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PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWER) POLICY

POLICY STATEMENT

North Island College is committed to maintaining the highest standards of ethical conduct and promoting a culture of honest, transparent, and accountable behaviour. This Policy articulates North Island College’s commitment to comply with the requirements of the *Public Interest Disclosure Act* (“PIDA”) and to protect:

- a. an employee or member of the Board of Governors of North Island College or a former employee or former member of the Board of Governors of North Island College, who in good faith requests advice about making, or makes, a Disclosure of Wrongdoing, or who makes a Complaint about a Reprisal for making a Disclosure.
- b. employees and contractors who in good faith cooperate with an Investigation under PIDA; and
- c. the privacy of those involved in requests for advice, Disclosures and Investigations in accordance with all applicable laws, including PIDA and privacy laws.

Employees are encouraged to report Wrongdoing as defined by PIDA and this policy through this policy and its procedures.

PURPOSE STATEMENT

This policy and its procedures enable North Island College to manage and investigate Disclosures, to report the outcomes of Investigations, and to protect the privacy of people involved in Disclosures, Investigations and reports.

This policy and its procedures also enable current employees or members of the Board of Governors of North Island College and those who were employees or members of the Board of Governors of North Island College at the time Wrongdoing occurred or was discovered, to seek advice on, to make disclosures in good faith about, and to cooperate with investigations about, wrongful or unlawful conduct without fear of retaliation or Reprisal. Contractors are also protected from retaliation or Reprisal for cooperating with Investigations.

SCOPE AND APPLICATION

This policy applies to all current employee, members of the Board of Governors of North Island College and to those who were employed by or acted as members of the Board of Governors of North Island College when a Wrongdoing occurred or was discovered.

The sections of this policy that prescribe that those who co-operated with investigations will not suffer retaliation or Reprisal also applies to persons contracting with North Island College.

This policy establishes a separate reporting procedure for employees to disclose specific types of improper activity, referred to as Wrongdoing. Wrongdoing is defined as:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. 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;
- c. a serious misuse of public funds or public assets;
- d. gross or systemic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

This policy does not apply to members of the public, volunteers, or students. It also does not apply to former employees or former members of the Board of Governors of North Island College who were not employed or acting at the time the Wrongdoing occurred or was discovered.

PIDA does not limit an employee's rights or remedies that may be available under a collective agreement, contract or law. This policy establishes a separate reporting procedure for employees or members of the Board of Governors to disclose specific types of improper activity, referred to as Wrongdoing, and does not affect an employee's duty to report other misconduct or improper activity under North Island College's Code of Ethical Conduct or other applicable policies or their right to raise concerns under an applicable law, contract or policy.

PRINCIPLES

1. North Island College is committed to supporting ethical conduct in its operations, including by receiving, investigating, and responding to Disclosures and by providing information about PIDA, this policy and its procedures, and seeks to foster a culture in which employees are encouraged to disclose Wrongdoing.
2. North Island College will follow this policy in Investigations of Disclosures that it receives under this policy in accordance with the principles of procedural fairness and natural justice.

3. North Island College will not commit or tolerate Reprisals against any employee who, in good faith, makes a request for advice, makes a Disclosure, cooperates in an Investigation or makes a Complaint about Reprisal, or against any contractor which has cooperated in an Investigation, under this policy.
4. North Island College is committed to protecting the privacy of disclosers, Respondents and those who cooperate in Investigations in a manner that is consistent with its obligations under PIDA and the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). All reporting under this Policy will be in compliance with PIDA and FIPPA.

DEFINITIONS

In this Policy and its Procedures, terms have the same meaning as set out in the *Public Interest Disclosure Act*, except as further defined below:

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| <i>Complaint</i> | A complaint made pursuant to this policy and its procedures. |
| <i>Designated Officer</i> | <p>means the following senior officials designated to do the following or, in the event the senior official designated is disqualified from acting, the official who is responsible under the section <i>Referral of Disclosure to Designated Officer</i> in the Procedures to:</p> <ol style="list-style-type: none"> a. Receive requests for advice: Vice President, Finance & College Services or Associate Vice President, People, Equity & Inclusion b. Receive and investigate disclosures: Vice President, Finance & College Services or Associate Vice President, People, Equity & Inclusion |
| <i>Disclosure</i> | A report of wrongdoing made under this Policy. |
| <i>Investigation</i> | An investigation of a Disclosure undertaken by North Island College under this Policy or by the Ombudsperson under PIDA. |
| <i>Protection Official</i> | <ol style="list-style-type: none"> a. in respect of a health-related matter, the provincial health officer, b. in respect of an environmental matter, the provincial administrator as defined in section 1(1) of the <i>Emergency and Disaster Management Act</i>, or c. in any other case, an appropriate police force in British Columbia. |
| <i>Respondent</i> | A person about whom allegations of Wrongdoing are made. |

Reprisal

The commission or direction to commit any of the following measures against an employee, director or officer by reason that the employee, or member of the Board of Governors has, in good faith, made a request for advice, a Disclosure or a Complaint about a reprisal or cooperated with an investigation under PIDA or this policy:

- a. disciplinary measure;
- b. a demotion;
- c. a termination of employment;
- d. any measure that adversely affects the employee's employment or working conditions;
- e. a threat to take any of the measures referred to in paragraphs (a) to (d).

Supervisor

- a. for employees, the employee's administrator, manager or supervisor, as applicable;
- b. for members of the Board of Governors, the Chair of the Board of Governors.

Wrongdoing

is defined as:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. 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;
- c. a serious misuse of public funds or public assets;
- d. gross or systemic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

GUIDELINES

1. Duties and Responsibilities

- a. All employees are responsible for acting with honesty, integrity and accountability and complying with applicable law and policy in their work and dealings with others at North Island College.
- b. Employees must make Disclosures in good faith based on a reasonable belief that Wrongdoing has occurred, or is about to occur, and Disclosures must be made in the manner and form set out by this policy and its procedures.

- c. Employees must not engage in any Reprisal against a person who has, in good faith, requested advice about making a Disclosure, has made a Disclosure or Complaint about Reprisal, or has cooperated in an Investigation under this policy.
- d. The President is responsible for administering this policy, assigning the role of Designated Officer and ensuring that instruction is available to all employees about PIDA, this policy and the procedures. In the event that the President is unable or unavailable to perform their duties under this Policy, the President may delegate their authority in writing to other senior officials of North Island College.
- e. The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this policy and its procedures.
- f. Supervisors are responsible for responding to requests for advice from employees, receiving Disclosures and referring Disclosures to the Designated Officer, or other senior official, as set out in the procedures.
- g. Everyone involved in an Investigation must treat all related information as confidential and everyone must protect any personal information collected, used or shared as part of a request for advice, Disclosure, Complaint about Reprisal or Investigation to the extent possible under applicable legislation, policy and collective agreements.
- h. Nothing in this policy relieves those responsible for the administration and management of North Island College from their responsibilities to address Wrongdoing or other types of misconduct or improper activity in accordance with good management practices and other policies, guidelines and procedures.

2. Consequences of non-compliance

- a. An employee found to have engaged in Wrongdoing may be subject to disciplinary action, up to and including termination of employment.
- b. An employee who makes a bad faith, malicious or intentionally false Disclosure may be subject to discipline, up to and including termination of employment.
- c. Breach of confidentiality and privacy is a serious offence. An employee who does not strictly protect confidentiality and privacy as required by this policy and its procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.
- d. North Island College will not tolerate any Reprisal against any person who has, in good faith, requested advice, made a Disclosure or Complaint of Reprisal, or cooperated in an Investigation under this policy, including any contractor who has cooperated in an Investigation. This protection does not apply to protect an employee from the consequences of their own Wrongdoing, misconduct or improper activity unrelated to their rights under PIDA. An employee who engages in any such Reprisal may be subject to discipline, up to and including termination of employment.
- e. In addition to disciplinary consequences, it is a provincial offence under PIDA to obstruct, make a false statement to, or mislead or attempt to mislead, a person in the performance of their duties, powers or functions under PIDA, which is punishable upon conviction by a fine.

LIMITATIONS

This Policy does not limit an employee's rights or remedies that may be available under a collective agreement, contract, or at law.

ASSOCIATED DOCUMENTS

[Public Interest Disclosure \(Whistleblower\) Procedures](#)

PIDA Disclosure Form

LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES

[College and Institute Act](#)

[Criminal Code](#)

[Emergency and Disaster Management Act](#)

[Freedom of Information and Protection of Privacy Act](#)

Collective Agreement between North Island College and Canadian Union of Public Employees Local No. 3479

Collective Agreement between North Island College and North Island College Faculty Association

Common Agreement between The Employers' Bargaining Committee on behalf of member institutions ratifying the Common Agreement and Federation of Post-Secondary Educators of BC (FPSE) on behalf of its local unions ratifying this Common Agreement

LINKS TO OTHER RELATED POLICIES, DOCUMENTS AND WEBSITES

[NIC Policy 1-01 Freedom of Information and Protection of Privacy](#)

[NIC Policy 1-20 Code of Ethical Conduct](#)

[NIC Policy 2-15 Occupational Health and Safety](#)

[NIC Policy 3-06 Community Code of Academic, Personal and Professional Conduct \(Code of Conduct\)](#)

[All North Island College Finance Policies](#)