
Whistleblower

Policy No.:	1100
Category:	Human Resources
Approving Body:	Board of Governors
Executive Division:	VP, Human Resources
Department Responsible:	Human Resources
Current Approved Date:	2015 Mar 05

Policy Statement

BCIT is committed to maintaining the highest standards of ethical conduct. BCIT expects all members of its community to act in accordance with BCIT's policies and procedures as well as local, provincial and federal law. All members of the BCIT community are encouraged to report any Suspected Wrongdoing to BCIT in a timely way. BCIT shall protect any member of the BCIT community who makes a good faith report of Suspected Wrongdoing.

Suspected Wrongdoing is any activity that amounts to a contravention of local, provincial or federal law or regulation, a negligent or improper management, or gross mismanagement of BCIT funds or assets, a substantial danger to the environment or public health and safety, or an attempt to cover up any of the foregoing. A Suspected Wrongdoing does not include individual concerns, appeals, complaints, grievances or issues associated with matters including, but not limited to: academic appeals, student or employee conduct, discipline, individual terms of employment, bullying and harassment, discrimination, accessibility, copyright, intellectual property, management or employee performance or provisions contained in the Institute's collective agreements.

Purpose of Policy

The purposes of this Policy are to:

1. Encourage members of the BCIT community to report a Suspected Wrongdoing to the Institute in a timely way;
2. Establish processes to facilitate the reporting and investigation of Suspected Wrongdoing; and
3. Protect persons who make good faith reports from retaliation.

Application of this Policy

This policy applies to all BCIT employees, volunteers, students, contractors, consultants, visiting scholars and any other persons while they are acting on behalf of or at the request of BCIT (the "BCIT Member").¹

Related Documents and Legislation

Legislation

- *B.C. College and Institute Act*
- Criminal Code of Canada

Policies

- Policy 1504 - Standards of Conduct and Conflict/Interest Policy

¹ This policy does not apply to the Board of Governors (see Code of Conduct and Ethics for Governors and Officers at Tab 9 of Board of Governors Governance Manual.)

- Policy 1004 – Corporate and Academic Seal
- Policy 2001 – Bank Signing Officers
- Policy 2002 – General Expenditures
- Policy 2003 – Purchase of Operating Goods or Services
- Policy 2004 – Capital Asset
- Policy 2005 – Travel
- Procedure 2007- PR1 – Petty Cash
- Policy 2020 – Current Restricted Funds
- Policy 2030 – Investments
- Policy 2501 – Contracts
- Policy 3007 – Major Capital Projects
- Policy 3008 – Budget and Estimates for Major Capital Projects
- Policy 7518 – Insurance
- Policy 3020 – Foundation Investment Management
- Policy 3021 – Endowment Management
- Policy 5102 – Student Code of Conduct (Non-Academic)
- Policy 6700 – Freedom of Information and Protection of Privacy
- Policy 7506 - Use of Materials Protected by Copyright
- Policy 7507 – Harassment and Discrimination
- Policy 7100 – Safety and Security
- Policy 7110 – Emergency Management
- Policy 7510 – Occupational Health and Safety

Other

The Collective Agreements between BCIT and: the BCGEU Instructional Unit, the BCGEU Support Staff Unit, and the Faculty and Staff Association.

Procedure to Report Suspected Wrongdoing

1. Subject to the provisions of paragraph 8 (below), reports of Suspected Wrongdoing should be put in writing and should include the name of the BCIT Member reporting the Suspected Wrongdoing, a description of the Suspected Wrongdoing with enough information to allow the Institute to understand the concern, and, if possible, the name(s) of any persons alleged to have been involved in the Suspected Wrongdoing, the date that the Suspected Wrongdoing is believed to have occurred and, whether the Suspected Wrongdoing has been previously reported and, if so, to whom. Reports should be made in a timely manner.

Note: Employees are not expected to conduct their own investigation, but rather, to simply provide as much information as they have in order for BCIT to conduct its investigation into the Suspected Wrongdoing. Furthermore, a BCIT Member who makes a report should not directly confront any individual suspected of being involved in the Suspected Wrongdoing.

2. Reports must be submitted to the Vice President, Human Resources.
3. In the event the Suspected Wrongdoing involves the Vice President, Human Resources the report should be submitted to the Vice President, Finance and Administration.
4. Upon receiving a report of Suspected Wrongdoing, the Vice President will date stamp the report, create a log of the report as well as a separate file for the report, ensure that the matter is reviewed in a timely manner, and determine the appropriate action to be taken. This may include determining whether the

allegation of Suspected Wrongdoing, if proven, would fall within the scope of the Policy (prima facie determination), whether or not to investigate and what form the investigation shall take.

5. The Vice President will work with the other relevant vice president, or the President, within whose area of responsibility the matter falls.
6. If the Suspected Wrongdoing involves another BCIT vice president, the Vice President will work with the President.
7. If the Suspected Wrongdoing involves the President, the Vice President will work with the Chair of the Board.
8. The Institute will treat all reports seriously and in a sensitive manner. Anonymous reports or non-written disclosures, however, will be considered at the discretion of the Vice President. In exercising this discretion, the Vice President may consider the seriousness of the issue(s) raised, the credibility of the concern, the prospect of being able to investigate the matter, and fairness to any individual mentioned in the complaint.
9. Where necessary, the Vice President will interview the individuals who may have knowledge of the Suspected Wrongdoing. Where the Suspected Wrongdoing involves any of the Institute's unionized employees and should the Vice President have the need to interview any of the Institute's unionized employees, the unionized employee shall have the right to have a representative of his or her union present at the interview.
10. The Institute will protect the identity of the BCIT Member making a report to the extent possible, consistent with the Institute's need to conduct an appropriate investigation. All BCIT Members who may be involved in making a report or its investigation shall keep the details of the report and corresponding investigation confidential. Any person breaching confidentiality may be subject to disciplinary action, up to and including termination of employment or expulsion of academic standing from BCIT.
11. A BCIT Member may withdraw a report, but the Institute reserves the right to continue to investigate any report if it is deemed in the Institute's best interest.
12. The results of any investigation will be presented to the President and the Chair, and then will only be further disclosed to, or discussed with, individuals who have a legitimate need to be informed of the results of that investigation.
13. The Vice President will advise the BCIT Member who submitted the report of any action that resulted from that report.
14. Should a BCIT Member require advice on matters related to a Suspected Wrongdoing prior to filing a report, he or she can request such advice from the Vice President.

Consequences

1. A BCIT Member found to have participated in an act of Suspected Wrongdoing may be subject to disciplinary action, up to and including termination of employment or expulsion from academic standing at the Institute.

2. A BCIT Member who makes an intentionally false, bad faith or malicious report under this Policy, may be subject to discipline, up to and including termination of employment or expulsion from academic standing at the Institute.
3. The Institute shall not tolerate any retaliation, reprisal or other adverse consequence against a BCIT Member who has made a report under this Policy. A BCIT Member who retaliates against an individual who has made a report may be subject to discipline, up to and including termination of employment or expulsion from academic standing at the Institute.
4. A BCIT Member who feels that they have suffered any retaliation, reprisal or other adverse consequence as a result of making a report under this Policy should inform the Vice President immediately to ensure that the matter can be investigated and dealt with in a timely way.
5. If a report of Suspected Wrongdoing falls outside, or goes beyond, the jurisdiction of BCIT, the Institute reserves the right to refer this matter to any other body that may have jurisdiction. The appropriate jurisdictional police agency may be contacted where criminal charges may be warranted.

Amendment History

1. Created 2015 Mar 05

Scheduled Review Date

2020 Mar 05