



Procedure

Procedure Name	<i>Safe Disclosure Channels and Content</i>		
Procedure #	LC 2.1	Parent Policy	LC 2.0 Safe Disclosure
Policy Owner	Vice President Administration	Effective Date	November 7, 2018
Procedure Owner	General Counsel	Next Review Date	November 2023
Approved by	Vice President Administration	Approval Date	November 7, 2018

1.0 Purpose/ Background

In the interest of maintaining the integrity of the Northern Alberta Institute of Technology, the Institute is committed to the highest standards of ethics and conduct, consistent with applicable laws, regulations, and NAIT policies. Through the establishment of the Safe Disclosure Policy and Procedures, NAIT has provided a framework for individuals to bring forward information, in good faith, concerning allegations of wrongdoing which they have observed or which they reasonably suspect, without fear of reprisal or retaliation.

2.0 General Principles

All disclosures of wrongdoing pursuant to this Policy and Procedure will be considered seriously by the Institute and will be evaluated by the Designated Officer (or other senior officer appointed by the Chief Officer where applicable) in an objective and impartial manner, for purposes of determination of whether investigation is warranted.

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 is identified in section 4.1.1 herein
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 is identified in section 4.1.2 herein
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	a. a contravention of a statute of Alberta, a regulation made pursuant to a statute of Alberta, an Act of the Parliament of

	<p>Canada or a regulation made pursuant to an Act of the Parliament of Canada;</p> <ul style="list-style-type: none"> 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 to 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 to 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; e. commission of an act of retaliation or reprisal in relation to a disclosure made pursuant to the Safe Disclosure Policy knowingly directing or counselling an individual to commit a wrongdoing identified in section (a) to (e) above
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4.0 Procedures

4.1 Roles and Responsibilities

- 4.1.1 The Chief Officer for the Institute under the Act is the President. The role of the Chief Officer is described in section 3.0 herein
- 4.1.2 The Designated Officer under the Act for the Institute is the Vice President Administration and CFO. The role of the Designated Officer is described in section 3.0 herein;
- 4.1.3 The Public Interest Commissioner is appointed pursuant to the Act, and is responsible for providing oversight with respect to the Act, handling certain cases of wrongdoing, and managing cases of reprisal

4.2 Disclosure Channels

- 4.2.1 The Institute has long established practices to enable employees to escalate concerns through the “chain of command”, to their supervisor. The Procedures for a formal investigation, are not intended to replace those processes, where they may be appropriate. The individual proposing to raise the concern shall consider a “chain of command” reporting of concern, where it seems appropriate. Such a concern may be raised verbally in person via phone, by email or otherwise in writing to the immediate supervisor or to a member of NAIT management;
- 4.2.2 In the event a “chain of command” report as described in section 4.2.1 is not considered appropriate by the discloser, a disclosure of alleged wrongdoing shall be made to the Designated Officer OR there is the option for a disclosure of alleged wrongdoing to be made directly to the Public Interest Commissioner in

the first instance. The Public Interest Commissioner has discretion to investigate the matter or to refer the disclosure to the Designated Officer of the Institute if the Commissioner considers it appropriate;

- 4.2.3 In the event that the Designated Officer is in conflict of interest with respect to the nature of the disclosure or a person involved, the disclosure may be made to the Chief Officer, who will appoint another senior officer of the Institute to assume the role, the rights and responsibilities of the Designated Officer with respect to management of the disclosure process for that particular disclosure.
- 4.2.4 A disclosure of alleged wrongdoing pursuant to the Safe Disclosure Policy and Procedures shall:
 - a. provide a description of the alleged wrongdoing;
 - b. provide date or dates of alleged wrongdoing, if known;
 - c. provide identification of all of the parties alleged to be involved;
 - d. disclose potential financial interests and rewards, if known and if applicable;
 - e. contain any other information in the knowledge of the discloser that may be of assistance in evaluation and investigation;
 - f. be based upon facts known or circumstances or actions observed rather than mere speculation, and should provide as much specific information as possible.
- 4.2.5 Disclosures shall be made in writing, addressed to the appropriate individual as described in this section 4.2, and are to be marked "Personal and Confidential" in a sealed envelope.
- 4.2.6 In the event that the wrongdoing is alleged to involve the Designated Officer, the disclosure may be made to the Chief Officer directly, or to the Public Interest Commissioner pursuant to the Act.
- 4.2.7 In the event that the wrongdoing is alleged to involve the Chief Officer of the Institute, the disclosure will be made to the Public Interest Commissioner, pursuant to the Act.
- 4.2.8 In the event that the alleged wrongdoing involves an imminent risk posing significant risk to public health or safety or a danger to the environment, disclosure will be made to the Public Interest Commissioner, as soon as is practicable, and the alleged wrongdoing will also be disclosed to the Designated Officer. The Designated Officer will determine required communication to operational areas within the Institute that may fulfill a role of minimizing the risk to public health or safety or a danger to the environment. Examples would include health related outbreak, or a significant gas or oil spill.
- 4.2.9 The Chief Officer or Designated Officer are required to report matters of imminent risk to: (a) an appropriate law enforcement agency; (b) in the case of a health related matter, to the Chief Medical Officer of Health; (c) to the department, public entity or office responsible for managing, controlling or containing this risk; and (d) to any persons identified in these Procedures. Investigation into these matters will be suspended until finally disposed of by law enforcement agency, or Minister of Justice and Solicitor General. In the event that during course of investigation, there is reason to believe an offence has been committed under an Act or regulation of Alberta or Canada, the alleged offence shall be reported to a law enforcement agency and to Minister of Justice and Solicitor General.

- 4.2.10 The Designated Officer may consult with the Chief Officer regarding the management and investigation of a disclosure. The Chief Officer may at any time consult with or seek advice from the Public Interest Commissioner.
- 4.2.11 In the event that the Public Interest Commissioner refers a matter for investigation, the investigation will be conducted in accordance with the Procedures hereunder, and updates will be provided to the Public Interest commissioner as requested.

4.3 Anonymous Disclosure and Preservation of Confidentiality

- 4.3.1 In view of the protections afforded pursuant to section 4.4 herein to an employee making a disclosure hereunder it is encouraged that the individual puts his or her name to any disclosure. The identity of the discloser will be kept confidential, if so requested, for as long as is possible, provided that this is compatible with a proper investigation into the alleged wrongdoings, including the principles of fairness and natural justice.
- 4.3.2 Anonymous disclosures by individuals who assert that they are employees of the Institute will be evaluated by the Designated Officer for potential investigation having regard to the seriousness of the allegation raised, the credibility of the complaint, the prospects of being able to investigate the matter properly, and fairness to any individuals mentioned in the disclosure.

4.4 Protection from Reprisal

- 4.4.1 Employees who report in good faith, an alleged or actual wrongdoing, have the right to be protected from reprisal. Reprisal includes, but is not necessarily limited to the following retaliatory actions, or threat of the following retaliatory actions:
 - a. Dismissal or threat of dismissal or layoff;
 - b. Disciplinary action;
 - c. Demotion or withholding of due promotion;
 - d. Intimidation, coercion or threats;
 - e. Suspension or threat of suspension;
 - f. Transfer or change of job location;
 - g. Reduction of salary or wages;
 - h. Change of hours of work
 - i. Imposition of any penalty;
 - j. Harassment;
 - k. Discrimination;
 - l. Any act or measure that adversely affects the employment or working conditions of the individual.
- 4.4.2 The Institute will not condone reprisal against:
 - a. any employee who, in good faith and without malice or desire for personal benefit, discloses wrongdoing or alleged wrongdoing in accordance with these Procedures
 - b. any employee or other individual who in good faith and without malice or desire for personal benefit participates as a witness in an investigation of wrongdoing or alleged wrongdoing in accordance with these Procedures.
- 4.4.3 An employee who believes that they have been subjected to reprisal as a result of making a disclosure or participating in an investigation of disclosure of wrongdoing may report this matter to the Chief Officer. Any allegation of reprisal shall be investigated as an alleged wrongdoing in accordance with these

Procedures hereto, and the finding of wrongdoing, may result in disciplinary proceedings, up to and including termination. The Act also allows for a complaint to be made to the Public Interest Commissioner, in the prescribed form, if the employee alleges that a reprisal has been taken or directed against the employee.

4.5 Malicious or Not Bona Fide Disclosures

4.5.1 An employee who does not act in good faith or makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it for the purposes of personal gain, or who makes it maliciously, frivolously or vexatiously, may be subject to disciplinary proceedings, up to and including termination.

4.6 Support for Disclosers, Alleged Wrongdoers and Witnesses

4.6.1 An employee who is considering making a disclosure may request information or advice from their supervisor, the Chief Officer or from the Designated Officer. The supervisor, Chief Officer or Designated Officer may require that the request be in writing.

4.6.2 Any employee who is involved in a disclosure investigation, as a discloser, an alleged wrongdoer, or a witness, is reminded of the availability of the Employee Assistance Program.

4.7 Communication of Safe Disclosure Policy and Procedures

4.7.1 The Safe Disclosure Policy and Procedures, as they may be amended or updated from time to time, will be made available to all employees on the Institute's staff portal.

4.8 Offences and Penalties and Financial Remedies

4.8.1 There are a number of offences under the Act, including:

- a. Knowingly withholding material information or making a false or misleading statement in seeking advice about making a disclosure, making a disclosure, or during an investigation;
- b. Counselling or directing another person to provide a false or misleading statement;
- c. Obstructing or counselling another person to obstruct an individual involved with the disclosure of wrongdoing process from performing their duty or function;
- d. Destruction, falsification or concealment of a document or thing relevant to an investigation or counselling another to do so.

4.8.2 Penalties for offences as set out in the Act include fines not to exceed \$25,000 for first offence and not to exceed \$100,000 for second or subsequent offences.

4.8.3 If the Public Interest Commissioner has determined that a reprisal occurred, the Public Interest Commissioner is obligated to refer that decision to the Labour Relations Board for determination of appropriate remedy, such as financial restitution.

5.0 Exceptions to the Procedure

5.1 Exceptions to this procedure must be documented and formally approved by the Policy Lead.

Procedure exceptions must include:

- The nature of the exception
- A reasonable explanation for why the procedure exception is required
- Confirmation that the exception aligns with the general principles

- Any risks created by the procedure exception and how they will be managed.

6.0 Related Documentation

HR 6.1 Respectful Workplace

Document History

<i>Date</i>	<i>Action/ Change</i>
November 7, 2018	Revised
September 18, 2013	New