

Procedure Information	
Related to Policy No.:	AD-HR-1.27
Approved By:	Executive Committee
Approval Date:	May 27, 2024
Executive Responsible:	President
Administrator Responsible:	VP Finance and Corporate Services
Date of Next Review:	May 2026

## PROTECTED DISCLOSURE PROCEDURE

### Definitions

#### Advice

Guidance provided about the process of making a disclosure under this policy.

#### Designated Officer

A senior official who is responsible for receiving requests for advice and receiving and investigating disclosures of wrongdoing under this policy.

#### Disclosure

A report of wrongdoing made under this policy.

#### Employee

Includes current employees (faculty, staff and excluded personnel) and board members of CNC as well as former employees who were employed when a wrongdoing occurred or was discovered. The term “employee” is used within this policy to refer to all of the above.

#### Imminent Risk

Arises when an employee or designated officer reasonably believes that a matter constitutes an urgent risk of a substantial and specific danger to the life, health or safety of persons or to the environment, as defined in [section 16 of Public Interest Disclosure Act \(PIDA\)](#).

#### In Bad Faith

Acting with the intention of deceiving someone or doing harm.

#### In Good Faith

Acting or behaving honestly in the interests of accountability, transparency, and the overall well-being of the organization, employees, and the general public.

### Protection Official

A provincial representative for specific topic areas. The representatives are:

- In health-related matters, the provincial health officer,
- In environmental matters, the provincial administrator as defined in section 1(1) of the *Emergency and Disaster Management Act*, and
- In any other matter, an appropriate police force in British Columbia.

### Public Disclosure

Sharing information about alleged wrongdoing publicly, such as through the media, social media, a town hall, or other public forms of communication.

### Reprisal

Any act or omission that negatively affects an employee who has in good faith sought advice, made a disclosure, or is participating in an investigation under the PIDA. Reprisal may include, but is not limited to, disciplinary measure, demotion, termination of employment or contract, or any other measure that adversely affects the employee's employment or working conditions; or any threat to do the same.

### Respondent

A person about whom allegations of wrongdoing is made.

### Supervisor

The administrator who oversees an employee's work, or the Chair of the Board of Governors who oversees the work of the President and board members.

### Wrongdoing

Under the Protected Interest Disclosure Act wrongdoing is defined as:

- A serious act or omission that, if proven, would be considered an offence under an enactment of British Columbia or Canada;
- An act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
- A serious misuse of public funds or public assets;
- Gross or systematic mismanagement; or
- Knowingly directing or counseling a person to commit a wrongdoing as described above.

## Procedures

### Asking for Advice

1. An employee who is considering making a disclosure may seek advice about the disclosure process from their supervisor, designated officer, union representative, lawyer, or the BC Ombudsperson.
2. Employees who request advice are protected from reprisal under PIDA regardless of whether they decide to make a disclosure.
3. The supervisor or designated officer will document the advice given. These notes must be kept confidential and secure.
4. The supervisor or designated officer is responsible for keeping in confidence that an employee has sought advice under PIDA.

### Making a Disclosure

5. An employee who, in good faith, reasonably believes that a wrongdoing has occurred or is about to occur may make a disclosure to any of the following:
  - 5.1. Their supervisor;
  - 5.2. A designated officer; or
  - 5.3. The BC Ombudsperson.
6. Employees must submit disclosures in writing. If assistance is needed, a designated officer can support the employee in completing the *Protected Disclosure Form*.
7. An employee may submit a disclosure anonymously, but must include enough information to confirm they were an employee when the wrongdoing occurred or when they learned about the wrongdoing.
  - 7.1. If a disclosure does not contain sufficient detail to allow for a full and fair investigation, or sufficient detail to reasonably assess whether the allegations could amount to wrongdoing, the College may be unable to investigate the disclosure.
  - 7.2. If an employee who discloses anonymously includes a method of contact the designated officer may choose, at their discretion, to provide notices that would typically be given to an employee who made a disclosure.

### Referral to a Designated Officer

8. A supervisor who receives a disclosure will promptly refer the disclosure including any materials supplied by the employee to a designated officer.
  - 8.1. If the allegations involve the VP Finance and Corporate Services, the President will receive the disclosure.
  - 8.2. If the allegations involve the President or a member of the Board of Governors, the Chair of the Board of Governors will receive the disclosure.
9. If the allegations concern wrongdoing by all officials listed above, the disclosure will be referred to the BC Ombudsperson.

### Public Disclosure about Imminent Risk

10. If an employee believes there is evidence of an imminent risk of a substantial and specific danger to the life, health, or safety of persons, or to the environment they may be able to make a public disclosure under PIDA.
11. Before making a public disclosure, the employee must consult with and follow the advice of the relevant protection official (as described in the Definitions section of these procedures). If the employee does not follow the protection official's advice, they may not be protected under PIDA. For specific procedures, see [section 16.2 of PIDA](#).
12. An employee who makes a public disclosure of imminent risk is expected to notify their supervisor or the designated officer of the public disclosure. They may also choose to submit a disclosure through this policy.

### Preliminary Review

13. Upon receiving a disclosure, the supervisor or designated officer will confirm receipt to the employee as quickly as possible, and whenever possible within one business day.
14. Within 30 days of receiving the disclosure, the designated officer will complete a preliminary review of the disclosure. The preliminary review will determine whether the allegations fall under PIDA and can be investigated under this policy; the form of the investigation; whether the disclosure raises a matter which requires an urgent response; and the risk of reprisal against the employee (regardless of whether the disclosure will be investigated).

15. During the preliminary review, the designated officer may request additional information from the employee.

#### Decision Not to Investigate or to Postpone or End an Investigation

16. If the designated officer determines the disclosure does not meet the requirement of wrongdoing under PIDA, or fall within the scope of this policy, they will notify the employee of the decision not to investigate and refer the matter to the appropriate authority or dispute resolution process, as applicable.
17. If at any time during the investigation the designated officer determines that the disclosure relates to one of the circumstances listed in section 22 (1) of PIDA they will refuse or stop the investigation and notify the employee.
18. If at any time during the investigation the designated officer determines the disclosure is being investigated through another process they may postpone or suspend the investigation as outlined in section 22 (2) of PIDA.

#### Investigating the Disclosure

19. If the designated officer determines an investigation is warranted, they will manage the investigation according to the BC Ombudsperson's *Designated Officer Guidelines*.
20. If at any time during the investigation the designated officer reasonably believes there is an imminent risk of harm, they will report the wrongdoing to the relevant protection official.
21. If the designated officer reasonably believes the investigation would be more appropriately investigated by another authority, such as law enforcement, the BC Ombudsperson, or an external investigator, they may refer the disclosure to a third party.
22. If additional wrongdoing is discovered during the investigation, the designated officer may expand the scope of investigation beyond the initial allegations.
23. If more than one disclosure is received with respect to the same or similar wrongdoing, a single investigation into the alleged wrongdoing may be conducted.

24. The designated officer will seek, where practical, to complete their investigation within 120 business days.

24.1. The designated officer may extend this time period depending on the nature and the complexity of the allegations. Notification will be provided in writing if an extension is required.

25. The designated officer may request assistance from the BC Ombudsperson regarding a disclosure, or may refer the disclosure in whole or in part to the BC Ombudsperson. In this case of a disclosure being referred to the BC Ombudsperson, the designated officer will provide notice of the referral to the employee who made the disclosure.

#### Reporting the Results of an Investigation

26. After completing the investigation, the designated officer will prepare a report with their findings. This report will include any findings of wrongdoing, reasons to support any finding, and any recommendations.

27. The report will be reviewed by the President, or if the investigation involves the President, by the Chair of the Board of Governors.

28. The President or Chair will consider the findings and recommendations and may take corrective measures to remedy the wrongdoing and any other deficiencies identified in the report.

29. The designated officer will provide the employee, and where feasible the respondent, a summary of the report within 20 days of reporting to the President or Chair.

29.1. The details given in the summary report will be subject to CNC's privacy obligations under FIPPA and PIDA.

29.2. The summary report will not be provided to anonymous disclosers.

30. The designated officers will be responsible for managing and securely storing all confidential and sensitive records related to protected disclosures, in compliance with FIPPA and PIDA.

## Annual Reporting

31. The President or delegate will publish an annual report that includes:
  - 31.1. The number of disclosures received, including referrals of disclosures, and the number acted on and not acted on;
  - 31.2. The number of investigations;
  - 31.3. Where an investigation found wrongdoing;
    - 31.3.1. A description of the wrongdoing;
    - 31.3.2. Any recommendations, including those made by the Ombudsperson, and
    - 31.3.3. Any corrective action taken or the reasons why no corrective action was taken;
    - 31.3.4. Any other information prescribed by regulation.
32. The annual report will not include any information that could potentially identify the employee who made the disclosure, the respondent, or unreasonably invade an individual's privacy.
33. The annual report will be made publicly available on CNC's website.

## Privacy and Confidentiality

34. Personal and confidential information collected, used, or shared under this policy will be treated as confidential and will be used and disclosed as described in this policy and its associated supporting documents, PIDA, or as otherwise permitted or required under FIPPA and other applicable laws.
35. The College will ensure there are reasonable security measures in place to protect all personal and confidential information collected, used, or shared under this policy.

## Reprisals

36. CNC will not tolerate reprisals against employees who request advice, make disclosures, or participate in an investigation under this policy or PIDA.
37. Prior to beginning an investigation and throughout the process as needed, the designated officer will assess the risk of reprisal to the employee and take appropriate action to mitigate that risk.

- 38. An employee who believes they have been subject to reprisal is encouraged to make a complaint to the BC Office of the Ombudsperson, who may investigate in accordance with the procedures set out in PIDA.
- 39. Employees who engage in any reprisals will be subject to disciplinary action up to and including termination.
- 40. Reprisals and other contraventions of PIDA, as described in section 41, could lead to monetary fines.

**Links to Other Related Policies, Documents, and Websites**

- Administrative Personnel AD-HR-1.02
- Respectful Workplace AD-HR-1.10
- Standards of Ethical Conduct AD-HR-1.05
- [BC Ombudsperson](#)

**Forms**

- Protected Disclosure Form

**Procedure Amendment Log**

Amendment Number:	Date:
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