

Policy Name	WHISTLEBLOWER		
Policy #	708	Category	700: HUMAN RESOURCES
Steward	Director, Human Resources	Date Approved	December 13, 2023
Next Review Date		Date Reviewed or Revised	

POLICY

Suncrest College encourages all board members, employees, students, contractors, and volunteers, acting in good faith, to report suspected or actual wrongful conduct. The College is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this policy.

College Board, employees, students, contractors, or volunteers may not retaliate against an individual who has made a protected disclosure or has refused to obey an illegal order. College board, employees, students, contractors, or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate College official about matters within the scope of this policy.

It is the intention of the College to take whatever action may be needed to prevent and correct activities that violate this policy.

The purpose of this policy is to provide a framework for employees regarding whistleblowers and the process of reporting.

PRINCIPLES

1. This policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated College official or public body. More specifically it:
 - encourages individuals to disclose wrongful conduct engaged in by others to the appropriate College official so that prompt, corrective action can be taken by the College;
 - informs individuals how allegations of wrongful conduct can be disclosed.

- protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self report their own misconduct are not afforded protection by this policy), and
 - provides individuals, who believe they have been subject to reprisal or false allegations, a fair process to address these allegations or acts.
2. Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this policy and may be subject to legal action. This policy is also intended to protect individuals against false allegations of wrongful misconduct.
 3. Nothing in this policy is intended to interfere with legitimate employment decisions.
 4. Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the policy.
 5. Any board member, employee, student, contractor, or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination and may be subject to further legal action. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.
 6. No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise concerns within the College prior to seeking resolution outside the College.
 7. Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the College's reporting process. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. To protect your confidentiality and the confidentiality of the investigation, it is advisable not to discuss the matter with friends and colleagues. However if you self disclose your identity, the College no longer will be obligated to maintain your confidentiality.
 8. The appropriate College official receiving the protected disclosure will notify the disclosing individual (if identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24 hours for alleged criminal or environmental violations. All reports will be promptly investigated within 45 calendar days and appropriate corrective action will be taken if warranted by the investigation.
 9. Protected disclosure regarding the CEO, accounting or auditing issues will be referred to the Board.
 10. Any document, record, or computer file that may be required for an investigation or disclosure must be preserved.

SCOPE

This policy applies to all College employees.

DEFINITIONS

Protected disclosure – Communication about actual or suspected wrongful conduct engaged in by a College board member, faculty, staff, student, contractor, or volunteer (who is not also the disclosing individual) based on a good faith and responsible belief that the conduct has both occurred and is wrongful under applicable law and/or College policy.

Retaliation – Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

Wrongful conduct – A serious violation of College policy; a violation of applicable provincial and federal laws; or the use of College property, resources, or authority for personal gain or other non College-related purpose except as provided under College policy.

PROCEDURES

Reporting Violations

Individuals should share their questions, concerns, suggestions, or complaints with an Executive member who can address them properly. In many cases the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with the supervisor, or is not satisfied with the supervisor's response, individuals should take their concerns to other appropriate Executive members. Students may wish to take concerns to their respective counsellor. Persons who receive protected disclosures should have the whistleblower complete the Whistleblower Form, then will in turn contact the Director, Human Resources. An alternative method to report concerns is to submit a completed Whistleblower Form directly to the Director, Human Resources by mail or email. If the allegation involves the Director, Human Resources, the individual reporting the violation may submit a completed Whistleblower Form directly to the President.

Individual Responsibilities

- Be knowledgeable about this policy.
- Report violations or suspected violations of the policy to the individual's direct supervisor or to the appropriate administrator or office as noted above or the appropriate government unit or law enforcement office, after first providing a written communication about the wrongful conduct to the appropriate College official.

Department Responsibilities

- Familiarize employees, students and volunteers with this policy and incorporate into orientation materials.
- Schedule training for leaders, supervisors and managers. Provide training or information on an ongoing basis for faculty, staff, student, employees and volunteers.
- Provide information about this policy during New Employee Orientation which is the supervisor's responsibility.

Director, Human Resources

- Deem whether it is protected disclosure, gross mismanagement or waste, or if it is a labour relations or management issue that needs to be addressed within that context.
- Accept and assist in investigating protected disclosures. Maintain findings of wrongful conduct or false allegations in the individual's personnel file.
- Accept and investigate complaints of retaliation for making protected disclosures.
- Provide training for managers and departments about this policy.

President

- Lead the investigation of all protected disclosures except for those regarding the CEO, accounting and auditing.
- Inform the Whistleblower of the disposition of the disclosure and findings. However there might be overriding legal or public interest reasons not to do so. Any action taken against an employee may be personal and confidential, in which case, it cannot be disclosed.

Board

- Lead the investigation on all protected disclosures regarding the CEO, accounting and audit issues.

LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES

- [The Whistleblower Protection Act – Bill No. 609](#)

LINKS TO OTHER RELATED POLICIES, DOCUMENTS, AND WEBSITES

- Whistleblower Report Form