



Policy

Policy Name	<i>Safe Disclosure</i>		
Policy #	LC 2.0	Category	Legislative Compliance
Policy Owner	Vice President Administration	Effective Date	November 7, 2018
Policy Lead	General Counsel	Next Review Date	November 2023
Approved by	Executive Management Committee	Approval Date	November 7, 2018

1.0 Policy Statement

NAIT is committed to sound business practices that support legal and regulatory compliance, and to maintaining a positive working environment for personnel of the Institute. In order to maintain the public's trust and confidence in the integrity of the Institute, NAIT supports a policy encouraging individuals to bring forward information, in good faith, concerning allegations of wrongdoing, without fear of reprisal or retaliation. The purpose of this Policy is to provide an opportunity for the Institute's employees and other stakeholders to make safe disclosure of allegations of unethical or wrongful behavior which they have observed or which they reasonably suspect.

2.0 Scope

- 2.1 This Policy and the Procedure hereunder will apply with respect to allegations of wrongdoing or suspected wrongdoings disclosed by employees of NAIT;
- 2.2 The Designated Officer will use his or her discretion in assessing disclosures received and determining whether any allegations of wrongdoing or suspected wrongdoing which are disclosed by individuals other than employees of NAIT as defined hereunder (such as individuals who provide services under a contract for services, or members of the general public), will be investigated pursuant to this Policy and the Procedures hereunder;
- 2.3 An allegation of wrongdoing alleged to have occurred in isolation more than two years prior to the date of the disclosure, will not generally be open for investigation unless the matter represents a continued or future risk to employees, students, the public, the environment, or the integrity and reputation of the Institute, or if there is an opportunity for recovery of Institute funds. However, employees are encouraged to make the disclosure and then allow the Designated Officer to determine if the matter is appropriate to be the subject of investigation.
- 2.4 An allegation of a wrongdoing alleged to have occurred in isolation and to have been carried out by an individual who is no longer employed by the Institute, will not generally be open for investigation unless the matter represents a continued or future risk to employees, students, the public, the environment, or the integrity and reputation of the Institute, or if there is an opportunity for recovery of Institute funds. However, employees

are encouraged to make the disclosure and then allow the Designated Officer to determine if the matter is appropriately the subject of investigation.

- 2.5** The Designated Officer will use his or her discretion in assessing disclosures received and determining whether any allegations of a material contravention of a policy, guideline or standard of conduct of the Institute, which is not within the definition of a wrongdoing, but for which there is not an existing investigation process, will be investigated under the Procedures developed hereunder.

3.0 Definitions

Term	Definition
Act	The Public Interest Disclosure (Whistleblower Protection) Act, SA 2012 c. P-39.5, and regulations thereunder, as they are amended from time to time
Business Day	Any day other than a Saturday, Sunday or statutory holiday or day on which the Institute is closed for business
Chief Officer	The individual prescribed under the Act, who is responsible for establishing and maintaining this Policy and the Procedures hereunder, and for overall administration and reporting requirements under the Act. The Chief Officer for NAIT under the Act is the President
Designated Officer	The senior officer designated by the Chief Officer to manage disclosures and investigations under this Policy and the Procedures hereunder. The Designated Officer for NAIT under the Act is the Vice President Administration and CFO
Employee	An individual who is employed by the Institute or an individual who has suffered a reprisal and whose employment has been terminated by the Institute
Wrongdoing	<ul style="list-style-type: none"> a. a contravention of a statute of Alberta, a regulation made pursuant to a statute of Alberta, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; b. 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 the employee; c. an act or omission that creates a substantial and specific danger to the environment; d. gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of (i) public funds or a public asset; (ii) the delivery of a public service, including the management or performance of (A) a contract or arrangement identified or described in the regulations of the Act, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and (B) the duties and powers resulting from an enactment identified or described in the regulations of the Act or any funds administered or provided as a result of the enactment; or (iii) employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;

	<ul style="list-style-type: none"> e. commission of an act of retaliation or reprisal in relation to a disclosure made pursuant to the Safe Disclosure Policy f. knowingly directing or counselling an individual to commit a wrongdoing identified in section (a) to (e) above
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4.0 Guiding Principles

- 4.1** There will be timely and professional response to disclosures made hereunder;
- 4.2** Discretion, sensitivity, and preservation of confidentiality will be maintained to the fullest extent possible;
- 4.3** Protection of sensitive information is a key priority;
- 4.4** There will be clear assignment of responsibility for initial evaluation of the disclosure, investigating the allegation where appropriate, making determination of whether or not wrongdoing has been established, making recommendations for corrective actions or measures where wrongdoing has been established, and reporting outcomes of investigations;
- 4.5** Conclusions of investigations will be objective, and investigations will be conducted in a systematic orderly and planned manner;
- 4.6** There will be establishment of a basis for determining appropriate circumstances under which communication of allegations will be made to an external party or where there will be a request for an investigation to be conducted by an external party (e.g. police or other law enforcement authorities, Information and Privacy Commissioner, Public Interest Commissioner, Auditor General);
- 4.7** There will be consistency with the requirements of the Public Interest Disclosure (Whistleblower Protection) Act, SA 2012, Ch. P-39.5 and regulations thereunder, as they are amended from time to time;
- 4.8** There will be avoidance of duplication of investigations or processes in relation to the same allegations or circumstances, where appropriate;
- 4.9** Investigations conducted hereunder shall be conducted in accordance with the principles of procedural fairness and natural justice;
- 4.10** The possible sanctions for wrongdoings established under this Policy and the Procedures hereunder are in addition to, and apart from, any other sanction that may be provided for by law;
- 4.11** The Institute will encourage other avenues that are available where there is:
 - a.** an allegation of unethical or improper behavior not falling within the definition of “wrongdoing” under this Policy, or
 - b.** where the matter is a personal complaint about the discloser’s own employment rather than an allegation of wrongdoing (e.g. grievance process pursuant to collective agreements, Respectful Workplace and Learning Environment process)
 - c.** A clearly defined process under legislation (e.g. privacy complaint pursuant to Freedom of Information and Protection of Privacy Act)

4.12 The Safe Disclosure Policy and Procedures are not intended to replace existing NAIT policies and procedures. It is required that individuals will continue to use existing channels to report improper activity unless existing policies and guidelines prove ineffective or are inappropriate for the specific circumstances.

4.13 These Guidelines and the Procedures hereunder are not intended to replace, supplant, circumvent or supersede external reporting obligations that may be mandated in legislation (e.g. reporting a child in need of intervention pursuant to Child, Youth & Family Enhancement Act).

5.0 Other Related Documents

LC 2.1 Safe Disclosure Channels and Content

LC 2.2 Safe Disclosure Management and Investigation of Disclosures

Document History

<i>Date</i>	<i>Action/ Change</i>
November 7, 2018	Revised
May 6, 2013	New