

PUBLIC INTEREST DISCLOSURE ACT POLICY

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TABLE OF CONTENTS

- POLICY STATEMENT
- PURPOSE
- SCOPE
- DEFINITIONS
- DUTIES AND RESPONSIBILITIES
- CONSEQUENCES OF NON-COMPLIANCE
- PROCEDURES ASSOCIATED WITH THIS POLICY
- SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES
- RELATED ACTS AND REGULATIONS
- RELATED COLLECTIVE AGREEMENTS

POLICY STATEMENT

Northern Lights College (“NLC” or the “College”) is committed to maintaining the highest standards of ethical conduct and promoting a culture of honest, transparent, and accountable behavior. Employees are encouraged to report Wrongdoing as defined by this Policy through this Policy and the related Procedures.

The *Public Interest Disclosure Act* (“PIDA”) protects an employee who in good faith requests advice about making, or makes, a disclosure of Wrongdoing or complaint about reprisal. PIDA also protects employees and contractors who in good faith cooperate with an investigation under PIDA. NLC is committed to its obligations under PIDA and adopts this Policy and Procedures to meet them.

NLC will protect the privacy of those involved in such requests for advice, disclosures, and investigations in accordance with all applicable law, including PIDA and privacy laws.

PURPOSE

The purpose of this Policy and related Procedures is to establish processes in compliance with PIDA for:

- employees and former employees to seek advice on and make disclosures in good faith about wrongful or unlawful conduct without fear of retaliation or reprisal;

- the College to manage and investigate disclosures, and report the outcomes of investigations;
- employees, contractors, and former employees to cooperate with investigations without fear of retaliation or reprisal; and
- the College to protect the privacy of people involved in disclosures, investigations, and reports.

SCOPE

The Policy applies to employees, directors, and officers of the College, and to former employees who were employed when a Wrongdoing occurred or was discovered.

This Policy applies to **Wrongdoing**, in or related to the College, 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 public funds or public 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.

Nothing in this Policy or PIDA limits an employee's rights or remedies that may be available under a collective agreement, contract, or law, except to the extent that the collective agreement or contract restricts an employee's rights under PIDA. The Policy establishes a separate reporting procedure for employees to disclose specific types of improper activity, referred to as Wrongdoing, and does not affect an employee's duty to report other misconduct or improper activity under [Standards of Ethical Conduct policy](#) or right to raise concerns under an applicable law, contract, or policy.

DEFINITIONS

In this Policy and the Procedures, terms have the same meaning as set out in the *Public Interest Disclosure Act*, except as further defined below:

"Designated Officer" means the following senior official designated to do the following or, in the event the senior official designated is disqualified from acting, the official who is responsible under the section *Referral of Disclosure to Designated Officer* in the Procedures to:

- a) Receive requests for advice: Vice President, Community Relations, and Institutional Strategy
- b) Receive and investigate disclosures: Vice President, Community Relations, and Institutional Strategy.

“**Disclosure**” means a report of Wrongdoing made under this Policy;

“**Investigation**” means an investigation of a Disclosure undertaken by the College under this Policy or by the Ombudsperson under PIDA;

“**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](#), or
- c) in any other case, an appropriate police force in British Columbia.

“**Respondent**” means a person about whom allegations of Wrongdoing are made;

“**Supervisor**” means:

- a) for employees, the employee’s administrator, manager, or supervisor, as applicable;
- b) for directors or officers, the Chair of the Board of Governors.

“**Wrongdoing**” has the meaning described above under the heading “Scope”.

POLICY STATEMENT & PRINCIPLES

1. NLC is committed to supporting ethical conduct in its operations, including by receiving, investigating, and responding to Disclosures and by providing information about PIDA, this Policy and the Procedures, and seeks to foster a culture in which employees are encouraged to disclose Wrongdoing.
2. NLC will follow this Policy and the Procedures in Investigations of Disclosures that it receives under this Policy in accordance with the principles of procedural fairness and natural justice.
3. NLC will not commit or tolerate reprisals against any employee who, in good faith, makes a request for advice, makes a Disclosure, cooperates in an Investigation, or makes a complaint

about reprisal, or against any contractor which has cooperated in an Investigation, under this Policy.

4. NLC is committed to protecting the privacy of disclosers, Respondents and those who cooperate in Investigations in a manner that is consistent with its obligations under PIDA and the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). All reporting under this Policy will be in compliance with PIDA and FIPPA.

DUTIES AND RESPONSIBILITIES

1. All employees are responsible for acting with honesty, integrity and accountability and complying with applicable law and policy in their work and dealings with others at the College.
2. Employees must make Disclosures in good faith based on a reasonable belief that Wrongdoing has or is about to occur, in accordance with this Policy and Procedures.
3. Employees must not engage in any reprisal against a person who has, in good faith, requested advice about making a Disclosure, has made a Disclosure or complaint about reprisal, or has cooperated in an Investigation under this Policy.
4. The President and Chief Executive Officer is responsible for administering this Policy, assigning the role of Designated Officer, ensuring that instruction is available to all employees about PIDA, this Policy and the Procedures, and preparing an annual report on disclosures of Wrongdoings made in that year in accordance with section 38 of *PIDA*. In the event that the President is unable or unavailable to perform their duties under this Policy, the President may delegate their authority in writing to other senior officials of the College.
5. The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this Policy and Procedures.
6. Supervisors are responsible for responding to requests for advice from employees, receiving Disclosures and referring Disclosures to the Designated Officer, or another appropriate senior official, as set out in the Procedures.
7. Everyone involved in an Investigation must treat all related information as confidential and everyone must protect any personal information collected, used, or shared as part of a request for advice, Disclosure, complaint about reprisal or Investigation to the extent possible under applicable legislation, policy and collective agreements.
8. Nothing in this Policy relieves those responsible for the administration and management of the College from their responsibilities to address Wrongdoing or other types of misconduct or improper activity in accordance with good management practices and other policies, guidelines, and procedures.

CONSEQUENCES OF NON-COMPLIANCE

1. An employee found to have engaged in Wrongdoing may be subject to disciplinary action, up to and including termination of employment.
2. An employee who makes a bad faith, malicious or intentionally false Disclosure may be subject to discipline, up to and including termination of employment.
3. Breach of confidentiality and privacy is a serious offence. An employee who does not strictly protect confidentiality and privacy as required by this Policy and Procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.
4. The College will not tolerate any reprisal against any person who has, in good faith, requested advice, made a Disclosure or complaint of reprisal, or cooperated in an Investigation under this Policy, including any contractor who has cooperated in an Investigation. This protection does not apply to protect an employee from the consequences of their own Wrongdoing, misconduct, or improper activity unrelated to their rights under PIDA. An employee who engages in any such reprisal may be subject to discipline, up to and including termination of employment.
5. In addition to disciplinary consequences, it is a provincial offence under PIDA to obstruct, make a false statement to, or mislead or attempt to mislead, a person in the performance of their duties, powers, or functions under PIDA, which is punishable upon conviction by a fine.

PROCEDURES ASSOCIATED WITH THIS POLICY

H-2.07.1 Public Interest Disclosure Procedures (in development)

SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

- H-2.07.2 Protected Disclosure Form (in development)
- [Standards Of Ethical Conduct H-1.13](#)
- [Health and Safety H-1.10](#)
- [Respectful Workplace H-1.11](#)
- [Release of Information H-2.04](#)
- [Whistleblower Policy A-5.03](#)

RELATED ACTS AND REGULATIONS

[College and Institute Act](#)
[Criminal Code](#)
[Emergency and Disaster Management Act](#)
[Personal Information Protection Act](#)
[Public Interest Disclosure Act](#)
[Freedom of Information and Protection of Privacy Act](#)
[Standards of Conduct BC](#)

[BC Ombudsperson](#)

RELATED COLLECTIVE AGREEMENTS

[Support Staff Collective Agreement](#)

[Faculty Common Agreement](#)

[Faculty Collective Agreement](#)

Terms and Conditions of Employment for Exempt Employees (in development)