

Public Interest Disclosure and Protection Procedures

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Department Responsible:	Enterprise Risk & Internal Audit
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Objectives

These procedures establish:

- how requests for advice are to be made and responded to;
- how disclosures are to be made, reviewed, investigated, and reported on; and,
- how complaints of reprisal are to be made and responded to.

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Definitions

The terms used in these procedures have the same meaning as in Policy 1100, Public Interest Disclosure and Protection (the “**policy**”).

Who This Procedure Applies To

These procedures apply to any BCIT employee who is, on matters relating to BCIT:

- seeking advice about PIDA, the policy or these procedures;
- making a disclosure;
- asked to provide information during an investigation; or,
- making a complaint of reprisal.

These procedures also apply to:

- any Supervisor who receives a request for advice or disclosure;
- Designated Officers; and,
- the President and Chair of the Board of Governors (“Board Chair”), in certain circumstances.

Procedures

Privacy and Confidentiality

1. For the policy and these procedures to function as intended, everyone involved in a request for advice, disclosure or investigation or complaint about reprisal must protect confidentiality and privacy.
2. BCIT employees must take reasonable precautions to ensure that personal information is not disclosed in a request for advice, disclosure, or complaint about reprisal beyond what is reasonably necessary.
3. BCIT employees must maintain strict confidentiality with respect to all personal information – including the identity of those involved – related to a request for advice, disclosure, investigation, or complaint about reprisal under the policy and these procedures and must not disclose such information except as authorized under PIDA.
4. Supervisors, Designated Officers, investigators and, where applicable, the President and Board Chair, must only collect, use, and disclose the personal information necessary to fulfill their responsibilities under PIDA and as permitted by PIDA, including to comply with other applicable laws and agreements and ensure fair and appropriate receipt, review, investigation, and reporting of disclosures.
5. Supervisors and Designated Officers must advise BCIT employees who request advice, make a disclosure, participate in an investigation, or make a complaint about reprisal about their privacy and confidentiality obligations and their rights to privacy, confidentiality, and anonymity.
6. Investigators will make every effort to protect the identity of Disclosers, witnesses, and Respondents, except as necessary for investigations or as required by PIDA.

Requests for Advice

1. Any employee may request advice about how to make a disclosure or a reprisal complaint from a Designated Officer, lawyer, the Ombudsperson, or where applicable, from their Supervisor or union representative.
2. A Supervisor or Designated Officer may require the request for advice to be in writing.
3. A Supervisor who receives a request for advice from an employee must seek advice from the Designated Officers on whether to respond directly to the requestor or forward the request to a Designated Officer for their response to the requestor.
4. A Supervisor or Designated Officer who receives a request for advice shall respond in writing within 30 business days of receiving the request, whenever practical.
5. A request for advice may be made anonymously.
6. Requests for advice may be made electronically to the following email: confidential_line@bcit.ca.

Making a Disclosure

1. Any BCIT employee may make a disclosure if they reasonably believe a wrongdoing has occurred or is about to occur. Any former BCIT employee may make a disclosure if they reasonably believe a wrongdoing occurred while they were employed by BCIT.

2. A disclosure must be in writing and contain as much of the following information as is known:
 - a. a description of the suspected wrongdoing;
 - b. names of persons who committed the suspected wrongdoing or are about to commit the suspected wrongdoing;
 - c. the date or dates the suspected wrongdoing occurred or is anticipated to occur;
 - d. whether the suspected wrongdoing relates to a specific law or legal obligation;
 - e. whether the suspected wrongdoing has already been reported through this or any other process and if so the name of the person to whom it was reported and the response that was received, if any.
3. Disclosers should make disclosures to their Supervisor or a Designated Officer, unless the disclosure is about one of the following officials:
 - a. if a disclosure alleges wrongdoing by a Designated Officer it should be made to the President;
 - b. if a disclosure alleges wrongdoing by a Board member or the President it should be made to the Board Chair;
 - c. if a disclosure alleges wrongdoing by the Board Chair it should be made to the Ombudsperson.
4. Disclosures should be made using the online [Public Interest Disclosure Form](#), which automatically goes to a confidential email (confidential_line@bcit.ca). This confidential email is monitored by the Vice President People, Culture, and Inclusion and the Director Enterprise Risk & Internal Audit.
5. The identity of the Discloser will be protected by, and remain confidential amongst, those to whom the Discloser has identified themselves, except as necessary for an investigation, as required to fulfill obligations under PIDA, or when shared with legal counsel.
6. A disclosure may be made anonymously. Anonymous Disclosers should be aware that the person receiving the disclosure may be unable to seek clarification or further information from them, which may impede a full review or investigation of the disclosure and prevent the Discloser from being notified further about an investigation.

Receiving Disclosures

1. Every disclosure received must be processed expeditiously, fairly, and proportionately, as circumstances permit.

Supervisors

2. A Supervisor who receives a disclosure must:
 - a. mark its first page with the date of receipt; and,
 - b. forward it to a Designated Officer without delay.

Designated Officers

3. A Designated Officer who receives a disclosure must:
 - a. mark its first page with the date of receipt;

- b. notify the Discloser that BCIT has received the disclosure; and,
- c. review the disclosure as described in the “Reviewing Disclosures” section below.

President

4. If the President receives a disclosure they must:
 - a. mark its first page with the date of receipt;
 - b. notify the Discloser that BCIT has received the disclosure; and,
 - c. review the disclosure as described in the “Reviewing Disclosures” section below, unless the disclosure does not allege wrongdoing by a Designated Officer in which case the disclosure should be forwarded to a Designated Officer.

Chair of the Board of Governors

5. If the Chair of the Board of Governors receives a disclosure they must:
 - a. mark its first page with the date of receipt;
 - b. notify the Discloser that BCIT has received the disclosure; and,
 - c. review the disclosure as described in the “Reviewing Disclosures” section below, unless the disclosure does not allege wrongdoing by a Designated Officer, the President, or a Board Member in which case the disclosure should be forwarded to a Designated Officer.

Reviewing Disclosures

1. Every disclosure received by BCIT is to be reviewed expeditiously, fairly, and proportionately, within 30 business days of receipt if possible.

Designated Officers

2. If a Designated Officer reasonably believes there is an imminent risk of a substantial and specific danger to the life, health, or safety of persons, or to the environment, they may report the relevant information to an appropriate Protection Official.
 3. If a Designated Officer makes a report to a Protection Official then the Designated Officer must also report the information to an appropriate senior official in BCIT.
 4. A Designated Officer may refer a disclosure to another appropriate authority with jurisdiction in respect of the disclosure, including the Ombudsperson or a law enforcement agency, after considering:
 - a. whether the subject matter of the disclosure would be more appropriately dealt with by another authority;
 - b. the complexity of the subject matter of the disclosure and the resources and expertise required to conduct a fair and effective investigation;
 - c. whether a real or perceived conflict of interest exists; and,
 - d. whether the subject matter relates to an individual with authority over the Designated Officer.
 5. If the disclosure is about the President, the Designated Officer must notify both the Chair of the Audit & Finance Committee and the Board Chair.
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6. If the Designated Officer does not refer the disclosure to another authority, they must decide whether to begin an investigation according to the following.
 - a. The Designated Officer must refuse to investigate if the disclosure relates primarily to:
 - a dispute between an employee and BCIT about their employment;
 - a matter relating to law enforcement by members of a police force, or conduct of members of a police force;
 - a matter relating to the prosecution of an offence; or,
 - the exercise of an adjudicative function of a court, tribunal, or other statutory decision-maker.
 - b. The Designated Officer may refuse to investigate after evaluating the facts and information if they believe the disclosure:
 - is frivolous, vexatious, or not in good faith;
 - does not deal with a suspected wrongdoing as defined in the policy;
 - does not provide sufficient details about the suspected wrongdoing;
 - relates solely to a public policy decision;
 - involves a suspected wrongdoing so far in the past that an investigation could not reasonably be conducted or would serve no purpose;
 - is being, or has already been, appropriately investigated, including by another Designated Officer; or,
 - according to PIDA, is subject to a prescribed reason to not investigate or to stop investigating the disclosure.
 7. If the Designated Officer decides an investigation is not warranted they may redirect the matter to another suitable internal process.
 8. When the Designated Officer decides whether to begin or refuse an investigation they must notify the following people:
 - a. the Discloser;
 - b. the President, the Chair of the Audit & Finance Committee, and the Board Chair, excluding any disclosures made about the President, the Board Chair, or the Chair of the Audit & Finance Committee.
- However, to avoid compromising an investigation or exposing the Discloser to reprisal, the Designated Officer may delay notifying the President of the decision.
9. The Designated Officer may notify the Respondent of the decision.
 10. The Designated Officer must assess whether there is a risk of reprisal against the Discloser and may communicate with the Discloser and request information to assess this risk.
 11. If the Designated Officer begins an investigation they must conduct it as described below.

President or Chair of the Board of Governors

1. If the President or the Board Chair reasonably believes there is an imminent risk of a substantial and specific danger to the life, health, or safety of persons, or to the environment, they may report the relevant information to an appropriate Protection Official.
2. The President or the Board Chair may refer a disclosure to another appropriate authority with jurisdiction in respect of the disclosure, including the Ombudsperson or law enforcement, after considering:
 - a. whether the subject matter of the disclosure would be more appropriately dealt with by another authority;
 - b. the complexity of the subject matter of the disclosure and the resources and expertise required to conduct a fair and effective investigation; and,
 - c. whether a real or perceived conflict of interest exists.
3. If the President or the Board Chair does not refer the disclosure to another authority, they must decide whether to begin an investigation according to the following.
 - a. They must refuse to investigate if the disclosure relates primarily to:
 - a dispute between an employee and BCIT about their employment;
 - a matter relating to law enforcement by members of a police force, or conduct of members of a police force;
 - a matter relating to the prosecution of an offence; or,
 - the exercise of an adjudicative function of a court, tribunal, or other statutory decision-maker.
 - b. They may refuse to investigate if after evaluating the information provided they believe that the disclosure:
 - is frivolous, vexatious, or not in good faith;
 - does not deal with a suspected or alleged wrongdoing within the policy;
 - does not provide sufficient details about the suspected wrongdoing;
 - relates solely to a public policy decision;
 - involves a suspected wrongdoing so far in the past that an investigation could not reasonably be conducted or would serve no purpose;
 - is being, or has already been, appropriately investigated, including by another Designated Officer; or,
 - according to PIDA, is subject to a prescribed reason to not investigate or to stop investigating the disclosure.
4. If the President or the Board Chair decides that an investigation is not warranted they may redirect the matter to another suitable internal process.
5. After the President or the Board Chair decides whether to begin or refuse an investigation they must notify the Discloser.

6. If an investigation would or will involve the President, then the Board Chair must notify the Minister of their decision to begin or refuse an investigation.
7. The President or the Board Chair may notify the Respondent of the decision.
8. The President or the Board Chair must assess whether there is a risk of reprisal against the Discloser and may communicate with the Discloser and request information to assess this risk.
9. If the President or the Board Chair decides to begin an investigation, they must conduct the investigation as described below.

Investigations

1. A Designated Officer, the President, or the Board Chair will retain responsibility for the investigation but may request assistance of staff or an independent contractor.
2. BCIT will investigate disclosures in a confidential, expeditious, fair, and proportionate manner, within 120 business days of receipt where possible. The investigator may reduce or extend this period depending on the nature and complexity of the suspected wrongdoing.
3. If more than one disclosure is received with respect to the same or similar suspected wrongdoing, a single investigation will be conducted.
4. The investigator must inform the Respondent of the nature of the allegations and provide an opportunity to respond.
5. An investigator who is a Designated Official, the President, or the Board Chair may expand the scope of the investigation beyond the allegations set out in the disclosure or reprisal complaint to ensure any additional potential wrongdoing discovered is investigated.
6. An investigator must stop an investigation if they determine it relates primarily to:
 - a dispute between an employee and BCIT about their employment;
 - a matter relating to law enforcement by members of a police force, or conduct of members of a police force;
 - a matter relating to the prosecution of an offence; or,
 - the exercise of an adjudicative function of a court, tribunal, or other statutory decision-maker.
7. An investigator may stop an investigation if after evaluating the information provided they believe that the disclosure:
 - is frivolous, vexatious, or not in good faith;
 - does not deal with a suspected wrongdoing within the policy;
 - does not provide sufficient details about the suspected wrongdoing;
 - relates solely to a public policy decision;
 - involves a suspected wrongdoing so far in the past that an investigation could not reasonably be conducted or would serve no purpose;
 - is being, or has already been, appropriately investigated, including by another Designated Officer; or,

- according to PIDA, is subject to a prescribed reason to not investigate or to stop investigating the disclosure.
8. An investigator may postpone or suspend an investigation if:
 - the investigation may compromise another investigation;
 - the investigation reveals an alleged offence that is reported to law enforcement; or,
 - the suspected wrongdoing is also being investigated for the prosecution of an offence.
 9. If the investigator stops an investigation, they must notify the following people of the decision, unless the investigator is advised that the notification would compromise another investigation:
 - a. the Discloser;
 - b. the President - unless the investigation involved the President, in which case they must notify the Board Chair and the Minister; and,
 - c. the Respondent.
 10. A Designated Officer conducting an investigation may request assistance from the Ombudsperson or refer a disclosure in whole or in part to the Ombudsperson. If a disclosure is referred, the Designated Officer must notify the Discloser.

Reporting the Outcomes of an Investigation

1. An investigator completing an investigation must prepare a written report of the outcome that includes the allegations, findings of fact, any findings of wrongdoing, reasons that support the findings, and recommendations to address the findings.
2. The investigator must provide a copy of the report to the Director of Enterprise Risk and Internal Audit, unless the report relates to them, and the Vice President of People, Culture, and Inclusion unless the report relates to them. If the report applies to both, the investigator must provide a copy of the report to the President.
3. The Director of Enterprise Risk and Internal Audit or the Vice President of People, Culture, and Inclusion must provide a copy of the report to the President.
4. The Director of Enterprise Risk and Internal Audit must notify the Chairs of the Audit & Finance Committee and the Board of Governors of the results of the investigation. The investigator's report may be provided if necessary.
5. If the report relates to a Board member or the President, the investigator must provide the report to the Board Chair.
6. The Director of Enterprise Risk and Internal Audit or the Vice President of People, Culture, and Inclusion must provide a summary of the report to the Discloser (unless the disclosure was made anonymously) and the Respondent.

Complaints of Reprisal

Any BCIT employee who reasonably believes reprisal has been taken against them for, in good faith, making a request for advice about PIDA, making a disclosure, cooperating with an investigation, making a reprisal complaint, or assisting a Discloser, may make a complaint to a Designated Officer.

Request for a Review of the Results of an Investigation

1. A Discloser who is not satisfied with the outcome of an investigation into their disclosure may contact any of the following officials to discuss concerns or request the report be reviewed:
 - a. a Designated Officer;
 - b. the President;
 - c. the Board Chair.
2. If a Designated Officer, the President, or the Board Chair receives a request to discuss concerns, or a request to review an investigation report, they must comply with the request within a reasonable time.

Forms Associated with This Procedure

[Public Interest Disclosure Form](#)

Amendment History

	<u>Approval Date</u>	<u>Status</u>
Created: Procedure 1100-PR1 version 1	2024 Apr 03	in force

Scheduled Review Date

2029 April 3 (or sooner if there are changes to the applicable regulatory framework or to relevant operational circumstances).