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PROTECTED DISCLOSURE PROCEDURES

PURPOSE

This document provides an overview of the procedures involved in reporting, assessing, investigating, and following up on instances of Wrongdoing, as outlined in Camosun's Protected Disclosure policy.

DEFINITIONS

Capitalized terms in this Procedure have the meanings set out in the Protected Disclosure policy, and the following additional terms shall have the following meanings:

1. **Disclosure Form:** means the form attached to this Procedure.
2. **BC Ombudsperson:** means the Ombudsperson of British Columbia.
3. **Policy:** means Camosun's Protected Disclosure policy.
4. **Protection Official** means:
    a. in respect of a health-related matter, the provincial health officer under the *Public Health Act*,
    b. in respect of an environmental matter, the agency responsible for the *Emergency Program Act*, or
    c. in any other case, an appropriate police force.
5. **Referral:** refers to a referral of allegations of Wrongdoing received from the BC Ombudsperson or another government institution for investigation by Camosun in accordance with PIDA.
6. **Respondent:** means a person against whom allegations of Wrongdoing or a complaint of a Reprisal is made.
7. **Imminent Risk:** arises when an Employee 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 PIDA.

PROCEDURES FOR MAKING DISCLOSURES

1. An Employee who, in good faith, reasonably believes that a Wrongdoing has been committed or is about to be committed may make a Disclosure to any of the following:
    a. the Employee's Workplace Leader;
    b. a Designated Officer;
    c. the BC Ombudsperson.

2. A Disclosure should be submitted in writing using the *Protected Disclosure Form* either via mail or electronically.

3. A Disclosure may be submitted to Camosun on an anonymous basis, but must contain sufficient information to permit Camosun to conduct a full and fair Investigation into the Wrongdoing. If a Disclosure does not contain sufficient detail to permit Investigation, Camosun may take no action with respect to the Disclosure. If someone makes an anonymous Disclosure without providing their contact information, it may not be possible for the College to provide status updates on the Investigation or other notices. Notices and updates may be sent at the discretion of the Designated Officer.

4. A Discloser who is considering making a Disclosure may seek Advice from their Workplace Leader, Designated Officer, union representative, or a lawyer.

5. In the event that an allegation relates to a college employee (who may or may not be the Discloser's Workplace Leader), it is best to seek Advice from the Designated Officer.

6. Any Workplace Leader who receives a Disclosure or Referral and reasonably believes that the allegations of Wrongdoing relate to their own acts or omissions must refer the allegations of Wrongdoing to the Designated Officer.

7. To make a disclosure in the case of environmental matters, disclosures can be made to the provincial administrator as defined in section 1(1) of the *Emergency and Disaster Management Act*.

PROCEDURES FOR DISCLOSING IMMINENT RISK

1. PIDA permits Employees to make public disclosures if the Employee reasonably believes that a matter poses an Imminent Risk. An Imminent Risk only arises if there is reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.

2. Before making a public disclosure of an Imminent Risk, the Employee must consult with the relevant Protection Official (public health officer, Emergency Management BC, or police). For specific procedures, see S.16 (2) of PIDA.

3. If a Designated Officer or the BC Ombudsperson reasonably believes that a matter constitutes an Imminent Risk after receiving information under PIDA, the Designated Officer or the BC Ombudsperson may report the information to a relevant Protection Official.

REFERRAL OF DISCLOSURE TO DESIGNATED OFFICER

Each Workplace Leader who receives a Disclosure or Referral under this Policy must promptly share it and all materials supplied, to the Designated Officer as follows:

1. Unless the allegations concern alleged Wrongdoing by the President, Vice President, Administration & CFO the President, members of the Board, or the Board Chair, the Disclosure or Referral shall first be referred to the Vice President, Administration & CFO, who may delegate their duties under the Policy and this Procedure to any other Designated Officer. See definition of *Designated Officer* in the Protected Disclosure Policy.

2. If the allegations concern Wrongdoing by all of the Designated Officers listed in Protected Disclosure Policy, then the Workplace Leader may refer the Disclosure or Referral to the BC Ombudsperson.

RESPONSIBILITIES OF THE DESIGNATED OFFICER

The Designated Officer is responsible to:

1. Receive and respond to any Disclosure, Referral or request for Advice;

2. Receive and respond to reports made by Employees about Imminent Risks;

3. If the Designated Officer reasonably believes that an Imminent Risk exists, the Designated Officer may make a report to the relevant Protection Official;

4. Review allegations of Wrongdoing in a Disclosure or Referral and determine if they fall within the scope of PIDA or the Policy;

5. Refer disclosures or allegations falling outside the scope of PIDA or this Policy to the appropriate authority or dispute resolution process, as applicable;

6. If a Disclosure relates to Wrongdoing at another ministry, government body or office subject to PIDA, refer the Disclosure to that institution;

7. Seek clarification of the allegations of Wrongdoing from the Discloser or referring institution as needed;

8. If appropriate, initiate an Investigation into allegations of Wrongdoing;

9. Assess the risk of any Reprisal to the Discloser, and take appropriate action, if any, to mitigate that risk;

10. Manage communications with the Discloser and Respondent;

11. Notify the Discloser and Respondent of the outcome of the Investigation;

12. Ensure that all Personal Information received by Camosun related to the Disclosure, Referral, request for Advice or any Investigation is appropriately protected against such risks as unauthorized access, collection, use, disclosure, theft or loss in accordance with FIPPA and PIDA.

RESPONSIBILITIES OF EMPLOYEES

All Employees are responsible to:

1. Make any Disclosures in good faith and on the basis of a reasonable belief that Wrongdoing has or is expected to occur;

2. Refrain from engaging in Reprisals and report all Reprisals in accordance with this Procedure and PIDA;

3. Maintain the confidentiality of Personal Information received in connection with a Disclosure, Referral, request for Advice or Investigation in accordance with the Protected Disclosure policy, this Procedure and PIDA;

4. Provide cooperation with investigations by Camosun or the BC Ombudsperson;

5. Seek appropriate advice if uncertain about whether to make a Disclosure or a public disclosure of an Imminent Risk; and

6. Comply with the requirements of PIDA and Camosun College's Protected Disclosure Policy, associated Supporting Documents.

INVESTIGATIONS

1. Every person involved in receiving, reviewing and investigating Disclosures, Referrals or complaints of Reprisals must carry out those functions in as expeditious, fair and proportionate manner as appropriate in the circumstances and as required under PIDA.

2. Camosun shall seek to complete all Investigations in a timely manner upon receipt of a Disclosure, or Referral or a complaint of Reprisals, but the Designated Officer may shorten or extend this time depending on the nature and complexity of the allegations.

3. The Designated Officer may expand the scope of any Investigation beyond the allegations set out in the Disclosure or Referral to ensure that any potential Wrongdoing discovered during an Investigation is investigated.

4. All Investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the Investigation.

5. The Designated Officer may request assistance from the BC Ombudsperson regarding a Disclosure or Referral or refer allegations of Wrongdoing in whole or in part to the BC Ombudsperson, provided that notice of the Referral is provided to the applicable Discloser.

6. The Designated Officer may refuse to investigate or postpone or stop an Investigation if the Designated Officer reasonably believes that:
    a. the Disclosure or Referral does not provide adequate details of the Wrongdoing;
    b. the Disclosure or Referral is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a Disclosure or Referral under the Protected Disclosure policy or PIDA, or does not deal with Wrongdoing;
    c. the Investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged Wrongdoing and the date of the Disclosure or Referral;
    d. the Disclosure relates solely to a public policy decision;
    e. the allegations are already being or have been appropriately investigated by the BC Ombudsperson, Camosun or other appropriate authority;
    f. the Investigation may compromise another investigation; or
    g. PIDA otherwise requires or permits Camosun to suspend or stop the Investigation.

7. Subject to Camosun's obligations under FIPPA, the Discloser and any other appropriate persons are provided with a summary of the Designated Officer's findings, including:
    a. notice of any finding of Wrongdoing,
    b. a summary of the reasons supporting any finding of Wrongdoing;
    c. any recommendations to address findings of Wrongdoing.

8. If a Disclosure is made directly to the BC Ombudsperson, the BC Ombudsperson may investigate and provide a copy of the investigation report to Camosun College. The BC Ombudsperson may request that Camosun notify them of the steps it has taken or proposed to take to follow up on the recommendations identified in the report within 30 days.

9. The obligations to provide notice to a Discloser under this Policy do not apply to a Discloser who submits their Disclosure anonymously. However, such notices may be provided, at the discretion of the Designated Officer, if the Discloser provides contact information.

REPRISALS

1. Camosun will not tolerate Reprisals against Employees who make Disclosures or Employees or contractors who participate in an Investigation or other proceeding under this Policy or PIDA.

2. Any Employee who believes that they have been the subject of a Reprisal may make a complaint to the BC Ombudsperson, who may investigate in accordance with the procedures set out in PIDA.

3. Employees who engage in any Reprisals shall be subject to disciplinary action up to and including dismissal.

ANNUAL REPORT

1. Each year, the President or their delegate must prepare a report on all Disclosures of Wrongdoing that have been made in that year, including Disclosures made to the BC Ombudsperson, if a Designated Officer of Camosun has been notified about the Disclosures or Investigations. That report must include:
    a. the number of Disclosures received, including Referrals of Disclosures and the number acted on and not acted on;
    b. the number of Investigations commenced as a result of a Disclosure
    c. in the case of an Investigation that results in a finding of Wrongdoing:
        i. a description of the Wrongdoing,
        ii. any recommendations, including those made by the BC Ombudsperson, and
        iii. any corrective action taken in relation to the Wrongdoing or the reasons why no corrective action was taken; and
    d. any other information required by PIDA or its regulations.

2. That report must not include any material that would:
    a. unreasonably invade a person's privacy;
    b. reveal the identity of a Discloser, or
    c. reveal the identify of an individual who was the subject of an Investigation.

PRIVACY AND CONFIDENTIALITY

1. Personal Information collected, used or shared in the course of receiving or responding to a Disclosure, a Referral, a request for Advice, a complaint of a Reprisal or an Investigation 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.

2. Any person who, in their capacity as an Employee of Camosun, receives information about the identity of a Discloser, shall maintain the identity of the Discloser in confidence, and may only use or share that information for the purposes described in this Policy or PIDA, except with the consent of the Discloser or as authorized or required by PIDA or other applicable laws.

3. Camosun shall ensure there are reasonable security measures in place to protect all Personal Information that Camosun collects or uses in the course of receiving or responding to a Disclosure, a request for Advice, a Referral or complaint of a Reprisal or conducting an Investigation, including by ensuring that such information is subject to appropriate controls to ensure that it is only shared by its Employees internally or externally on a need to know basis.

RELATED LEGISLATED REFERENCES

- *BC Public Interest Disclosure Act*
- *College and Institute Act*
- *Criminal Code of Canada*
- *Emergency and Disaster Management Act*
- *Freedom of Information and Protection of Privacy Act*

LINK TO PROVINCIAL RESOURCES

- BC Ombudsperson

LINKS TO RELATED CAMOSUN POLICIES AND DIRECTIVES

- G-2.7 Protected Disclosure
- G-2.7.2 Protected Disclosure Form
- O-3.6 Occupational Health and Safety
- O-5.10 Respectful Workplace
- O-5.11 Standards of Conduct
- O-6.1 Protection of Privacy

OTHER RELEVANT DOCUMENTS

- Collective Agreements: BCGEU, CCFA, CUPE
- Common Agreements: BCGEU, FPSE (CCFA)
- Terms and Conditions of Employment for Exempt Employees