

Title	Public Interest Disclosure
Number	D1002
Category	Human Resources

PREAMBLE

Langara College (the “College”) is committed to maintaining the highest standards of ethical conduct and promoting a culture of honest, transparent, and accountable behaviour. Employees are encouraged to report wrongdoing, as defined by this policy, by using this policy and its related procedures.

The *Public Interest Disclosure Act* (“PIDA”) protects an employee who in good faith requests advice about making, or makes, a disclosure of wrongdoing or complaint about reprisal. PIDA also protects employees or contractors who in good faith cooperate with an investigation under PIDA. The College is committed to its obligations under PIDA and adopts this policy and related procedures to meet them.

The College will protect the privacy of those involved in such requests for advice, disclosures, and investigations in accordance with all applicable laws, including PIDA.

1. PURPOSE

The purpose of this policy is to establish processes that comply with PIDA for:

- employees and former employees to seek advice on and make disclosures in good faith about wrongful¹ or unlawful conduct without fear of retaliation or reprisal;
- the College to manage and investigate disclosures, and report the outcomes of investigations;
- employees, contractors, and former employees to cooperate with investigations without fear of retaliation or reprisal; and
- the College to protect the privacy of people involved in disclosures, investigations, and reports.

2. DEFINITIONS

In this policy and related procedures, terms have the same meaning as set out in the *Public Interest Disclosure Act*, except as further defined below:

Designated Officer – means the Vice-President, Finance and Administration who is designated by the President to receive requests for advice, and receive and investigate disclosures.

In the event the Vice-President, Finance and Administration is disqualified from acting, the executive leader or Board Chair who is responsible under the section *Referral of Disclosure to Designated Officer* will receive requests for advice, and receive and investigate disclosures.

Disclosure – means a report of a wrongdoing made under this policy.

¹ The meaning of wrongful or unlawful conduct is restricted to a wrongdoing as defined in this policy.

Employee – means, for the purposes of this policy, current and former employees and students employed by Langara College.

Investigation – means an investigation of a disclosure undertaken by the College under this policy or by the Ombudsperson under PIDA. Investigation is a process of collecting and assessing information to determine the nature and circumstances of an alleged wrongdoing, and whether it is probable that this policy has been breached.

Protection Official – means:

- 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 *Emergency Program Act*; or
- c) in any other case, an appropriate police force in British Columbia.

Respondent – is the person about whom allegations of wrongdoing are made.

Supervisor – means, for the purposes of this policy:

- a) for employees, the exempt employee with supervisory and/or managerial responsibility to whom the employee reports;
- b) for members of the Board of Governors, the Chair of the Board of Governors.

Wrongdoing – has the meaning described in section 3.6 below.

3. POLICY

Principles and Guidelines

- 3.1 The 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 related procedures. The College seeks to foster a culture in which employees are encouraged to disclose wrongdoing.
- 3.2 The College will investigate disclosures that it receives under this policy in accordance with the principles of procedural fairness and natural justice.
- 3.3 The 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 who has cooperated in an investigation.
- 3.4 The 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 comply with PIDA and FIPPA.

Scope

- 3.5 This policy applies to employees and members of the Board of Governors of the College, and to former employees who were employed when a wrongdoing occurred or was discovered.
- 3.6 This policy applies to wrongdoing, as defined in PIDA, in or related to the College as follows:
- 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.

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 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 Policy B3003 Ethical Conduct or other College policies, or right to raise concerns under an applicable law, contract, or policy.

Duties and Responsibilities

- 3.7 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 the College.
- 3.8 Employees must make disclosures in good faith based on a reasonable belief that a wrongdoing has or is about to occur.
- 3.9 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.
- 3.10 The President is responsible for administering this policy, assigning the role of Designated Officer, ensuring that instructions about PIDA, this policy, and related procedures are available to all employees, and preparing an annual report on disclosures of wrongdoings made in that year in accordance with obligations under section 38 of *PIDA*. In the event that the President is unable or unavailable to perform their duties, the President may delegate their authority to other executive leaders of the College.
- 3.11 The Designated Officer is responsible for exercising the responsibilities assigned to them by the President.

- 3.12 Supervisors are responsible for responding to requests for advice from employees, receiving disclosures, and referring disclosures to the Designated Officer or another senior official.
- 3.13 Everyone involved in an investigation must treat all related information as confidential and 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, College policy, collective agreements, and employment agreements.
- 3.14 Nothing in this policy relieves those responsible for the administration and management of the 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.

Consequences of Non-compliance

- 3.15 An employee found to have engaged in wrongdoing may be subject to disciplinary action, up to and including termination of employment.
- 3.16 An employee who makes a bad faith, malicious, or intentionally false disclosure may be subject to discipline, up to and including termination of employment.
- 3.17 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 related procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.
- 3.18 The 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, 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.
- 3.19 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.

4. RESPONSIBILITY

For inquiries relating to this policy, contact the Vice-President, People and Culture.

5. REGULATIONS/PROCEDURES

Public Interest Disclosure Procedures [[link to procedures document](#)]

History/Revision	
Origination Date	XXXXXX
Amendment Date(s)	Not applicable
Next Review Date	[4 years after date of approval]