

Public Interest Disclosure and Protection

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Policy Statement

BCIT is committed to maintaining the highest standards of ethical conduct and promoting a culture of honesty, transparency, and accountability. BCIT extends this expectation to all employees when conducting BCIT business, and encourages those who in good faith reasonably believe a wrongdoing has been committed, or is about to be committed, to disclose their concerns to BCIT.

BCIT is also committed to ensuring all actions and investigations under this policy and associated procedures meet the requirements of the *Public Interest Disclosure Act* (“PIDA”). Accordingly, BCIT will protect against reprisal any BCIT employee who in good faith makes a report, cooperates in an investigation, makes a complaint about reprisal, seeks advice about this policy or PIDA, or assists a Discloser in making a disclosure.

Purpose of Policy

The purposes of this policy and related procedures are to:

- demonstrate BCIT’s compliance with the *Public Interest Disclosure Act*;
- provide a way for BCIT employees to report suspected wrongdoings;
- establish procedures for investigating reports of suspected wrongdoings;
- prohibit reprisals against BCIT employees acting in good faith for reporting suspected wrongdoings, cooperating in investigations, or assisting a Discloser in making a disclosure; and,
- provide for the reporting of outcomes of investigations of suspected wrongdoings.

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Who This Policy Applies To

This policy applies to all current and former BCIT employees and the Board of Governors.

Scope

This policy applies to the disclosure of information pertaining to an actual or suspected act or omission that constitutes *wrongdoing*, meaning, in relation to BCIT, any of the following as defined in PIDA:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. an act or omission that creates a substantial and specific danger to the life, health, or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
- c. a serious misuse of BCIT funds or BCIT assets;
- d. gross or systemic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

This policy also applies to the disclosure of information in respect of any suspected fraudulent activities related to funds and assets owned by or in the care of BCIT, pursuant to Policy 1200, Fraud.

This policy does not limit any rights, protections, or remedies available to employees under a collective agreement, contract, or the law.

For matters relating to allegations of harassment or discrimination, please refer to Policy 7507, Harassment and Discrimination. For matters relating to allegations of sexualized violence, please refer to Policy 7103, Sexualized Violence.

Related Documents and Legislation

Legislation

College and Institute Act, RSBC 1996, c 52
Criminal Code, RSC 1985, c C-46
Emergency and Disaster Management Act, RSBC 1996, c 111
Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165
Ombudsperson Act, RSBC 1996, c 340
Public Interest Disclosure Act, SBC 2018, c 22

BCIT Policies and Procedures

Policy 1200, Fraud
 Policy 1500, Code of Conduct
 Policy 6700, Freedom of Information and Protection of Privacy
 Policy 7103, Sexualized Violence
 Policy 7507, Harassment and Discrimination

Definitions

The following definitions apply to this policy and its procedures.

“Act or “PIDA” means the *Public Interest Disclosure Act*.

“Audit & Finance Committee” means the Board of Governors Standing Committee on Audit & Finance.

“Board” means the BCIT Board of Governors.

“Designated Officer” means, subject to the terms of any written designation by the President, the following senior officials:

- a. The Vice President (“VP”) People, Culture, and Inclusion.
- b. The Director of Enterprise Risk and Internal Audit.

“Discloser” means any BCIT employee who makes a disclosure.

“disclosure” means a report of suspected wrongdoing made under this policy.

“employee” or “BCIT employee” has the same meaning as in the Act; i.e., means a person who is employed at BCIT, a person who was employed at BCIT when a suspected wrongdoing occurred or was discovered but who is no longer employed by BCIT (**“former employees”**), or a member of the BCIT Board of Governors.

“Institute” means BCIT, the British Columbia Institute of Technology.

“investigation” means an investigation of a disclosure undertaken by BCIT.

“investigator” means a person investigating on behalf of BCIT.

“Minister” means the Minister of Post-Secondary Education and Future Skills.

“Ombudsperson” means the Ombudsperson appointed under the *Ombudsperson Act*.

“President” means the President of BCIT.

“procedures” means Procedure 1100-PR1, Public Interest Disclosure and Protection Procedures.

“Protection Official” means:

- a. In respect of a health-related matter, the provincial health officer.
- b. In respect of an environmental matter, the provincial administrator as defined in section 1(1) of the *Emergency and Disaster Management Act*.
- c. In any other case, a police force in British Columbia.

“Respondent” means a person alleged to have engaged in suspected wrongdoing.

“reprisal” means any of the following measures taken against an employee, by reason that the employee has, in good faith, made a disclosure, acted as witness or cooperated in an investigation, made a complaint about reprisal, sought advice about this policy or PIDA, or assisted a Discloser:

- a. a disciplinary measure;
- b. a demotion;
- c. a termination of employment;

- d. any measure that adversely affects the employee's employment or working conditions;
or
- e. a threat to take any of the measures referred to in paragraphs (a) to (d).

“Supervisor” means:

- a. An employee’s direct manager, supervisor, or administrator.
- b. For members of the Board or the President, the Chair of the Board of Governors.

“suspected wrongdoing” means an alleged wrongdoing that has not been investigated.

“union representative” means an individual authorized to represent the union certified to represent an employee involved in an investigation under this policy.

“witness” means a person providing evidence in an investigation.

“wrongdoing” has the meaning under the heading “Scope” above.

Guiding Principles

- a. BCIT is committed to ethical and lawful conduct in its operations and seeks to foster a culture in which BCIT employees are encouraged to disclose suspected wrongdoings.
- b. BCIT will receive and review all disclosures of suspected wrongdoing.
- c. BCIT will evaluate disclosures to assess whether an investigation is warranted.
- d. BCIT will investigate disclosures where appropriate. Investigations will be conducted in accordance with the principles of procedural fairness and natural justice.
- e. Results of investigations will be reported to appropriate senior officials. Report summaries will be provided to Disclosers and Respondents. In addition, all reporting under this Policy will be in accordance with PIDA and the *Freedom of Information and Protection of Privacy Act*.
- f. BCIT will protect anonymity and ensure the confidentiality of Disclosers, Respondents, and witnesses in accordance with Policy 6700, Freedom of Information and Protection of Privacy, and the *Freedom of Information and Protection of Privacy Act*.
- g. BCIT will make every effort to protect the reputation of BCIT employees against unproven allegations.
- h. BCIT will make available information to BCIT employees about how this policy and PIDA protect BCIT employees against reprisals.
- i. BCIT will not commit or tolerate reprisals against any BCIT employee who in good faith makes a disclosure, acts as witness or cooperates in an investigation, makes a complaint about reprisal, seeks advice about this policy or PIDA, or assists a Discloser. BCIT will make every effort to effectively prohibit such reprisals.
- j. BCIT takes seriously every reported suspected wrongdoing and complaint of reprisal. All responses will follow a formal and confidential process, and information from investigations will only be shared on a strict need-to-know basis.
- k. Whenever possible, duties under this policy will be carried out within the stated time, or if no time is stated, as promptly as circumstances reasonably permit. Every person

involved in receiving, reviewing, and investigating disclosures will carry out those functions in an expeditious, fair, and proportionate manner.

- I. BCIT is committed to maintaining and strengthening internal controls and governance practices, especially if a wrongdoing is substantiated. Nothing in this policy relieves those responsible for the administration and management of BCIT from their responsibilities to prevent and address suspected wrongdoing in accordance with good management practices and other policies.

Duties and Responsibilities

BCIT Employees, including Former Employees

Any BCIT employee who reasonably believes a wrongdoing has been committed, or is about to be committed, is encouraged to make a disclosure as soon as they become aware of the suspected wrongdoing and to include all relevant information. See Procedure 1100-PR1, Public Interest Disclosure and Protection Procedures for how to make a disclosure.

Disclosers

Disclosers must cooperate in good faith during the review or investigation of their disclosure by being available for interviews, providing documents and information to the best of their knowledge when requested to, and participating in the investigation as otherwise required.

Respondents

Respondents must cooperate in good faith during an investigation by being available for interviews, providing documents and information to the best of their knowledge when requested to, and participating in the investigation as otherwise required.

Witnesses

Witnesses must cooperate in good faith during an investigation by being available for interviews, providing documents and information to the best of their knowledge when requested to, and participating in the investigation as otherwise required.

Employees and Board Members

Employees and Board members:

- a. must not engage in reprisal, or counsel or direct that reprisal be taken, against any BCIT employee who has in good faith made a disclosure or a complaint about reprisal, has cooperated in an investigation, has requested advice about this policy or PIDA, or assisted a Discloser;
- b. must cooperate with investigations of wrongdoing or reprisal;
- c. must treat confidentially all information collected in relation to disclosures, investigations, and requests for advice about this policy and PIDA;
- d. must protect all personal information collected, used, and disclosed under this policy in accordance with Policy 6700, Freedom of Information and Protection of Privacy;
- e. must ensure that personal information collected and used in relation to disclosures and requests for advice is limited to only the information necessary for those purposes; and,
- f. must protect the identity of persons involved in requests for advice, disclosures, and investigations.

Chair of the Board of Governors

The Chair of the Board of Governors is responsible for:

- a. receiving disclosures from Board Members and forwarding them in accordance with the procedures;
- b. receiving, reviewing, assessing, and where applicable, investigating and reporting, disclosures that involve a Board Member or the President, in accordance with the procedures;
- c. responding to requests for advice from Board members about this policy in accordance with the procedures; and,
- d. deciding whether to report alleged wrongdoing that may constitute an offence to a law enforcement agency.

Chair of the Audit and Finance Committee

The Chair of the Audit and Finance Committee is responsible for responding to requests from Disclosers to discuss concerns or review an investigation report.

President

The President is responsible for:

- a. ensuring information about this policy and PIDA is available to all BCIT employees, including how to make a disclosure or a complaint about reprisal, or seek advice on how to do so;
- b. designating one or more senior officials as Designated Officer(s);
- c. preparing an annual report on disclosures in accordance with PIDA and making it publicly available on BCIT's website;
- d. receiving, reviewing, assessing, and where applicable, investigating and reporting, disclosures that involve all Designated Officers, in accordance with the procedure;
- e. responding to requests from Disclosers to discuss concerns or review an investigation report; and,
- f. deciding whether to report alleged wrongdoing that may constitute an offence to a law enforcement agency.

The President may direct senior officials, including a Designated Officer, to fulfill duties related to the above. If the President is unable or unavailable to perform their duties under this policy, the President may delegate their authority in writing to the Designated Officers or other senior officials.

Designated Officers

The Designated Officers are responsible for:

- a. carrying out any duties assigned by the President relating to this policy;
- b. providing information to BCIT employees about this policy and PIDA, including how to request advice or make a disclosure or complaint of reprisal;
- c. receiving and responding to requests from BCIT employees for advice about this policy and PIDA, including how to make a disclosure or complaint of reprisal;

- d. receiving, reviewing, assessing, and where applicable, investigating and reporting, disclosures in accordance with the procedures;
- e. providing ways to allow disclosures and requests for advice to be made anonymously;
- f. maintaining records in accordance with PIDA and this policy;
- g. responding to requests from Disclosers to discuss concerns or review an investigation report; and,
- h. deciding whether to report alleged wrongdoing that may constitute an offence to a law enforcement agency.

Director of Enterprise Risk and Internal Audit

The Director of Enterprise Risk and Internal Audit is responsible for:

- a. notifying the Audit & Finance Committee of disclosures received by BCIT; and,
- b. reporting to the Audit & Finance Committee outcomes of disclosure reviews and investigations.

Supervisors

Supervisors are responsible for:

- a. receiving requests for advice from employees and responding to them, or forwarding them as set out in the procedures; and,
- b. receiving disclosures from employees and forwarding them for review and possible investigation, as set out in the procedures.

Consequences of Non-Compliance

Anyone who contravenes this policy may be subject to discipline, up to and including termination of employment; see Policy 1500, Code of Conduct. There may be additional consequences under PIDA.

Contravention of this policy includes, but is not limited to:

- making a bad faith, malicious, or intentionally false disclosure;
- making false statements during an investigation, or attempting to mislead or obstruct an investigation;
- engaging in reprisal, or directing or counselling reprisal, against a BCIT employee who has in good faith requested advice, made a disclosure or complaint of reprisal, participated in an investigation, or assisted a Discloser;
- breaching confidentiality or privacy relating to a request for advice, disclosure, reprisal complaint, or investigation.

Procedures Associated with This Policy

Procedure 1100-PR1, Public Interest Disclosure and Protection Procedures

Amendment History

		<u>Approval Date</u>	<u>Status</u>
Created:	Policy 1100 version 1	2015 Mar 05	replaced
Revised:	Policy 1100 version 2	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).