If the Reviewers decide to conduct an investigation, then the employee who is the subject of the investigation, will be immediately informed of the nature of the disclosure and that an investigation is to be conducted.
- B.2** Investigations of an alleged wrongdoing will be conducted jointly by the Executive Director, Human Resources and the division Vice President or Executive Director (herein referred to as the Investigators).
- B.3** Investigators have a duty to act fairly towards the alleged wrongdoer. They must:
- Act without bias.
 - Verify the evidence.
 - Present in writing all allegations and evidence of the alleged wrongdoing.
 - Provide an opportunity for legal representation or other support person to be present at meetings with the Investigators.
 - Provide opportunity for a response to be made to the allegations in writing and orally at a hearing or in meetings with the Investigators.
- B.4** The Investigators should strive to render a decision on the alleged wrongdoing within ten working days from the time the employee under investigation was informed of the alleged wrongdoing.
- B.5** The employee under investigation for alleged wrongdoing will be provided a letter signed by the Investigators indicating the outcome of the investigation.
- B.6** The employee who made the disclosure will be informed in writing of the outcome of the investigation.

C. **Reprisals**

- C.1 Retaliation, adverse employment consequences, harassment or threats brought against any employee who makes a disclosure about wrongdoing in good faith is not permitted.
- C.2 An employee who experiences retaliation, adverse employment consequences, harassment or threats related to disclosure under this policy should immediately inform the Executive Director, Human Resources or the President of the College.

D. **Confidentiality**

- D.1 All employees interviewed as part of an investigation under this Policy are expected to treat the matter confidentially and refrain from discussing it in the workplace or elsewhere.
- D.2 The content of an investigation will be kept confidential to the extent possible or required by law. Information sharing will be limited to those who have a clear need to know.

E. **Disciplinary Offences**

- E.1 Employees who knowingly make false accusations of wrongdoing may be subject to discipline.
- E.2 Employees who disclose in good faith will not be subject to discipline regardless of the outcome whether or not the allegations are substantiated.
- E.3 Employees who are suspected, investigated and found culpable of wrongdoing may be subject to discipline.
- E.4 An employee who retaliates in any manner against another employee for making a good faith disclosure under the Policy or under the Act may be subject to discipline.

E.5 An employee who deliberately breaks the confidentiality guidelines of this policy may be subject to discipline.

E.6 All discipline will be according to applicable College policy, provincial legislation, legal precedent, collective agreement or employment contract in effect at the time the offence occurred and will reflect the nature, seriousness and intent of the offence.

F. Rights

F.1 All College employees who become involved in a disclosure or investigation of wrongdoing under the Policy will retain and be accorded the rights, privileges and protections provided to them through applicable legislation, College policy, collective agreement and/or employment contract in effect at the time the alleged wrongdoing was committed.

F.2 The College reserves the right to report criminal activities and/or exercise its obligations to report certain allegations to the appropriate authorities.

G. Disclosure files and Investigation Reports

G.1 Each disclosure will be maintained in a separate file.

G.2 Disclosure files will be treated as confidential and protected from unauthorized access.

G.3 All written information obtained as a result of the receipt of a disclosure, review of the disclosure, and the investigation of the alleged wrongdoing will be included in the disclosure file. All pertinent information obtained verbally must be documented in writing in the disclosure file and dated and signed by one of the Investigators.

G.4 All disclosure files will be retained by the Executive Director Human Resources for a period of seven years upon closure of an investigation.

H. Designated Officer

H.1 The Executive Director, Human Resources is the Designated Officer responsible for monitoring compliance with the Policy.

I. **Annual Report**

I.1 The Designated Officer will submit an annual report at each June public meeting of the Board of Governors on the exercise and performance of his or her duties under the Policy setting out:

- a) The number of general inquires from employees related to the Policy
- b) The number of disclosures received and the number acted on and not acted on
- c) The number of investigations commenced under the Policy
- d) The outcomes of investigations conducted under the Policy
- e) Whether in the opinion of the Designated Officer there are any systemic problems that give rise to wrongdoings, and
- f) Any recommendations for improvement in the application of the Policy or wording of the Policy

J. **Related College Policies**

- 1.1.5 Code of Ethics
- 3.2.8 Principles of Financial Conduct
- 4.8.2 Abuse and Violence in the Workplace
- 4.8.6 Discrimination and Harassment
- 4.8.8 Sexual Violence and Misconduct Prevention and Response
- 5.2.1 Facilities Usage
- 8.1 Use of Information Technology