



PROTECTED DISCLOSURE (“WHISTLEBLOWER”)

This document is the parent policy for any College procedures. Questions regarding this policy are to be directed to the identified Policy Owner.

Category:	B. Financial / Administrative
Policy Number:	B25
Approval Date:	October 20, 2022
Effective Date:	October 20, 2022
Policy Owner:	Chief People & Culture Officer

Objective:	<p>Olds College of Agriculture & Technology (the College) is committed to maintaining a positive working environment for its Employees while demonstrating the highest standards of professional values and ethics in all of its activities while upholding integrity to safeguard the public resources for which they are responsible.</p> <p>This Policy applies to Employees who make Protected Disclosures covered under the <i>Public Interest Disclosure (Whistleblower Protection) Act (PIDA), SA 2012, cP-39</i> and regulations.</p> <p>The purposes of this Policy are to:</p> <ul style="list-style-type: none"> ● deter and detect wrongdoing within the College, ● provide clear guidance to staff, faculty, contractors and students for the procedure to follow when making a disclosure of wrongdoing ● protect staff, faculty, contractors and students who disclose, in good faith, instances of wrongdoing from reprisal, and ● ensure the College complies with PIDA <p>The purposes of the PIDA are to:</p> <ul style="list-style-type: none"> ● facilitate the disclosure and investigation of significant and serious matters an employee believes may be unlawful, dangerous or injurious to the public interest; ● protect employees who make a disclosure; ● manage, investigate and make recommendations respecting disclosures or wrongdoings and reprisals; and ● promote public confidence in the administration of the departments, Legislative offices and public entities. <p>The College takes every report seriously and will investigate each report to identify facts and make improvements on our policies and practices when deemed appropriate. All Employees making reports in Good-Faith will be protected from</p>
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Policy:

retaliation and reprisal. Protection from retaliation and reprisal is also known as “whistleblower” protection.

1. General

- 1.1 Employees are encouraged to report any actual or potential non-compliance with this Policy, the College Code of Conduct, any other College policies, or any applicable legal requirement so it can be appropriately investigated and addressed.
- 1.2 Protected Disclosures can be made to a Supervisor, the Designated Officer, anonymously to the ConfidenceLine or Website, or to Alberta’s Public Interest Commissioner (“the Commissioner”).
- 1.3 Any issue which presents an imminent risk to health, safety or security should be immediately reported to campus security, local police or other emergency services, as appropriate.
- 1.4 The specific action(s) taken will be determined on a case-by-case basis and will depend on the circumstances and severity of the disclosed incident.
- 1.5 Any person making a disclosure anonymously must be aware that doing so may limit the College’s ability to fully investigate, respond to and resolve the concern.
- 1.6 Disclosures which fall under the scope of this Policy will be investigated in accordance with the Protected Disclosure (Whistleblower) Investigation Procedure.
- 1.7 Nothing in this Policy is intended to prevent Employees from reporting information directly to the Commissioner or an appropriate government agency when there is reasonable belief that a violation of a federal or provincial legal requirement has occurred.

2. Confidentiality and anonymity

- 2.1 Maintaining confidentiality is paramount to the disclosure and investigation process and is essential to protecting the identity of the individual making the disclosure, the individual alleged to have committed the wrongdoing, and witnesses.
- 2.2 The College will ensure the confidentiality and anonymity of all persons who are party to a disclosure as noted in section 2.1.

3. False, misleading or frivolous disclosures

- 3.1 The College prohibits the reporting of disclosures which are knowingly False, deliberately Misleading or Frivolous.
- 3.2 Any person found to have knowingly made a disclosure which is False, deliberately Misleading or Frivolous may be subject to disciplinary action, up to and including termination of employment, appointment, or contract, as applicable.

4. Non-retaliation and protection from reprisal

- 4.1 The College strictly prohibits any and all forms of Retaliation and Reprisal against any Employee who reports incidents of possible Wrongdoing or who participates in an investigation as part of a Protected Disclosure investigation process.
- 4.2 All complaints of Retaliation and Reprisal will be managed and investigated by the Office of the Public Interest Commissioner.

5. Annual reporting

- 5.1 The (NTD: Chief Compliance Officer or Chief Human Resources Officer) will provide an annual report to the College’s Board of Governors which will demonstrate, confidentially and in aggregate:
 - i. the number of reports filed that year;
 - ii. the number of reports filed in previous reporting years;

- iii. the number of reports investigated;
- iv. the findings of any investigations conducted; and
- v. any action taken pursuant to a report and, if none, justification for why no actions were taken.

5.2 The (NTD: Chief Compliance Officer or Chief Human Resources Officer) will maintain the confidentiality and anonymity of all reporters at all times during the annual reporting process.

5.3 A summary of annual disclosure reporting will be included in the College's Annual Report.

6. Records retention

6.1 All documents related to a Protected Disclosure and any reporting, investigation and enforcement therein, will be kept in accordance with the College's Record Management and Disposition Policy and any applicable legal requirements.

7. Scope

This Policy applies to Employees who make Protected Disclosures covered under the Act.

This Policy does not replace other College policies and procedures that allow Employees to report allegations, nor does it alter any responsibilities prescribed under existing policies. If the Designated Officer determines that an allegation does not meet the definition of Wrongdoing within this Policy, the Employee will be referred in writing to an appropriate College process to address the allegation.

Allegations made through other policies may become a Protected Disclosure and will be addressed under this Policy if an Employee chooses to file a Protected Disclosure and the Designated Officer determines the allegation meets the definition of Wrongdoing within this Policy.

Definitions:

The Act: The *Public Interest Disclosure (Whistleblower Protection) Act (Alberta)*, as amended, and any regulations thereunder.

Alternate Designated Officer

Chief Officer: The President

Claimant: Disclosure of wrongdoing made in good faith by an Employee in accordance with this policy.

College: Olds College of Agriculture and Technology

Commissioner: The Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.

ConfidenceLine or Website: The external service provider established for receiving complaints under the Act.

Designated Officer: The Chief Officer or an individual appointed by the Chief Officer to manage and report on Protected Disclosures made in accordance with this Policy and related procedures.

Employee: An individual who is engaged to work for the College under an employment contract, including faculty, staff, exempt, casual and management employees.

"False, Misleading or Frivolous": A disclosure or report which:

- i. misuses or abuses the disclosure process;
- ii. is not reasonably purposeful or constructive, with no reasonable or appropriate outcome that would resolve the subject matter of the disclosure; and/or
- iii. is malicious, hostile, lacking in fairness and impartiality, dishonest, or generally against the concept of Good Faith Reporting.

Good-Faith: A report which is transparent, honest, fair, impartial and reasonable and made without malice or ulterior motive.

Imminent Risk: Refers to situations that require immediate attention because they could pose significant risk to public health or safety, or impacts on the environment.

Personnel: Full-time, part-time and temporary Employees, student Employees and Contingent Workforce Contractors of the College.

Policy: The Protected Disclosure (“Whistleblower”) policy

Protected Disclosure: A written report of Wrongdoing made in good faith by an Employee in accordance with the Act and this Policy and related procedures

Retaliation and Reprisal: Actions or measures that are taken, or threatened to be taken against Personnel, Contractor or Student for reporting a possible Wrongdoing, including but not limited to:

- i. a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
- ii. any actions or measures, other than those mentioned in item (i) above, that adversely affects the employment or working conditions of a Personnel, Contractor or Student;
- iii. intimidation or coercion; and
- iv. harassment or discrimination.

Supervisor: The immediate superior of the Employee, and in the case of a Member, means the Chair of the Board of Governors.

Wrongdoing: The activity or conduct engaged in by an Employee in or relating to the College, as follows:

- i. A contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada
- ii. An act or omission that creates a substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
- iii. A substantial and specific danger to the environment; gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of:
 - Public funds or a public asset,
 - The delivery of a public service, including the management or performance of:
 - A contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - The duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
 - Employees, by a pattern of behaviour or conduct of a systemic nature

	<p>that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;</p> <ul style="list-style-type: none"> iv. A wrongdoing prescribed in the regulations; v. Knowingly directing or counseling an individual to commit a wrongdoing mentioned in the above clauses.
<p>Related Information:</p>	<p>Policy A25 Code of Conduct Public Interest Disclosure (Whistleblower Protection) Act, SA, 2012, cP39</p>
<p>Related Procedures:</p>	<p>Filing a Protected Disclosure Procedure Investigating a Protected Disclosure Procedure</p>
<p>Review Period:</p>	<p>3 years</p>
<p>Revision History:</p>	<p>New: 2014 Revised: 2016 Revised: October 2022</p>