

Safe Disclosure Policy

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	April 3, 2018	Cross Reference:	<ul style="list-style-type: none"> • Conflict of Interest • Fraud & Irregularities • Individual Rights, Conflict Discrimination, Harassment & Violence in the Workplace • Ethics and Accountability Policy
Policy Owner:	President & CEO	Appendices:	
Policy Administrator:	Executive Planning Officer		
Approver:	Executive Committee		
Review Schedule:	Every 4 Years		

1. Policy Statement

- 1.1 Keyano College is committed to the highest standards of professionalism through its fair, legal, fiscal, ethical and accountable conduct. In accordance with the *Public Interest Disclosure (Whistleblower Protection) Act*, the College will provide its stakeholders with an avenue in which to disclose, make enquiries about, or seek advice regarding potential ethical breaches and cooperate in an investigation of ethical breaches without fear of reprisal.

2. Background

- 2.1 Keyano takes gross misconduct very seriously, and will maintain its standards by encouraging members of the College community to disclose any wrongdoings that they may have knowledge of or reasonably suspect. The College will facilitate the disclosure and investigation of significant and serious matters in or relating to its operations, including: academia, administration, with students, with industry partners, and its relationship with the community at large.
- 2.2 The College seeks to be informed of misconduct, fraud, or other ethical breaches that may occur within its community.

3. Policy Objective

- 3.1 This policy was created to encourage and enable members of the College community to report ethical breaches. Members of the College community who witness or have knowledge of a probable contravention of the Ethics and Accountability Policy (or related policies) have a responsibility to disclose that information to the College.
- 3.2 The College will ensure the protection of individuals who make good faith disclosures in respect to wrongdoings, including prohibiting reprisal against such individuals. The College will also

manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals and will promote public confidence in the operations of the College.

- 3.3 This policy provides guidance on Keyano College's expectations for the safe disclosure of any suspected ethical breach and its compliance with the *Public Interest Disclosure (Whistleblower Protection) Act*.

4. Scope

- 4.1 Reporting of ethical breaches is the responsibility of all members of the College community.
- 4.2 This policy applies to all locations included within the College premises.
- 4.3 This policy applies to any report of ethical violations involving members of the College community.

5. Definitions

- 5.1 **Chief Officer**
Pursuant to the Act, means the President & CEO
- 5.2 **College Premises**
Includes all Keyano College space either owned, leased or operated by the College, as well as any off-campus sites utilized by the College for instruction, practicums, co-op or work experience placements, and/or other locations in which an employee is working as part of their position.
- 5.3 **Commissioner**
The Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.
- 5.4 **Disclosures**
Means a disclosure of wrongdoing made in good faith to the College or through the Commissioner in accordance with the Act or Public Interest Disclosure procedures.
- 5.5 **Employee**
Means an individual employed by, or who has suffered a reprisal and is no longer employed by the College. An employee also includes an individual who holds or who has held, has suffered a reprisal and no longer holds privileges with the College.
- 5.6 **Good Faith**
The disclosure of a wrongdoing or suspected wrongdoing, is not frivolous or vexatious and is made free of malicious intent, regardless of the result of investigation.
- 5.7 **Members of the College Community**
Includes all employees, Board of Governors, Board of Directors, students and contractors of Keyano College.

5.8 **Procedures or Public Interest Disclosure Procedures**

Procedures for handling and management of disclosures by the College.

5.9 **Reprisal**

Means retaliatory measures, as a result of a good faith disclosure, sought advice about making a disclosure, co-operated in an investigation under the Act or the procedure, decline to participate in a wrongdoing or done anything in accordance with the Act or procedures:

- a) 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;
- b) Any measure, other than one mentioned in clause (a), that adversely affects the employee's employment or working conditions; or
- c) A threat to take any of the measures mentioned in clause (a) or (b).

5.10 **Wrongdoings and gross mismanagement**

In accordance with section 3(1)c, gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of :

- a) Public funds, or a public asset
- b) The delivery of a public service, including the management or performance of
 - i) a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - ii) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment,
- c) Employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.

Examples may include:

- An act or omission that creates 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 function of an employee, except as outlined in the Public Interest Disclosure Act, or to the environment
- Breach of Keyano's Conflict of Interest Policy or Code of Conduct Policy
- An act of reprisal
- An act believed to be unlawful, dangerous to the College community, public or harmful to the public interest
- Attempts to conceal any of the above
- Knowingly directing or counseling an individual to commit any of the above

6. Guiding Principles

- 6.1 Keyano College has zero tolerance for reprisals made against reporters of information related to ethical breaches, or suspected ethical breaches.
- 6.2 The College will take action on all reports of ethical breaches (or related breaches) it receives that were made in good faith.
- 6.3 Any investigative activity required in relation to a suspected ethical breach will be conducted without regards to the suspected wrongdoer's length of service, position, title or relationship to the College.
- 6.4 The Chief Officer will appoint a Designated Officer to directly manage the safe disclosure program. The Designated Officer will be held accountable by the Chief Officer for the College's compliance with the Act.
- 6.5 The Chief Officer will ensure the safe disclosure program provides several options for individuals to make an ethical violation report.
- 6.6 Keyano College will ensure all investigations are treated fairly and consistently, and in compliance with the collective agreements, College policies, the Act and other prevailing laws.
- 6.7 Reports will be kept confidential unless the reporter provides explicit permission to disclose their identity. Confidentiality will be maintained within the College premises, but cannot be guaranteed in the event that external legal action flows from the disclosure.
- 6.8 Individuals who provide a report in good faith have a right to be updated on the status of their report, including outcomes. The Designated Officer is responsible for liaising with the reporter if they have been identified.
- 6.9 The Designated Officer will ensure reports are dealt with in compliance with the Act. The Designated Officer will adhere to all reporting and action timelines as defined in the Act.
- 6.10 Employees who have suffered a reprisal as a result of making a report are encouraged to contact the Public Commissioner directly, as prescribed under the Act.
- 6.11 The College will ensure that its employees are aware of the safe disclosure procedures, the protection of reporters of ethical breaches under the Act, and have received periodic training on the Ethics and Accountability Policy, as well as the Safe Disclosure Policy.
- 6.12 The Safe Disclosure Policy will not in any way contravene the Act or other laws in the Province of Alberta, and/or collective bargaining agreements. In the event of any inconsistency, federal and provincial statutes or collective bargaining agreements will take precedence.

7. Redress

- 7.1 Anyone who contravenes this policy may be subject to a range of corrective measures, up to and including dismissal from the College, in accordance with the Employee Progressive Discipline Policy. In all cases where the College has suffered a financial loss, it may seek to recover losses in full along with all costs incurred to investigate and litigate said loss.
- 7.2 If following an investigation, the Commissioner finds that a reprisal occurred, the Commissioner is obligated to refer the decision to the Labour Relations Board for determination as to the appropriate remedy.

8. Roles & Responsibilities

STAKEHOLDER	RESPONSIBILITIES
Executive Committee	<ul style="list-style-type: none"> Approve and formally support this Policy
President & CEO	<ul style="list-style-type: none"> Appoint a Designated Officer to directly manage the safe disclosure program
Executive Director, Human Resources	<ul style="list-style-type: none"> Manage the Safe Disclosure program Designated Officer, unless otherwise directed by the Chief Officer
Employees, Students, Board Members, Contractors, Industry Partners	<p>Every employee, student, Board member, contractor or industry partner has a responsibility to:</p> <ul style="list-style-type: none"> Be knowledgeable of and compliant with this Policy Comply with all policies and procedures in conducting their work Report any ethical breach without delay.

9. Policy Management

Policy Title:	Safe Disclosure Policy
Approval Date:	March 20, 2018
Effective Date:	April 3, 2018
Historical Review Dates:	August 18, 2017 November 2, 2017
Next Review Date:	April 3, 2021
Related Legislation:	<ul style="list-style-type: none"> Public Interest Disclosure (Whistleblower) Act
Supersedes:	<ul style="list-style-type: none"> Safe Disclosure v.1 (approved August 18, 2017) Safe Disclosure v.2 (approved November 2, 2017)
Monitoring/Frequency:	<ul style="list-style-type: none"> Monitoring of compliance activities will be reviewed at a minimum, once a year with annual reporting to be included in the Annual Report. Education and training sessions will periodically take place throughout the year.

Policy Owner:	President & CEO
Policy Administrator:	Executive Planning Officer
Policy Coordinator:	Executive Assistant, President & CEO and Board of Governors

Safe Disclosure Procedure

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	April 3, 2018	Appendices:	
Procedure Owner:	President & CEO		
Approver:	Executive Committee		
Review Schedule:	Every 4 years		

1. Overview

The purpose of this procedure is to inform individuals on how the College fulfills its commitment to protecting the College community from fear of reprisal from reporting allegations of ethical breaches, or suspected ethical violations.

2. Procedures

2.1 Reporting a Wrongdoing

- 2.1.1 Any member of the College Community who alleges that conduct constituting a wrongdoing has occurred or is reasonably likely to occur (provided it is in good faith) must report such matter immediately to their direct supervisor, manager, dean, or director, or Vice-President in writing. In the case an employee is uncomfortable with reporting the alleged wrongdoing through the above chain, the employee may make a disclosure directly to the Designated Officer, the Chief Officer or directly to the Public Interest Commissioner.
- 2.1.2 The reporter may also contact the Office of the Public Interest Commissioner to advise they have made a disclosure to the Designated Officer or Chief Officer for the purposes of commencing an investigation.
- 2.1.3 Employees considering making a disclosure may request information or advice from their supervisor. Such employee is then protected from reprisal for seeking that advice.
- 2.1.4 Once a report is made, the supervisor, manager, dean or director, as the case may be, shall ensure the disclosure is forwarded to the Designated Officer immediately.
- 2.1.5 The Designated Officer will ensure the confidentiality and protection of individuals involved in the disclosure process, including:
 - a) The employee making the disclosure;
 - b) Individuals alleged to have committed the wrongdoings;
 - c) Any witnesses.

- 2.1.6 In the case where the subject matter of the disclosure involves either the Designated Officer or Chief Officer, an employee may make a disclosure directly to the Commissioner.
- 2.1.7 The Chief Officer may assign an alternate Designated Officer, should a conflict of interest exist with the Executive Director, Human Resources. All procedures as outlined will be adhered to by any reassignment to an alternate Designated Officer.
- 2.1.8 In accordance with amendments made to the Act, individuals may disclose directly to the Office of the Public Interest Commissioner, circumventing the Chief Officer and Designated Officer.

Examples of disclosure concerns formerly outlined in the Act are noted below, but does not limit an individual from contacting the Public Interest Commissioner directly. The Commissioner however, continues to have discretion to refer disclosure to a Designated Officer for investigation if the Commissioner considers it appropriate.

- If the employee has made a disclosure in accordance with the procedures in section 5 of the Act and an investigation concerning the disclosure has not been completed in accordance with those procedures;
- If the employee has made a disclosure in accordance with the procedures in section 5 of the Act and the matter has not been resolved within the established timelines;
- If the employee has made a disclosure in accordance with the procedures in section 5 of the Act and the employee is dissatisfied with the decision;
- If the employee has made a disclosure to the Designated Officer however is unable to complete the procedures because of reprisal directed at them, or reasonably believes a reprisal is likely to be taken or directed towards them, if the disclosure was made in accordance with section 5.

The disclosure must include the following information:

- a) A description of the alleged wrongdoing or gross misconduct;
- b) To the reporter's best ability, include a description of all parties involved, or reasonably believes is about to involve;
- c) The date of the alleged wrongdoing or gross misconduct;
- d) Whether the reporter has knowledge of a related disclosure that has previously been made pursuant to the procedures established by the College. If a response was previously received, a copy of the response must be attached;
- e) Any evidence or documentation supporting the alleged wrongdoing;
- f) Any additional information that the Designated Officer may reasonably require in order to investigate the matter set out in the disclosure.

- 2.1.9 In circumstances where multiple disclosures are made on the same matter, a single investigation may be conducted.

2.2 Anonymous Reporting

- 2.2.1 Anonymous disclosures may be made either to the Commissioner or directly to the Designated Officer by mail. Anonymity of these disclosures is protected throughout the process.
- 2.2.2 It should be noted that anonymous reports often do not contain the required detail with respect to an allegation in order to enable a full and thorough investigation. An anonymous disclosure cannot be advised of whether an investigation will be conducted, or the progress of results of an investigation if conducted.
- 2.2.3 Anonymity will also be protected in circumstances where the personal safety and/or wellbeing of a reporter may be at risk, whether the disclosure was made anonymously or not.
- 2.2.4 Wrongdoing that is reported anonymously will be considered at the discretion of the Designated Officer in terms of seriousness and credibility.

2.3 Request for Advice or Information

- 2.3.1 Any employee who is considering making a disclosure may, prior to submitting a disclosure request information or advice from their Supervisor, Designated Officer, Chief Officer or Commissioner with respect to the alleged wrongdoing.

The Office of the Public Interest Commissioner can be contacted Monday to Friday from 08:15 – 12:00pm / 13:00 – 16:30 at: Toll-free province –wide: 1-855-641-8659 or via email at info@pic.alberta.ca

- 2.3.2 The Supervisor, Designated Officer or Chief Officer may, at their discretion, require that such a request for information or advice be made in writing.
- 2.3.3 The identity of a person who has requested advice about making a disclosure, made a disclosure or submitted a complaint of reprisal or whose complaint has been referred to the Labour Relations Board, will be severed from records related to an access request. An applicant has a right of access to the remainder of the record.

2.4 Receiving and Reviewing the Disclosure

- 2.4.1 The Designated Officer will acknowledge a disclosure of wrongdoing, which include complaints of reprisals, within 5 business days of receipt of the disclosure/complaint and will communicate to the reporter within 20 business days if an investigation will occur.

Within 20 business days of actual receipt by the Designated Officer of a disclosure, the Designated Officer will:

- a) Advise the Chief Officer of the disclosure, in writing;
- b) Determine whether the form and content of the disclosure meet the criteria, set out in section 1 of the procedure;
- c) Determine whether the disclosure falls within the scope of the policy and procedure;
- d) Determine whether the disclosure includes sufficient information or supporting documentation;
- e) Determine whether the matters described in the disclosure should be investigated;
- f) Notify the employee in writing, who made the disclosure, whether the matter will be investigated. Where an investigation is not to be conducted, the employee will be advised of the reasons for not pursuing an investigation.

2.4.2 If the matter to which the complaint relates, constitutes an imminent risk or specific danger to life, health or safety of individuals, or the environment, the Designated Officer and/or Chief Officer is required to report to:

- an appropriate law enforcement agency;
- in the case of a health-related matter, to the Chief Medical Officer of Health;
- to the department, public entity or officer responsible for managing, controlling or containing the risk; and
- a person identified in the procedures created by the Chief Officer.

An investigation into the matter will be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

2.4.3 In circumstances where the Chief or Designated Officer has reason to believe that an offence has been committed under a statute or regulation, the Act requires the offence to be reported to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.

An investigation into the matter will be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

2.4.4 In making the determination about whether or not to proceed with a formal investigation, the Designated Officer will conduct a preliminary assessment of the validity and credibility of the information provided. All decisions to move forward with a formal investigation will be reported to the Governance & Human Resources Committee and subsequently to the Finance & Audit Committee as part of the College's overall risk reporting process.

2.4.5 If an investigation is to occur, it may be conducted by an internal or external investigator and will follow principles of natural justice and procedural fairness.

- 2.4.6 Witnesses may have legal, Union or other representation or support during an interview.
- 2.4.7 The investigation should be conducted and concluded within 120 business days from when the good faith disclosure was received. In the event of a lengthy investigation, the investigator can request an extension of 30 business days with the approval from the Chief Officer. Further time extensions can be requested to the Public Interest Commissioner.
- 2.4.8 At the completion of the investigation, a report will be provided to the Chief Officer, Governance & Human Resources Committee and to the Finance & Audit Committee, as applicable, if the investigator has found evidence of wrongdoing.
- 2.4.9 The report by the investigator or Designated Officer will not include information that leads or could lead to the identification of the individual who submitted the allegation if that individual has requested anonymity.
- 2.4.10 If wrongdoing is found, appropriate remedial and disciplinary actions will be undertaken.
- 2.4.11 If an investigation concludes that an individual has made a complaint that is not a good faith disclosure of wrongdoing, or knowingly made a false allegation of wrongdoing, disciplinary action, up to and including dismissal, may be taken by the College against such individual.

When an Investigation will NOT be conducted

For clarity, the below situations will not result in an investigation.

- a) The disclosure was made in bad faith;
- b) The disclosure does not deal with a wrongdoing;
- c) The disclosure is frivolous or vexatious;
- d) The disclosure does not provide sufficient information to permit an investigation;
- e) If more than 2 years has passed since the individual making the disclosure discovered the wrongdoing;
- f) After consideration of all other relevant factors and criteria, the Designated Officer determines that an investigation is not required.

2.5 Complaints of Reprisals

- 2.5.1 All complaints of reprisal will be managed and counselled in accordance with section 24 of the Act.

- 2.5.2 If an employee believes they have been subject to a reprisal, they should submit a “Complaint of Reprisal” form as per the Regulations, directly to the Commissioner.
<https://yourvoiceprotected.ca/for-employees/reprisal-form/>
- 2.5.3 The Commissioner’s report on the investigation must be referred to the Board not more than 5 business days from the date on which the investigation is concluded.

2.6 Annual Reporting

- 2.6.1 The Chief Officer will work in conjunction with the Designated Officer to ensure the below information is reported in the College’s Annual Report.
- a) Number of disclosures received or referred to the Designated Officer within the fiscal year;
 - b) Number of disclosures acted on;
 - c) Number of disclosures not acted on by the Designated Officer;
 - d) Number of investigations commenced by the Designated Officer as a result of disclosures;
 - e) A description of all findings of wrongdoings through completed investigations, related recommendations or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.
- 2.6.2 The Chief Officer will restrict from publicly identifying, in the Annual Report, an employee who sought advice, made a disclosure, or a complaint of reprisal, and from disclosing individually identifying health information.

3. Definitions

3.1 Chief Officer

Means the President & CEO

3.2 College Premises

Includes all Keyano College space either owned, leased or operated by the College, as well as any off-campus sites utilized by the College for instruction, practicums, co-op or work experience placements, and/or other locations in which an employee is working as part of their position.

3.3 Commissioner

The Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.

3.4 Disclosures

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3.6 Good Faith

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3.7 Members of the College Community

Includes all employees, Board of Governors, Board of Directors, students and contractors of Keyano College.

3.8 Procedures or Public Interest Disclosure Procedures

Procedures for handling and management of disclosures by the College.

3.9 Reprisal

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- a) 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;
- b) Any measure, other than one mentioned in clause (a), that adversely affects the employee's employment or working conditions; or
- c) A threat to take any of the measures mentioned in clause (a) or (b).

3.10 Wrongdoings and Gross Mismanagement

In accordance with section 3(1)c, gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of:

- a) Public funds, or a public asset
- b) The delivery of a public service, including the management or performance of
 - i) a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - ii) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment,
- c) Employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.

4. Procedure Management

Procedure Title:	Safe Disclosure Procedure
Approval Date:	March 20, 2018 (via email)

Effective Date:	April 3, 2018
Historical Review Dates:	August 18, 2017 November 2, 2017
Next Review Date:	April 3, 2021
Related Legislation:	<ul style="list-style-type: none">• Public Interest Disclosure (Whistleblower Protection) Act
Parent Policy:	<ul style="list-style-type: none">• Safe Disclosure Policy v.3
Policy Owner:	President & CEO
Policy Administrator:	Executive Planning Officer
Policy Coordinator:	Executive Assistant, President & CEO, Board of Governors