

POLICY TITLE	Protected Disclosure
POLICY NUMBER	G-2.7
APPROVAL DATE	May 6, 2024
APPROVAL BODY	Board of Governor
REPLACES (IF APPLICABLE)	N/A
LAST UPDATE OR AMENDMENT OR REVIEW DATE	N/A
NEXT REVIEW DATE	2028
HOLDER	President
RESPONSIBLE OPERATIONAL LEADER	Vice President, Administration & CFO
SUPPORTING DOCUMENTS	G-2.7.1 Protected Disclosure Procedures G-2.7.2 Protected Disclosure Form

PROTECTED DISCLOSURE

PURPOSE AND/OR RATIONALE

The [Public Interest Disclosure Act](#) (PIDA) protects an Employee who in good faith requests Advice about making, or makes, a Disclosure of Wrongdoing, as defined under PIDA, or who makes a complaint about Reprisal. PIDA also protects Employees and contractors, who in good faith cooperate with an investigation under PIDA. As a public institution, Camosun is committed to its obligations under PIDA.

The purpose of this Policy, and related procedures, is to communicate processes that comply with PIDA for:

- Ensuring Employees who seek advice and/or make Disclosures in good faith about suspected Wrongdoing or unlawful conduct may do so without fear of Reprisal;
- Allowing Camosun to manage and investigate Disclosures and report on the outcomes of those investigations;
- Protecting individuals who seek Advice about making a Disclosure, make good faith Disclosures, or participate in Investigations, from Reprisal; and
- Protecting the rights of individuals against whom allegations have been made.

POLICY APPLICATION, SCOPE, AND LIMITS

This policy applies to the reporting of suspected or confirmed instances of Wrongdoing and/or Reprisal, as defined within PIDA.

This policy applies to Camosun Employees and to former Employees who were employed by Camosun when Wrongdoing occurred or was discovered. This policy does not displace other mechanisms set out in Camosun Policies for addressing and enforcing standards of conduct, disputes, complaints or grievances, including issues of discrimination, bullying and harassment, occupational health and safety or disputes over employment matters or under collective agreements.

If there are concerns about whether certain conduct amounts to Wrongdoing or Reprisal, advice should be sought to determine if the misconduct is, in fact, within the scope of this policy.

This policy does not apply to members of the public, volunteers, or to students.

Nothing in this policy relieves Camosun employees from the responsibility of addressing Wrongdoing in accordance with good management practices and existing policies and procedures. Employees are expected to utilize appropriate Camosun policies that address employee conduct unless the applicable policies are ineffective or inappropriate in the circumstance.

Nothing in this policy will limit or amend the provisions of any collective agreement or terms of employment between Camosun and its employees.

DEFINITIONS

1. **Advice:** means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this policy or PIDA
2. **Board:** Camosun College Board of Governors
3. **College:** Camosun College
4. **Designated Officer:** The Designated Officer responsible for receiving and investigating disclosures of suspected Wrongdoing, including Reprisals and taking appropriate action. The Vice President, Administration & CFO is the Designated Officer, except where allegations of Wrongdoing involve the President, Vice President, Administration & CFO, members of the Board, or Board Chair. In those cases:
 - a) The President is the Designated Officer for allegations involving the Vice President, Administration & CFO.
 - b) The Board Chair is the Designated Officer for allegations involving the President or a Board member.
 - c) The Vice Chair or, if the Vice Chair is not available, the Chair of Board Finance Committee is the Designated Officer for allegations involving the Board Chair.
5. **Discloser:** means an Employee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal.
6. **Disclosure:** The communication of information reporting suspected Wrongdoing.
7. **Employee:** refers to a past and present employees of Camosun or to a member of a class of persons prescribed by regulation.
8. **FIPPA:** means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;
9. **Good Faith:** Good Faith includes but is not limited to: honesty, sincerity of intention, acting with integrity, and fair conduct. Good Faith is absent of the intent to act malicious, vexatious, or to take unfair advantage for personal benefit.
10. **Investigation:** means an investigation undertaken by Camosun under this policy or by the Ombudsperson under PIDA
11. **PIDA:** means the *Personal Information Disclosure Act* of British Columbia, and all regulations thereto;
12. **Personal Information:** has the same meaning set out in FIPPA, namely “recorded information about an identifiable individual other than contact information”, and includes any information from which the identity of a Discloser or any person who is accused of Wrongdoing or

participates in an Investigation can be deduced or inferred;

13. Procedure: means Camosun's Protected Disclosure Procedures associated with this policy;

14. Reprisal:

- a) In respect of an Employee: the imposition of, and any threats to impose, a disciplinary measure, a demotion, a termination of employment, or any measure that adversely affects the employee's employment or working conditions because they made a Disclosure or sought Advice or made a complaint about a Reprisal.
- b) In respect of a contractor, terminating a contract or agreement, withholding a payment that is due and payable under a contract or agreement, or refusing to enter into a subsequent contract or agreement.

15. Workplace Leader: an existing Camosun College employee who has direct reports and acts in a supervisory capacity to other existing college employees.

16. Wrongdoing: refers to:

- 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 systematic mismanagement;
- e) knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

PRINCIPLES

1. Camosun is committed to maintaining the highest standards of ethical conduct and promotes a culture of honest, transparent, and accountable behaviour in which Employees are encouraged to disclose Wrongdoing, including receipt of complaint, investigation, and responding to Disclosures. The College is also committed to providing information and training about PIDA, this policy, and its associated supporting documents.
2. Workplace Leaders who receive a Disclosure must provide the Disclosure to the Designated Officer.
3. Disclosure of Wrongdoing must be made in good faith, based on a reasonable belief that Wrongdoing has, or is about to occur, and must be disclosed in accordance with this policy and its associated supporting documents.
4. Camosun will investigate Disclosures it receives under this policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.
5. Camosun will not commit or tolerate Reprisals against any Employee who seeks Advice, makes a Disclosure in good faith or participates in an Investigation. Camosun will not commit or tolerate Reprisals against any contractor who participates in an Investigation. Employees or contractors may make written complaints about Reprisals to the [BC Ombudsperson](#). The BC Ombudsperson will review, assess, and investigate the matter.

PRIVACY AND CONFIDENTIALITY

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.

REPORTING

Each year, the President, or a delegate of the President, shall prepare, in accordance with the requirements of PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken and findings of Wrongdoing. All reporting under this policy will comply with the requirements of FIPPA.

RESPONSIBILITY

The President is responsible for the administration of this policy and shall ensure that training and awareness is available to all Employees.

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 the Vice President, Administration & CFO.

CONSEQUENCES FOR NON-COMPLIANCE

An Employee found to have engaged in Wrongdoing, Reprisal, intentional disclosure of inaccurate information, or other breach of this policy may be subject to disciplinary action, up to and including termination of employment.

An Employee who does not protect confidentiality and privacy as required by this policy and procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.

An Employee who makes a disclosure in good faith will not be subject to disciplinary action, regardless of the outcome of an Investigation. This protection however does not apply to an Employee's disclosure about their own Wrongdoing.

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-2.7.1 Protected Disclosure Procedures](#)
- [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