

- D. POLICY STATEMENTS
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- H. RELATED COLLECTIVE AGREEMENTS

A. PURPOSE

Douglas College (.8 .4 (S)]TJ 4M2 468 13.68 re>5u\_ come forward in good faith to disclose Wprocesses for Employees to seek advice on and

confidentially make Disclosures about wrongful or unlawful conduct

This policy is not designed to question decisions taken by the BC Government, the College, its Education Council or its Board of Governors

This policy does not apply to members of the public, volunteers, students or former Employees who were not employed by the College at the time the Wrongdoing occurred or was discovered.

Nothing in this policy shall limit or amend provisions of collective agreements entered into by the College and its Employee groups. If there is any inconsistency between this policy and a collective agreement, the applicable collective agreement provisions shall prevail to the extent of the inconsistency. This policy does not apply to individual employment disputes.

### C. DEFINITIONS

**Contractor:** A person or company that undertakes a contract with the College to provide materials and/or labour to perform a service

**Designated Officer:** A senior official designated by the College President to receive and respond to requests for advice and to receive and investigate Disclosures under the Public Interest Disclosure Act (PIDA). The College's Designated Officers are the Associate Vice President, Human Resources and the Vice President, Administrative Services and the Chief Financial Officer.

**Disclosure:** A written report by an Employee of any Wrongdoing or suspected Wrongdoing by another individual.

**Employee:** A person employed by the College, including administrators, faculty, staff members and students when employed by the College (e.g., as student assistants or tutors) for the purposes of this policy, includes members of the College's Board of Governors and former Employees who were employed by the College at the time the alleged Wrongdoing occurred or was discovered

**Protection Official:** In respect of a health-related matter, the provincial health officer; in respect of an environmental matter, the agency responsible for the Emergency and Disaster Management Act; in any other case, an appropriate police force in the province of British Columbia.

**Reprisal:** Any adverse action taken against a person because that person makes a Disclosure, seeks advice on making a Disclosure, cooperates in an investigation of Wrongdoing or declines to participate in Wrongdoing includes the measures set out in s.31(1) of PIDA

**Respondent(s):** A person or persons alleged to have engaged in conduct that violates policy.

**Responsible Administrator:** An executive of the College or an administrator responsible for the

Wrongdoing Any improper activity in or relating to the College and as identified in the







6. An Employee who believes they have been the subject to Reprisal for seeking advice this policy may make a complaint to the Ombudsperson, who may investigate and make recommendations to address





## Receiving and Reviewing Disclosures of Wrongdoing

1. Upon receiving a Disclosure, a Responsible Administrator, Designated Officer or anyone authorized to receive a Disclosure under this policy must datestamp the report.
2. A Responsible Administrator or anyone other than a Designated Officer who receives a Disclosure must promptly advise a Designated Officer and refer all Disclosure related materials to either of the College's two Designated Officers, except in the following circumstances:
  - a. If the allegation of Wrongdoings made against one Designated Officer, the Disclosure must be referred to the College President or the remaining Designated Officer
  - b. If the allegation of Wrongdoing is made against the College President and/or any member of the College Board of Governors other than the Chair, the Disclosure must be referred to the Chair of the College Board
  - c. If the allegation of Wrongdoing is made against the Chair of the College Board, or against all the officials listed in 2a) and b) above, the Disclosure must be referred to the BC Ombudsperson
3. After a Disclosure is received from any source, including referral from a Responsible Administrator (as per above), the Designated Officer will conduct a preliminary review of the Disclosure and determine within ten (10) business days whether an Investigation is required and also, the form the investigation will take
4. The Designated Officer must assess each Disclosure received for the risk of Retaliation against the Whistleblower, regardless of whether the Disclosure will be investigated and may communicate with and request information from the Whistleblower in order to make this determination.
5. If the Designated Officer reasonably believes there is an urgent risk arising from the information provided in a Disclosure, they may report the matter to an appropriate Protection Official.
6. The Designated Officer responsible for investigating the Disclosure, pending completion of the investigation, take whatever interim actions they deem necessary to protect the safety of Employees and/or prevent damage to or loss of College property or reputation
7. The Designated Officer responsible for investigating the Disclosure may call upon College Employees, legal counsel, an external auditor or other external advisors to investigate and report on the allegation.

## Declining to Investigate Disclosures of Wrongdoing

1. The Designated Officer (or applicable Responsible Administrator) may elect not to investigate a Disclosure if it is determined that the disclosure is not in the best interests of the College or if the disclosure is frivolous or vexatious. (b)4.8 3 0.194 EI, iCT7. p861 0

- c. The Disclosure relates primarily to
  - i. a dispute between the employee and the College about the employment or contract(s)
  - ii. a law enforcement matter being addressed by the police, or conduct of members of a police force;
  - iii. a matter relating to the prosecution of an offence; or
  - iv.



2. Subject to the College's obligations under the Freedom of Information and Protection of Privacy Act (FIPPA), the Designated Officer (or applicable Responsible Administrator) will seek to provide to both the Whistleblower and Respondent(s) an appropriate summary report within twenty (20) business days of the investigation being completed. The obligation to provide such a report does not apply to a Whistleblower who has submitted a Disclosure anonymously. The Designated Officer (or applicable Responsible Administrator) is not required to hold a hearing to convey publicly the findings of the investigation.
  3. The Designated Officer (or applicable Responsible Administrator) will ensure that any corrective actions recommended are implemented in accordance with relevant legislation, policy and agreement.
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5. Responsible Administrators and Designated Officers must only collect, use and disclose personal information, particularly if it may