

Safe Disclosure Procedure for NorQuest Community Members (Non-Public Interest Disclosure Act)

This procedure is governed by its parent policy.
Questions regarding this procedure are to be
directed to the identified Procedure Administrator.

Functional category	Operations
Parent policy	Safe Disclosure Policy
Approval date	February 8, 2023
Effective date	February 8, 2023
Procedure owner	President & CEO
Procedure administrator	Director of Equity

Overview

NorQuest College (college) is committed to providing an environment that expects and promotes ethical behaviour in all aspects of college activities. This includes ensuring that employees, learners, and volunteers can confidentially and without fear of retaliation, seek advice and/or disclose an alleged wrongdoing.

The college encourages employees, learners and volunteers who reasonably believe that they have information that could show that a wrongdoing (as defined below) has been committed.

The Safe Disclosure Procedure for NorQuest Community Members (Non-Public Interest Disclosure Act)'s purpose is:

- To outline the procedures individuals should take when disclosing **improper activity** to the college;
- To outline the college's obligations to protect person(s) making a **good faith** disclosure from retaliation; and
- To outline the college's obligations to provide opportunities for employees and students to access awareness and training opportunities related to disclosure practices.

Authority to establish this policy is derived from the [NorQuest College Board of Governor's Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedure

A. SCOPE

The Safe Disclosure Office (SDO) provides confidential advisory and referral services to all of the NorQuest community. It is responsible for creating equitable disclosure mechanisms that are reporter-centric, trauma-informed and ensure reporters experience a "safe" process where their dignity and confidentiality are upheld, and they are not subject to retaliation

The SDO operates under the principle of neutrality. It is available to any person(s) seeking advice and referral, including those who may be responding to an allegation of improper activity.

In order to operate with the level of trust required for effective disclosure services, SDO will hold itself to highest level of professional standards. This includes, but is not limited to, upholding standards of neutrality, privacy, safety and due care.

Initial disclosures to the SDO may be made verbally or in writing. Individuals are encouraged to use the online disclosure tool. Otherwise, they may make an appointment to meet with a Safe Disclosure Advisor either via phone (780-644-6080), virtually, or in the SDO (please email disclosure@norquest.ca or telephone 780-644-6080 to make an appointment).

In this procedure improper activity means a breach of college policies, procedures, standards and practices, or any applicable legislation. This also includes “wrongdoing” as defined in the Public Interest Disclosure (PIDA) or “Whistleblowing” Act. The procedure related to PIDA can be found [here](#).

B. CONFIDENTIALITY

The identity of an employee, learner, or volunteer seeking advice regarding a disclosure or who has disclosed improper activity shall be protected to the extent possible under government legislation, college policies and procedures, and collective agreements in effect at the time of the alleged improper activity except for those who have a legitimate need to know, and for matters which pose an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.

The college’s response to a disclosure will, to the extent possible, be guided by the wishes of the person who made the disclosure.

When reports emerge as systemic trends or barriers the SDO may, when appropriate, raise those observations to the appropriate Policy Administrator. Any observations raised will not directly or indirectly identify any reporter(s).

C. DISCLOSURE OF IMPROPER ACTIVITY

Reporters should generally proceed with a disclosure by first contacting their People Leader (for employees), instructor, or program Chair (for learners). Indigenous learners and employees may choose to disclose to a Cultural Advisor. In instances where the reporter is uncomfortable or unsure about reporting to a supervisor/manager/instructor/Chair, reports should be made directly to the SDO OSD.

Contents of the Disclosure

The disclosure should include the following information:

1. the nature of the activity giving rise to the improper activity;
2. a description of all parties involved;
3. possible violations of law or college policy; and
4. any other information useful in evaluating the disclosure.

Disclosures to SDO do not always mean the college is aware of the disclosure. The SDO’s main function is to provide advisory and referral services to the appropriate function of the college. Disclosures reported to

the SDO may not always be considered a complaint by the college or start a process or procedure. In order for matters to be formally addressed, they will need to be reported to a representative of the college outside the SDO. The college's ability to address the matter will depend on the nature of the report, the evidence provided and available surrounding the disclosure, and the processes available for resolution. This will be determined by the college and not by the SDO, as the SDO will not be actively participating in or leading any investigations.

Referring a Disclosure

An SDO advisor will outline the applicable and available process, including confidentiality and anonymity, prior to any disclosures and/or referrals.

Reports against the President or Office of Safe Disclosure

Improper activities that implicate the President and can't otherwise be reasonably resolved can be reported to the Chair of the Board of Governors. The Office of Safe Disclosure should be contacted to facilitate such a report.

Reports concerning improper activity by employees within the SDO that can't otherwise be reasonably resolved can be made in confidence to the Director of Equity.

B. RETALIATION

Any person making a good faith disclosure shall not be subject to retaliation. Any person who believes they are subject to retaliation should contact the SDO. The SDO is responsible for receiving reports and protecting the reporter from retaliation. The Office will ensure that the appropriate areas of the college are made aware of the matter in order to assist them to investigate and resolve the report of retaliation.

C. EDUCATION AND AWARENESS

The college will provide on-going opportunities for employees and learners to access awareness and training opportunities related to disclosure practices, including how to properly make and receive reports of improper activity.

Though rare, Vexatious or Bad Faith complaints can create irreversible harm to those accused of improper activity. Individual(s) found to have made a vexatious complaint will be subject to discipline.

Definitions

Allegations in Bad Faith: means purposely making a false allegation.

College Community: any student, faculty, administrative or staff member of the college, member of the public serving in a recognized capacity for the college, and employee of an agency contracted by the college.

Confidentiality: an ethical and/or legal responsibility of individuals or organizations to safeguard information entrusted to them, from unauthorized access, use, disclosure, modification, loss, or theft. Secretariat on Responsible Conduct of Research. (2018). Ethical Conduct for Research Involving Humans. Ottawa, ON: Tri-Council.

Disclosure(s): in this policy, except where the context requires otherwise, disclosure means a report of wrongdoing made in good faith by a member of the College Community in accordance with this policy.

Employee: in this policy this includes a person who is engaged by NorQuest College to perform a service in accordance with existing terms and conditions of employment, employment contracts or collective agreements, and applicable legislation.

In Good Faith: means taking action based on reasonable evidence with honest and good intention.

Improper Activity: under the non-PIDA Procedure, improper activity means: A breach of college policies, procedures, standards and practices, or any applicable legislation.

People Leader: means an employee whose job function requires them to organize, direct, and control the work of others. People Leaders can include team leads, chairs, associate chairs, managers, deans, directors, vice-presidents, or the President and CEO. Another terms for People Leader is Supervisor.

Reporter: individual(s) who contact the SDO with a question, concern, or complaint.

Retaliation: punitive actions taken against a person for making a good faith disclosure, including, but not limited to:

- Disciplinary action that has a materially adverse effect on the working conditions or learning environment of the individual;
- Demotion;
- Termination;
- Reductions in compensation or status;
- Ongoing Disrespectful Behaviour, Harassment, Discrimination, Bullying;
- Excluding one from participating in activities that contribute significantly to professional or educational advancement and otherwise would be available;
- Adversely affecting education or employment conditions; and/or
- A threat to any of the above.

Disrespectful Behaviour includes discrimination, harassment, bullying, putting down, yelling and sexual harassment. Disrespectful behavior can occur in various environments such as in person, electronic or virtual.

Examples of harassment include (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and (ii) a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site.

Examples of discrimination include (but are not limited to): refusal to provide goods, services or facilities; exclusion from employment or employment benefits; refusal to work with, teach or study with someone; or failure to provide physical access.

Examples of bullying include

- Social isolation;
- Creating and/or spreading rumors;
- Personal attack of a person's personal life and/or personal attributes;

- Excessive or unjustified criticism;
- Over-monitoring of work;
- Verbal aggression;
- Withholding information;
- Trivial fault finding;
- Replacing proper work with demeaning jobs;
- Setting unrealistic goals or deadlines;
- Ongoing harassment; and
- Threats to psychological safety

Safe: an environment where users experience inclusive, fair and confidential treatment. This includes practices that are:

- Trauma-informed
- Empathetic
- Neutral
- Culturally Supportive
- Private
- Equitable
- Dignified

Trauma-informed support: support that recognizes the connections between violence, trauma, and negative health outcomes when providing services to people with histories of trauma. It is based on the understanding that trauma greatly impacts memory as well as the ability to recall events in a detailed or chronological manner and that altered behaviours, along with the presence of other trauma symptoms may exist. It acknowledges the impact that trauma has played in an individual's life, including the impacts of intergenerational trauma.

Vexatious: without reasonable or probable cause or excuse. A vexatious complaint is one in which the party bringing the proceeding is not acting bona fide and merely wishes to annoy or embarrass his opponent, or when it is not calculated to lead to any practical result.

Wrongdoing: under the PIDA Procedure, it means:

- A contravention of a provincial or federal act or regulation.
- An act or omission that creates:
 - a substantial and specific danger to the life, health or safety of individuals, or

- a substantial and specific danger to the environment.
- Gross mismanagement of public funds.
- Counselling a person to knowingly commit a wrongdoing.

Related information

NorQuest College

- [Access to Information Procedure](#)
- [Breach of Personal Information Reporting Procedure](#)
- [Code of Conduct Policy](#)
- [Code of Conduct & Respectful Workplace & Learning Environment Complaints & Investigation Procedure](#)
- [Freedom of Information and Protection of Privacy \(FOIP\) Act Policy](#)
- [Protection of Privacy Procedure](#)
- [Safe Disclosure Policy](#)
- [Security Incident and Criminal Activity Reporting and Investigations Procedure](#)
- [Sexual and Gender-Based Violence Policy](#)
- [Workplace Harassment and Violence Policy](#)

External

- [Freedom of Information and Protection of Privacy \(FOIP\) Act](#)
- [Public Interest Disclosure \(Whistleblower Protection\) Act](#)
- [Public Interest Disclosure \(Whistleblower Protection\) Regulation](#)

Next review date

February 2027

Revision history

Date	Version Number	Action
February 2023	V1	New.