

# Safe Disclosure Policy

This document is the parent policy for any college or Divisional procedures. Questions regarding this policy are to be directed to the identified Policy Administrator.

<b>Functional category</b>	Operations
<b>Approval date</b>	February 8, 2023
<b>Effective date</b>	February 8, 2023
<b>Policy Owner</b>	President & CEO
<b>Policy Administrator</b>	Director, Equity

## Objective

The highest standards of conduct and equitable systems are essential to the success of NorQuest College (college). All members of the **college community** have an obligation to conduct themselves in a manner consistent with the college's stated values, policies and procedures and in a manner that complies with applicable legislation. As part of this obligation and to protect individuals and the college from harm, members of the college community are encouraged to report improper activity or wrongdoing. To support this, the college will provide **safe** and **confidential** reporting mechanisms that identify and resolve improper activity or wrongdoing while protecting the reporter from **retaliation**.

The purpose of this policy is to:

- Identify the rights of individuals in reporting improper activity or wrongdoing;
- Confirm the college's commitment and obligation to protect person(s) making a **good faith** report from retaliation; and
- Confirm the college's obligation to protect the rights of the person(s) against whom allegations are made.

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.

## Policy

The college will maintain a culture and systems that support the reporting of **improper activity or wrongdoing** and ensure that the rights and obligations of all parties are upheld. Further specific information can be found in the Safe Public Interest Disclosure Act Procedure (PIDA) (Employees) and the [Safe Disclosure Procedure for NorQuest Community Members \(Non-Public Interest Disclosure Act\)](#).

The college will maintain an environment of **safe** disclosure when such a report is made, in which:

- a) The persons and offices that receive and/or investigate such reports shall protect the identity of the person making the report to the extent possible under government legislation, college policies, and collective agreements in effect at the time of the alleged misconduct. The absence of a specific policy covering a particular situation does not relieve an individual of the responsibility to apply the highest ethical standards in that situation.
- b) The college will not tolerate any retaliation, directly or indirectly, against anyone who, in good faith, makes a report.
- c) All individuals against whom allegations are made will maintain the rights, privileges and protections afforded to them through the [Freedom of Information and Protection of Privacy \(FOIP\) Act](#) and other applicable government legislation, college policies, and collective agreements in effect at the time of the alleged misconduct.
- d) Ensure that all credible allegations be reviewed and investigated in a timely manner:
- e) Ensure that as required by law or regulations, the results of the investigation shall not be disclosed to any persons other than those who have a legitimate need to know in order to perform their duties; and the college shall only notify the reporter of the information that the investigator believes the reporter has a legitimate need to know.

- f) Ensure that the Board of Governors receives a report of all good faith reports at least annually, and that the program enables a direct communication to the Board by reporters.

All employees are expected to be aware of and uphold their obligations under this Policy, and associated policy and procedure(s). Non-Compliance with this Policy may result in disciplinary action from the college and/or penalties under the Public Interest Disclosure Act (PIDA).

## Definitions

**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.

**Disclosure(s):** In this policy, except where the context requires otherwise, disclosure means a report of improper activity or 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.

**Improper Activity:** Under the non-PIDA Procedure, improper activity (~~wrongdoing~~) means a breach of college policies, procedures, standards and practices, or any applicable legislation.

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

**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

**Student:** (for the purposes of this procedure) Any individual admitted to, and enrolled in, any college course(s) or program(s). Another term for student is Learner.

**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.

**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 Procedure for NorQuest Community Members \(Non-Public Interest Disclosure Act\)](#)
- [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

April 2024

## Revision history

Date	Version Number	Action
December 2012	V1	New (replaces (in part) Standard Practice 7.21: Code of Ethics).
August 20231	V2	Updated for document links and branding.
June 2014	V3	Updated to reflect requirements of the Public Interest Disclosure (Whistleblower Protection) Act and Regulations.
June 2015	V4	Annual review: no changes.
July 2015	V5	Update document links.
May 2016	V6	Annual review: no changes.
June 2017	V7	Annual review and updated Owner / Administrator.
May 2018	V8	Updates to the Policy based on the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017; Policy formerly called Whistleblower Policy.

August 2019	V9 (published as V8-C)	Compliance Office template & reorganization update.
September 2019	V10 (published as V9)	Review and Executive Team approval.
September 2020	V11 (published as V10)	Annual review and updated titles for Owner/Administrator, minor formatting and next review date.
February 2023	V12	Changes were made to the Safe Disclosure Policy to accommodate the new Office of Safe Disclosure, which includes wrongdoings under the PIDA Act as well as any improper activity not related PIDA Act and encompass the broader NorQuest College Community.