

<b>Title</b>	Ethical Conduct and Protected Disclosure
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<b>Policy Category</b>	D
<b>Approving Body</b>	Board of Governors
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<b>Next Review Due</b>	May 2024

### Section 1: Overview

- (1.1) The College is committed to adhering to the highest standards of ethical conduct and integrity, including academic integrity.
- (1.2) The College expects members of the College to conduct themselves ethically and in accordance with the College's by-laws, policies and procedures, and local, provincial, and federal legislation.
- (1.3) Members of the College are expected to disclose instances of suspected improper activity without delay and to participate in any investigation into a suspected improper activity.

### Section 2: Purpose

- (2.1) The purposes of this Policy are to:
  - (a) communicate the expectations of ethical conduct for members of the College;
  - (b) facilitate reporting of suspected improper activity by establishing protections for individuals making good faith disclosures from retaliation; and
  - (c) protect the rights of individuals against whom allegations have been made.

### Section 3: Definitions

- (3.1) In this Policy:

“**Board**” means Langara College Board of Governors.

“**College**” means Langara College.

“**Compliance Officer**” means the Vice President responsible for Administration and Finance, except where the allegations of improper activity involve the President, Vice President Administration and Finance, members of the Board or the Board Chair. Where the allegations involve the Vice President Administration and Finance, “Compliance Officer” means the President. Where the allegations involve the President or a Board member, “Compliance Officer” means the Board Chair. Where the allegations involve the Board Chair, “Compliance Officer” means the First Vice Chair or, if the First Vice Chair is not available, the Second Vice Chair of the Board.



**“disclosure”** means the communication of information reporting suspected improper activity.

**“good faith”** means honest and not malicious, frivolous or vexatious in nature and without consideration of personal benefit.

**“improper activity”** means any action or omission that:

- (a) violates municipal, provincial or federal law;
- (b) is a serious transgression of College policy or procedures;
- (c) is a negligent or gross mismanagement of College funds or assets, including fraud or the misappropriation of assets;
- (d) creates a substantial danger to the environment or public health and safety;
- (e) constitutes interference or retaliation;
- (f) involves an individual knowingly directing another to commit or suppress disclosure of any of the foregoing actions; or
- (g) involves an individual knowingly making allegations that are false or misleading.

**“interference”** means a threat, coercion, or abuse of authority aimed at deterring or obstructing disclosure.

**“member of the College”** means a Board member, employee, contractor, student and any other individual acting on behalf of the College.

**“retaliation”** includes:

- (a) disciplinary measures;
- (b) demotion;
- (c) termination of employment;
- (d) any measure that adversely affects an employee’s employment, or an employee’s or student’s working conditions, academic conditions, or academic record;
- (e) with respect to a contractor or person acting on behalf of the College,
  - (i) termination of a contract or agreement;
  - (ii) withholding of payment that is due under a contract or agreement; or
  - (iii) refusal to enter into a subsequent contract or agreement;
- (f) a threat of any of the actions set out in (a) to (e) above.

#### Section 4: Scope

- (4.1) This Policy applies to all members of the College in respect of their conduct at the College, and their responsibilities to uphold the highest standards of ethical conduct.
- (4.2) Nothing in this Policy relieves College employees from the responsibility of addressing improper activity in accordance with good management practices and existing policies and procedures. Members of the College are expected to utilize College policies which address academic integrity and employee or student conduct unless the applicable policy is ineffective or inappropriate in the circumstance.



- (4.3) Nothing in this Policy shall limit or amend the provisions of any collective agreement or terms of employment between the College and its employee groups or employees.

### Section 5: Governing Principles

#### (5.1) Disclosure of Improper Activity

- (a) Members of the College who observe or become aware of conduct that they believe in good faith constitutes improper activity should disclose this to the Compliance Officer in writing without delay.
- (b) Disclosures made orally or anonymously may hinder the ability of the College to investigate an allegation in a timely and effective manner.
- (c) Members of the College who feel that they have been the subject of any interference or retaliation should inform the Compliance Officer without delay.

#### (5.2) Investigation of Improper Activity

- (a) The College shall treat all disclosures seriously and take appropriate action in a timely manner to fully and fairly investigate disclosures.
- (b) The specific action taken in any particular case shall depend on the nature and gravity of the conduct or circumstances reported, and the quality of the information provided. The action may include referring the allegation to an external investigator, legal counsel, police or other external authority which may have jurisdiction.
- (c) Anonymous or non-written disclosures will be investigated at the discretion of the Compliance Officer. In exercising discretion, the Compliance Officer shall consider the seriousness of the allegation raised, the credibility of the concern, the ability of the College to confirm the allegation from alternate credible sources, and fairness to the individual against whom the allegation has been made.
- (d) Investigations will be conducted with an appropriate level of sensitivity, discretion, and confidentiality and in compliance with all applicable legislation, collective agreements, and terms of employment.
- (e) All identifiable individuals who make a disclosure and who are named in a disclosure shall be advised in writing of the outcome of the disclosure and any investigation.

#### (5.3) Confidentiality

- (a) The identity of an individual who makes a disclosure shall be kept confidential unless such confidentiality conflicts with applicable law or prevents a fair process.
- (b) Disclosures shall be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation.
- (c) All individuals named in or affected by a disclosure shall be treated fairly and consistently and all reasonable steps shall be taken to protect their identity.
- (d) Members of the College who are involved in a disclosure or an investigation shall keep the details of the disclosure and investigation confidential.

#### (5.4) Retaliation

A person must not interfere or attempt to interfere in the investigation process and must not engage in interference or retaliation against an individual because that individual has in good faith, done any of the following:

- (a) sought advice on making a disclosure;
- (b) made a disclosure;



- (c) cooperated in an investigation of an improper activity; or
  - (d) declined to participate in an improper activity.
- (5.5) Consequences
- (a) A member of the College who is found to have participated in an improper activity, including interference and retaliation, or to have in any other way breached this Policy, shall be subject to disciplinary action up to and including termination of employment, expulsion from the College, and termination of contract.
  - (b) Subject to (e) below, a member of the College who makes a disclosure in good faith shall not be subject to disciplinary action, regardless of the outcome of the investigation.
  - (c) A member of the College who:
    - (i) makes a disclosure in bad faith or a disclosure which is malicious, frivolous or vexatious or for personal benefit; or
    - (ii) knowingly provides false or materially inaccurate informationshall be subject to disciplinary action up to and including termination of employment, expulsion from the College, and termination of contract.
  - (d) Any disciplinary action imposed pursuant to this Policy shall be in accordance with the College's policies and any applicable collective agreement or terms of employment.
  - (e) Subsection 5.5(b) does not apply to a member of the College's disclosure under this Policy that relates to the member's own improper activity.

### **Section 6: Responsibility**

- (6.1) The Compliance Officer shall be responsible for:
- (a) providing an avenue for receiving and investigating disclosures of suspected improper activity, including interference and retaliation;
  - (b) taking appropriate remedial action in response to any finding of improper activity, including a finding of interference or retaliation;
  - (c) implementing any organizational changes to address any identified systemic issues; and
  - (d) providing a summary report on any investigations under this Policy to the Audit and Finance Committee of the Board at least annually unless otherwise directed by the Committee Chair.

### **Section 7: Review Date**

- (7.1) A review of this Policy should be completed no later than every five years.

