



RED DEER COLLEGE
Reporting and Investigating
Safe Disclosures
Guidebook

Application for RDC Policies

Employee Code of Conduct

Conflict of Commitment

Conflict of Interest

Harassment, Discrimination, and Bullying

Safe Disclosure (Whistleblower)

Version 1.0

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Reporting and Investigating Safe Disclosures

CONFIDENTIALITY:

1. All individuals involved in a Safe Disclosure or an investigation are expected to keep the details and results confidential. Consultation with support people or other representation (such as legal) is not considered a breach of confidentiality.
2. Details or results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know. The identity of the person making the Safe Disclosure will be kept confidential, for as long as is possible, provided that this is compatible with a proper investigation into the alleged Wrongdoing.
3. Records in relation to the investigation will be maintained in accordance with section H of the Procedures herein.
4. Confidentiality cannot be guaranteed. The investigator is encouraged to discuss with those making the Safe Disclosure and witnesses possible circumstances where confidentiality may be compromised or lost.

PROCEDURES:

A. Reporting a Safe Disclosure

1. An individual may make a Safe Disclosure to any of the following:
 - a. A Dean or Director;
 - b. The Vice President Corporate; or
 - c. The Alberta Public Interest Disclosure Commissioner (for concerns regarding the Vice President Corporate or the President).
2. The Safe Disclosure should be in writing and include the following information:
 - a. The nature of the activity giving rise to the complaint;
 - b. The name of the individual(s) alleged to have committed the Wrongdoing and any other parties involved;
 - c. The date and time period of the alleged Wrongdoing;
 - d. Any potential financial interests and rewards;
 - e. Possible violations of law or College policy;
 - f. Any other information useful in evaluating the Safe Disclosure; and
 - g. The name and contact information of the individual making the Safe Disclosure (the Complainant). *The complaint may be made anonymously but the Complainant should be aware that this may limit the ability of the College to respond and investigate the allegation of Wrongdoing.*

B. Receipt of a Safe Disclosure – Dean or Director

1. The individual to whom the Safe Disclosure was sent acknowledges receipt of the Safe Disclosure in writing or via email within five (5) business days.
2. The individual receiving the Safe Disclosure will record, in writing, the details of the Safe Disclosure including:
 - a. The date and time the Safe Disclosure was received;
 - b. The name of the Complainant (unless the Complainant has requested anonymity);
 - c. The name of the Respondent; and
 - d. The full details of the Safe Disclosure.
3. The individual will promptly refer the Safe Disclosure to the Vice President Corporate.

C. Receipt of a Safe Disclosure – Vice President Corporate (or designate, which is the Director, Human Resources)

1. If the Safe Disclosure has not yet been acknowledged, the Vice President Corporate will acknowledge receipt of the Safe Disclosure within five (5) business days after it is received by the Vice President Corporate.
2. The Vice President Corporate will review the following with the Complainant, if the Complainant is not anonymous:
 - a. This procedure;
 - b. Potential alternative procedures for dealing with the matter;
 - c. Confidentiality protections;
 - d. The record keeping process; and
 - e. The College's commitment to protect the Complainant from reprisal.
3. The Vice President Corporate ensures that all parties involved are aware of the resources/supports available to them and provides updates to all parties as needed.

D. Initial Assessment

1. The Vice President Corporate conducts an initial assessment to determine whether to initiate a formal investigation, using the following criteria:
 - a. Can the matter be effectively resolved through an alternative, informal process with the agreement of all parties involved;
 - b. Is the matter more appropriately dealt with through another established RDC policy or process (e.g. employment grievances, performance management issues);
 - c. Is the Safe Disclosure trivial, frivolous, vexatious, or an abuse of process;
 - d. Is the information provided specific enough to undertake an investigation; or
 - e. Is the Safe Disclosure within the College's authority to investigate?
2. Within ten (10) business days of receipt of the Safe Disclosure, the Vice President Corporate notifies the individual who made the Safe Disclosure of the results of the initial assessment and advises them as to the action the College will take.

3. If the Vice President Corporate determines that the matter constitutes an imminent risk of substantial or specific danger to the life, health, or safety of individuals, or to the environment, the Vice President Corporate reports the matter to the Public Interest Disclosure Commissioner as soon as is reasonably practical. The President is also informed.
4. If the Vice President Corporate determines through their initial assessment that the submission does not meet the definition of Wrongdoing as defined in College policy and this Guidebook and the matter should be more appropriately dealt with through another established RDC policy or process (e.g. employment grievances, performance management issues), they will initiate the appropriate process.
5. If the Safe Disclosure is outside the College's scope or jurisdiction, the Vice President Corporate forwards the matter to the appropriate entity or authority (e.g., a department of the government, another public entity, or an office of the Legislature).

E. Investigating Safe Disclosures

1. If the Vice President Corporate determines that resolution of the Safe Disclosure requires a formal investigation, the Vice President Corporate either conducts the investigation or appoints a person or person(s) to an investigating team to conduct the investigation. The investigating team may include external experts, where considered appropriate by the Vice President Corporate.
2. The investigation is concluded not more than one hundred and ten (110) business days from the date on which the Safe Disclosure was received. The President can grant an extension of up to thirty (30) business days for investigation, if required. The President may extend the time limit for a longer period with the consent of the Public Interest Disclosure Commissioner.
3. In the event of multiple Safe Disclosures being received concerning the same matter, the Vice President Corporate may determine that one single investigation is conducted in relation to the multiple Safe Disclosures received.
4. If in the course of an investigation, the Vice President Corporate has reason to believe that another Wrongdoing has been committed, or may be committed, they report the matter to the President. The President instructs the Vice President Corporate to investigate the matter further, or to appoint a team to initiate a separate investigation.

F. Reporting Investigative Outcomes

1. The reporting process includes the opportunity for Complainants and Respondents to receive clarification of the investigator's findings, if needed.
2. After the report is finalized, the Vice President Corporate reports the outcomes of investigations of Safe Disclosures to the President. Recommendations included in an Investigation Report are reviewed and a plan developed to take any necessary actions.
 - a. When an investigation determines a finding of Wrongdoing, the Vice President Corporate will establish a recommendation for:
 - i. Disciplinary actions up to and including termination;
 - ii. Development of or changes to policy, guidelines, procedures, or practices;
 - iii. Correction of records;
 - iv. Referral of the matter to an external agency for further investigation or prosecution;

- v. System changes; or
 - vi. Development of education or training programs for employees.
3. Individuals may be subject to discipline, up to and including termination of employment, if they:
 - a. File a Safe Disclosure in bad faith;
 - b. Make an allegation without having reasonable grounds for believing it to be substantially true;
 - c. Make an allegation for the purposes of personal gain; or
 - d. Make an allegation in a malicious, frivolous, or vexatious manner.
 4. The Vice President Corporate may delegate authority within the College for the implementation of recommendations and follow up of same.
 5. If the Vice President Corporate is the subject of the investigation and discipline, the President determines and implements any discipline.
 6. The Vice President Corporate advises the Complainant and Respondent when the investigation is complete and informs them of the outcome of the investigation, except to the extent that such information would compromise the privacy of any individual involved in the investigation.
 7. The Vice President Corporate submits an annual report of Alberta *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA) Safe Disclosures and resolution to the Public Interest Disclosure Commissioner.

G. Reprisal

1. Participants in an investigation may report any concerns regarding reprisal directly to the Vice President Corporate. All complaints of reprisals for Safe Disclosures made under PIDA are managed and investigated by the Public Interest Disclosure Commissioner.
2. The discipline identified in this Guidebook is in addition to, and apart from, any other sanctions that may be provided for by law. Any discipline will be undertaken in accordance with relevant collective agreements and terms and conditions of employment.

H. Records

1. Files regarding Safe Disclosures of Wrongdoing shall be maintained separately and apart from operational files and access shall be restricted to the President, the Vice President Corporate, or the person appointed by the Vice President Corporate to maintain these records, the investigator or investigating team members, legal counsel, and any other staff members who require access in order to carry out their employment duties.
2. Files, electronic or paper, shall be stored in such a manner as to ensure security of information is paramount. Paper files shall be clearly marked as investigation files, shall include a prominent warning on the front of the file, and shall be maintained in a secured, locked filing cabinet. Electronic files shall be password protected.

DEFINITIONS:

College: Red Deer College

Complainant: the person making a Safe Disclosure.

Investigation Report: the written report summarizing the investigation and the investigators findings including:

1. Findings of fact;
2. Assessment of all of the evidence; and
3. An analysis and conclusion as to whether or not the complaint was substantiated.

Reprisal: Retaliatory Measures that are taken against an individual because the individual has sought advice about making a Safe Disclosure, made a Safe Disclosure in good faith, cooperated in an investigation of a Safe Disclosure, or declined to participate in behaviour that would breach College policy.

Retaliatory Measures include:

1. A dismissal, layoff, suspension, demotion or transfer, discontinuation, or elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand;
2. Any act that adversely affects the employment, working conditions, or education of the individual; and
3. A threat to do any of the above.

Respondent: an individual who is alleged to have breached the Alberta *Public Interest Disclosure (Whistleblower Protection) Act* (PIDA), the Employee Code of Conduct or, where applicable, other College policy.

Safe Disclosure: any Safe Disclosure:

1. Made pursuant to the PIDA;
2. Involving an allegation of a breach of the Employee Code of Conduct; or
3. Involving an allegation of a breach of any other College policy.

Wrongdoing:

1. A contravention of a statute of Alberta, a regulation made pursuant to a statute of Alberta, an Act of the Parliament of Canada, a regulation made pursuant to an Act of the Parliament of Canada, or breach of College policy;
2. 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 individual;
3. An act or omission that creates a substantial and specific danger to the environment;
4. Gross mismanagement of public funds or a public asset;
5. Commission of an act or retaliation or reprisal in relation to a Safe Disclosure made pursuant to this Guidebook;
6. Knowingly directing or counselling an individual to commit a Wrongdoing; or
7. Misconduct involving possible fraudulent or unethical use or misuse of College resources, property, or any other activities that constitute criminal activity in the workplace, a threat to public safety, or serious breach of stewardship.