

TITLE: SAFE DISCLOSURE (WHISTLEBLOWER)

POLICY STATEMENT:

Red Deer College is committed to promoting and maintaining a work and learning environment that reflects the highest standards of integrity and accountability consistent with applicable laws, regulations, College values and policies.

Red Deer College encourages individuals to bring forward information, in good faith, concerning allegations of wrongdoing. The College does not tolerate reprisal, directly or indirectly against anyone who makes a report in good faith.

PURPOSE:

Red Deer College has a duty to conduct its operations in a transparent manner and to ensure that practices are consistent with legislation and internal policies. The purpose of this Policy is to:

- a) facilitate the disclosure and investigation of significant and serious matters that an employee believes may be unlawful, dangerous to the public or injurious to the public interest
- b) protect employees who make those disclosures
- c) manage, investigate and make recommendations respecting those disclosures and any reprisals, and to
- d) promote employee and public confidence in the administration of Red Deer College

SCOPE:

This policy applies to all students, employees, clients, contractors, partners, and visitors of Red Deer College.

PRINCIPLES:

1. Policies at RDC:
 - 1.1. Treat all persons fairly and respectfully.
 - 1.2. Are non-discriminatory and non-intrusive.
 - 1.3. Incorporate open, honest and timely communication.
 - 1.4. Are made in a timely manner.
 - 1.5. Provide appropriate confidentiality and privacy.
 - 1.6. Provide appropriate access to the College and education.
 - 1.7. Ensure that all persons have access to informed support regarding policies, procedures, rights and responsibilities.
 - 1.8. Operate with clear written expectations for conduct and handling of complaints.
 - 1.9. Meet all regulatory standards.
 - 1.10. Maintain and clearly state a high standard of instruction and administration in all areas of educational programs and services.

1.11. Are communicated in alternate forms to those who require such accommodation.

2. The following principles apply specifically to this policy:

2.1 The College expects that its employees conduct themselves in an ethical manner consistent with legislation, policy and, where applicable, professional practice standards.

2.2 All employees share the responsibility to report, in good faith, any allegations of wrongdoing to the College.

2.3 The College responds to any allegations in a thorough, systematic and confidential manner consistent with *Alberta's Public Interest Disclosure (Whistleblower Protection) Act*.

2.4 In the event that the VP Corporate determines that the disclosure reveals behavior or activity that may be against the law, the College reserves the right to inform law enforcement officials.

2.5 The principles of natural justice and procedural fairness apply to investigations into disclosures of wrongdoing, including:

2.5.1 Conducting the investigation in an objective, unbiased, impartial manner.

2.5.2 Impartially assessing the credibility of the employee(s) making the disclosure, and any witnesses. Where necessary, conclusions as to credibility are included in the investigation report.

2.5.3 Treating employee(s) alleged to have been involved in wrongdoing fairly and consistently and in compliance with this policy, applicable legislation if any, and collective agreements where applicable.

2.5.4 Allowing the person who is the subject of the disclosure full opportunity to know and respond to the allegations made against them. This does not include a right to know the identity of the person who made the allegation.

2.5.5 Allowing all relevant parties to be heard and their submissions considered.

2.5.6 Reporting the results of the investigation to the person who is the subject of the disclosure and notifying him or her of any actions or discipline decided as a result of the investigation.

DEFINITIONS:

Act or PIDA: The *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012 c. P-39.5, and regulations thereunder, as they are amended from time to time.

Chief Officer: As described under the Act, is the head of the public body responsible for the overall administration and reporting requirements under the legislation. The President is the Chief Officer for Red Deer College.

Commissioner: Public Interest Commissioner who is appointed by the Government of Alberta to provide oversight of the Act and to handle, in certain situations, cases of wrongdoing and reprisal.

Designated Officer: Is described under the Act as the senior administration member identified by the Chief Officer to oversee the Safe Disclosure policy and related procedures and liaise with the Government of Alberta's Office of the Public Interest Commissioner. The VP Corporate is the Designated Officer for Red Deer College.

Disclosure: Any submission of information that is not frivolous, vexatious or made in bad faith concerning an actual or perceived wrongdoing.

Reprisal: Retaliatory measures that are taken against a member of the college community because an individual makes a safe disclosure, which could include:

- a. Disciplinary action
- b. Demotion or failure to promote the person
- c. Termination of employment
- d. Any act that adversely affects the employment, appointment or assignment of the person and/or
- e. A threat to do any of the above.

Wrongdoing:

- a. A contravention of a statute of Alberta, a regulation made pursuant to a statute of Alberta, an Act of the Parliament of Canada, or a regulation made pursuant to an Act of the Parliament of Canada.
- 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 individual.
- 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 wilful disregard for the proper management of:
 - public funds or a public asset
 - the delivery of a public service
 - employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of RDC related to bullying, harassment, or intimidation.
- e. Commission of an act or retaliation or reprisal in relation to a disclosure made pursuant to this policy.
- f. Knowingly directing or counselling an individual to commit a wrongdoing identified in “a” to “e” above.
- g. 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.

GUIDELINES:

1. Individuals are encouraged to first consider the use of current processes in other RDC policies and procedures (if they exist) to report improper activity or address work/learning environment concerns. If those channels do not address the particular circumstances, or do not exist, individuals may bring forward a concern through this policy and its related procedures. This policy does not replace any provisions in other policies.
2. Anyone making a disclosure under this policy must put their name on any submissions. The identity of the person making the disclosure is kept confidential, if so requested, for as long as is possible, provided that this is compatible with a proper investigation into the alleged wrongdoing. Participants involved in an investigation of wrongdoing are expected to maintain confidentiality of the proceedings. Information about disclosures is only shared with those

authorized to address the situation. Consultation with support people or other representation is not considered a breach of confidentiality.

3. A disclosure may not proceed to formal investigation under this policy if:

3.1 The matter may be effectively resolved through an alternative, informal process with the agreement of all parties involved; or

3.2 The matter is more appropriately dealt with through another established RDC policy or process; (e.g. employment grievances, performance management issues, procedures in the Discrimination, Harassment, and Bullying Policy); or

3.3 The matter is determined to be trivial, frivolous, vexatious, or an abuse of process.

For a matter to be considered frivolous or vexatious or an abuse of process:

3.3.1 the allegation must be such that no reasonable person would treat it as bona fide; or

3.3.2 the matter was not brought forward in good faith or on the basis of a reasonable belief; or

3.3.3 the information provided is not specific enough to undertake an investigation; or

3.3.4 the subject matter is not within the College's authority to investigate.

4. In the event that the wrongdoing is alleged to involve the President, the disclosure is made to the Public Interest Commissioner of Alberta, pursuant to the Act.

5. When an investigation determines that an individual has engaged in wrongdoing, the individual may be subject to discipline, up to and including termination of employment or expulsion from academic studies. The VP Corporate determines and implements any discipline under this policy. If the VP Corporate is the subject of the investigation and discipline is warranted, the action is taken by the President.

6. An individual may be subject to discipline, up to and including termination of employment, if they:

- File a disclosure in bad faith; or,
- Make an allegation without having reasonable grounds for believing it to be substantially true; or,
- Make an allegation for the purposes of personal gain; or
- Make an allegation in a malicious, frivolous or vexatious manner.

7. The discipline identified under this policy is in addition to, and apart from, any other sanctions that may be provided for by law. Any discipline arising under this policy is undertaken in accordance relevant policies, collective agreements and/or terms and conditions of employment.

PROCEDURES:

1. As per the RDC Reporting and Investigating Safe Disclosures Guidebook.
2. The Human Resources Division publishes and maintains the RDC Reporting and Investigating Safe Disclosures Guidebook on the RDC portal with processes and timelines for receiving, assessing, investigating and reporting disclosures.

OFFICER RESPONSIBLE: Vice President Corporate

RECOMMENDING AUTHORITY: Service Council, upon recommendation from Deans' Council

CONSULTATION FOR REVIEW: Senior Administration, Manager Risk Services and Procurement, Constituency Presidents

POLICY REVIEW DATE: December 2024

EFFECTIVE DATE: January 1, 2019

REVISION HISTORY: January 1, 2019 (revised and renamed Safe Disclosure (Whistleblower) Policy)
May 1, 2007 (Reporting of Fraudulent or Unethical Conduct in the Workplace and Protection of Informants Policy)

RELATED POLICIES:

- [Academic Freedom](#)
- [Conflict of Commitment](#)
- [Conflict of Interest](#)
- [Employee Code of Conduct](#)
- [Harassment and Discrimination](#)
- [Integrity in Research and Scholarship](#)
- [Information Access and Protection of Privacy](#)
- [Sexual Violence](#)
- [Student Academic Integrity and Academic Misconduct](#)
- [Student Misconduct: Non-Academic](#)
- [Residence Discipline and Dishonesty](#)

CONNECTION TO BOARD POLICIES:

All RDC policies support relevant Board of Governors operational policies.