

DRAFT Public Interest Disclosure Policy

A. PURPOSE

The [Public Interest Disclosure Act¹](#) (“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, Selkirk College is committed to its obligations under PIDA.

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

1. Employees and former employees to seek advice on and make disclosures in good faith about wrongful or unlawful conduct without fear of retaliation or reprisal.
2. Selkirk College to manage and investigate disclosures, and report the outcomes of investigations.
3. Employees, contractors and former employees to cooperate with investigations without fear of retaliation or reprisal.
4. Selkirk College to protect the privacy of people involved in disclosures, investigations and reports.

B. SCOPE / LIMITS

This policy applies to **wrongdoing**, as defined in PIDA, in or related to Selkirk College:

- 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.

The policy applies to employees, directors and officers of Selkirk College, and to former employees who were employed when a wrongdoing occurred or was discovered. PIDA does not limit an employee’s rights or remedies that may be available under a collective agreement, contract or law.

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

C. PRINCIPLES

The 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 6000, Employee Code of Conduct and Conflict of Interest

¹ https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022#division_d1e930

or right to raise concerns under an applicable law, contract or other college policy.

1. Selkirk College 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. Supervisors who receive a disclosure must provide the disclosure to the designated officer
3. Selkirk College will follow this policy in Investigations of disclosures that it receives under this policy in accordance with the principles of procedural fairness and natural justice.
4. Selkirk 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 which has cooperated in an investigation, under this policy.
5. Selkirk 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 be in compliance with PIDA and FIPPA.

D. DEFINITIONS

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

Employee: A past or present employee of Selkirk College.

Designated Officer: The following senior official designated to do the following or, in the event the senior official designated is disqualified from acting, the official who is responsible under the section *Referral of Disclosure to Designated Officer* in the procedures to:

- a) Receive requests for advice: Privacy & Risk Officer Receive and investigate disclosures: Privacy & Risk Officer.
- b) Receive disclosures related to environmental matters: Privacy & Risk Officer.

Disclosure: A report of wrongdoing made under this policy.

Gross or Systemic Mismanagement: Inappropriate or irresponsible management, such as staff, a contract, or a project. Some factors which may indicate that the mismanagement was gross include:

- a) The conduct is deliberate or for personal gain.
- b) The mismanagement involves significant government resources.
- c) The conduct is reckless or indifferent.
- d) The person who engaged in mismanagement has a high level of authority or trust.

Some factors which may indicate that the mismanagement was systemic include:

- a) The conduct is recurrent or frequent.
- b) The conduct is known or accepted within the institution.
- c) The mismanagement is built into the institution's structure, policies, or practices.

Investigation. An investigation of a disclosure undertaken by Selkirk College under this policy or by the Ombudsperson under PIDA.

Procedure: Selkirk's Protected Disclosure Procedures associated with this policy.

Protection Official:

- a) in respect of a health-related matter, the provincial health officer,
- b) in respect of an environmental matter, the agency responsible for the *Emergency Program Act*,
or

- c) in any other case, an appropriate police force in British Columbia.

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.

Respondent: A person about whom allegations of wrongdoing are made.

Supervisor:

- a) For employees, the employee's administrator, manager or supervisor, as applicable.
- b) For directors or officers, the Chair of the Board of Governors.

Wrongdoing: Described above under the heading "Scope".

E. DUTIES AND RESPONSIBILITIES

1. 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 Selkirk College.
2. Employees must make disclosures in good faith based on a reasonable belief that wrongdoing has or is about to occur, in accordance with this policy and procedures.
3. 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 under this policy.
4. The President has executive responsibility for this policy, assigning the role of Designated Officer and ensuring that instruction is available to all employees about PIDA, this Policy and the procedures. 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 other senior officials of Selkirk College.
5. The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this policy and procedures.
6. Supervisors are responsible for responding to requests for advice from employees, receiving disclosures and referring disclosures to the Designated Officer, or other senior official, as set out in the procedures.
7. Everyone involved in an investigation must treat all related information as confidential and everyone must 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, policy and collective agreements.
8. Nothing in this policy relieves those responsible for the administration and management of Selkirk 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.

F. CONSEQUENCES OF NON-COMPLIANCE

1. An employee found to have engaged in wrongdoing may be subject to disciplinary action, up to and including termination of employment.

2. 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. 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 procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.
4. Selkirk 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 under this policy, 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.
5. 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.

G. RELATED LEGISLATED REFERENCES

[BC Public Interest Disclosure Act²](#)

[College and Institute Act³](#)

[Criminal Code of Canada⁴](#)

[Freedom on Information and Protection of Privacy Act⁵](#)

[Emergency and Disaster Management Act⁶](#)

H. REFERENCES/RELATED DOCUMENTS

Protected Disclosure Procedures

Protected Disclosure Form

[Policy 6000: Employee Code of Conduct and Conflict of Interest⁷](#)

[Policy 6010: Human Rights, Harassment, and Discrimination⁸](#)

[Policy 6420: Occupational Health and Safety⁹](#)

[Policy 6400: Prevention of Violence in the Workplace¹⁰](#)

[Policy 6550: Protection of Privacy¹¹](#)

Collective Agreements: BCGEU, SCFA, PPWC

² https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18022#division_d1e930

³ https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96052_01

⁴ <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

⁵ https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00

⁶ https://www.leg.bc.ca/Pages/BCLASS-Legacy.aspx#%2Fcontent%2Fdata%2520-%2520ldp%2Fpages%2F42nd4th%2F3rd_read%2Fgov31-3.htm

⁷ <https://policies.selkirk.ca/policy/6000/>

⁸ <https://policies.selkirk.ca/policy/6010/>

⁹ <https://policies.selkirk.ca/media/policieselkirkca/college/Policy-6420-Occupational-Health-and-Safety-09.22.pdf>

¹⁰ <https://policies.selkirk.ca/policy/6400/>

¹¹ <https://policies.selkirk.ca/media/about-web-section/governance/college-policies/Policy-6550-Protection-of-Privacy-2020.09.01.pdf>

*Common Agreements: BCGEU, SCFA
Administrative Staff Employment and Benefit Program*

Responsibility, Recommendation and Approval Dates

Executive Responsibility: President
Administrative Responsibility: Vice President College Services
Recommended by Policy Review Committee or Administrative Policy Review Committee: 2024-04-09
Recommended/Approved by Education Council: N/A
Approved by President:

Signature _____ Date _____

Linkage to Board Policy:
[Policy Number EL 50 – Whistleblower Protection](#)

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