



## SAFE DISCLOSURE POLICY

Policy Area:	Board		
Policy Number:	SFDPL_2503R_BG/VPC		
Policy Sponsor:	CFO & Vice President Corporate Services		
Policy Contact:	Governance and Privacy Coordinator		
Applies to:	Board of Governors, Employees		
Authority:	<i>College and Institute Act</i>		
Approval Authority:	Board of Governors		
Approval Date:	March 11, 2025		
Effective Date:	March 31, 2025		
Replaces:	Safe Disclosure Policy (E.1.13)		
Last reviewed:	February 2025	Scheduled review date:	February 2029

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Procedures: *Procedures for Reporting Wrongdoing or Fraud*

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### 1. Policy Statement

Okanagan College encourages all Employees to report potential or suspected Wrongdoing following the *Procedures for Reporting Wrongdoing or Fraud*. Reports should be made in good faith and be based on reasonable grounds. Employees making a Disclosure under this Policy are protected from Retaliation or reprisal.

### 2. Purpose

The purpose of the Safe Disclosure Policy is to outline the College's obligations under the Public Interest Disclosure Act including a process by which Employees may raise concerns about potential or suspected Wrongdoing that may otherwise not come to light.

### 3. Scope and Application

This policy applies to all current and former Employees who were employed by Okanagan College at the time a Wrongdoing occurred or was discovered. This Policy does not apply to members of the public, volunteers, or to students.

This Policy does not replace other mechanisms set out in College policies for addressing and enforcing standards of conduct, disputes, complaints or grievances, including issues of discrimination, bullying

and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

#### 4. Definitions

<b>College Community</b>	Means Students, Employees, members of the Board of Governors of the College, contractors, volunteers and visitors.
<b>Conflict of Interest</b>	Means any situation where an employee has Personal Interests, whether direct or indirect, that are in conflict, potentially in conflict or could result in the reasonable perception of a conflict, with the interests of the College. This includes, but is not limited to, situations where the independence, impartiality and interest objectivity the employee is obliged to exercise in the performance of their duties and responsibilities could be compromised. A Conflict of Interest can occur in three ways: 1) an actual conflict of interest refers to a situation where an employee takes some action or exercises a power or performs a duty or responsibility, and in doing so, there is the opportunity to further the employee's Personal Interests; 2) a potential conflict of interest refers to a situation where an employee's Personal Interests could influence the exercise of the employee's actions, power or performance of their duties or responsibilities to the College; 3) a perceived conflict of interest refers to a situation where an informed person might reasonably hold an apprehension that a conflict of interest exists on the part of the employee in relation to a Personal Interest. A perceived conflict of interest is determined by the perception of a reasonable person (a hypothetical member of the public) who is reasonably well informed."
<b>Discloser</b>	Means an Employee who requests advice or makes a disclosure or a complaint about a reprisal under the Public Interest Disclosure Act.
<b>Disclosure</b>	Means the statement of alleged facts made by a Discloser seeking recourse under this Policy.
<b>Employee</b>	Means any person employed by (or has an appointment with) the College. For the purposes of this policy, Employee includes members of the Board of Governors.
<b>Designated Officer</b>	Means the Employees designated by the President who are responsible for receiving requests for advice and receiving and investigating disclosures of Wrongdoing under this policy.
<b>Fraud</b>	Means any intentional act or omission designed to deceive others, resulting in the victim suffering a loss or the perpetrator achieving a gain. Fraud may be committed by individuals or groups and may occur in financial transactions, academic operations, or other College functions.
<b>Retaliation (or Reprisal)</b>	Means any actions recommended, taken, or threatened by an Employee where those actions are motivated in whole or in part by the desire to make reprisal against an Employee for having engaged in a making a complaint or participated in an investigation and, includes counselling another person to engage in conduct that would constitute Retaliation if it was undertaken by the Employee.

Some examples of Retaliation include:

- a) Reducing an employee's hours.
- b) Transferring, reassigning, or excluding an employee to a less desirable position, shift, or location.
- c) Denying an employee a positive performance evaluation that they deserve. Engaging in harassment, abuse, or scrutiny of an employee or student.
- d) A threat to do any of the above.

The following will not constitute Retaliation:

- e) For employees making appropriate decisions in connection with matters related to discipline, work assignments, scheduling, and performance reviews.
- f) Engagement in good faith in any legal or investigatory proceedings.
- g) Responsible exercise of academic freedom, freedom of expression, and freedom of inquiry.
- h) Making a formal complaint in good faith.
- i) Any corrective or disciplinary action made in good faith in respect of an OC Employee pursuant to recommendations made during an Investigation.

**Supervisor**

Means the person to whom an Employee reports.

**Respondent**

Means any Employee or member of the College Community against whom an allegation has been made under this Policy or Procedures.

**Wrongdoing**

Means (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 a wrongdoing as described above.

Wrongdoing may also include unlawful or fraudulent activities such as accounting irregularities, suspicious financial activity, corruption, fraud, theft of College funds, property or assets.

## 5. Principles

- 5.1 Okanagan College expects Employees to act with honesty, integrity and in good faith and to be familiar with Okanagan College policies.
- 5.2 Okanagan College is committed maintaining a culture of transparency and accountability while ensuring the safety of Employees reporting Wrongdoing.
- 5.3 Any Employee who makes an intentionally false Disclosure may be subject to discipline, up to and including termination of employment.
- 5.4 The College recognizes that human error is distinguishable from Wrongdoing by the absence of intent. The College 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 under this policy.

## 6. Roles and Responsibilities

### *Okanagan College*

- 6.1 The College encourages Employees to make Disclosures of Wrongdoing and is committed to informing all employees about this Policy and their rights under the Public Interest Disclosure Act.

### *Employees*

- 6.2 Employees who make Disclosures of Wrongdoing are expected to do so in good faith based on a reasonable belief that Wrongdoing has and/or is about to occur in accordance with this Policy and Procedures.
- 6.3 Employees are required to maintain confidentiality and cooperate with investigations initiated under this Policy.

### *Designated Officers*

- 6.4 The following is a list of Designated Officers for Okanagan College under this Policy:
  - a) Governance and Privacy Coordinator
  - b) College Financial Officer and Vice President, Corporate Services
  - c) Provost and Vice President Academic
  - d) Vice President Enrolment and College Relations
  - e) Associate Vice President, People Services
- 6.5 Designated Officers are responsible for the following:
  - a) Receiving reports of Wrongdoing directly from any current or past Employee.
  - b) Receiving, reviewing, and investigating Disclosures in an expeditious, fair, and proportionate manner as appropriate in the circumstances.
  - c) Providing advice on any potential Disclosure, report of Wrongdoing, or reprisal complaints.
  - d) Ensuring the Safe Disclosure Policy and the Procedures for Reporting Wrongdoing are readily available to members of the College Community.

- e) After reviewing the Disclosure, determining whether a formal investigation will take place. Some investigations may be referred to the Ombudsperson.
- f) Assessing the risk of reprisal to the Employee making a Disclosure or requesting advice under this Policy.
- g) To conduct investigations promptly and in a manner that is discreet, independent, fair and proportionate to the significance of the reported Wrongdoing.
- h) Monitoring compliance with this Policy and ensuring there are no Conflicts of Interest on the part of any party involved in an investigation.
- i) Receiving investigative reports following a reported Wrongdoing and determining any corrective actions, if necessary, based on the findings of the report, circumstances of the Wrongdoing and in accordance with other relevant College policies and Collective Agreements.
- j) Maintaining confidentiality of the identity of a disclosing Employee and others involved in the Disclosure process, as well as the confidentiality of any information collected during an investigation to the fullest extent possible.
- k) At the end of an investigation provide a summary report to the Discloser and other appropriate persons, including those who may be adversely affected by the report, such as the Respondent alleged to have committed the Wrongdoing.

#### ***Supervisor Responsibilities***

- 6.6 Supervisors are responsible for providing Employees with advice on any potential Disclosure, report of Wrongdoing, or reprisal complaints and referring such Disclosures to a Designated Officer.
- 6.7 Supervisors will maintain confidentiality of the identity of a disclosing Employee and others involved in the Disclosure process, as well as the confidentiality of any information collected to the fullest extent possible.

#### ***CFO and Vice President Corporate Services***

- 6.8 The CFO and Vice President Corporate Services is reports to the Finance, Audit and Risk Committee of the Board of Governors semi-annually on the number and types of reports received under the Reporting Wrongdoing Procedures.

#### ***Ombudsperson***

- 6.9 Employees may make a Disclosure to the Office of the Ombudsperson rather than directly to the College. Under PIDA, the Ombudsperson has a mandate to investigate allegations of reported Wrongdoing and make recommendations for corrective actions.
- 6.10 The Ombudsperson also investigates complaints from Employees who believe they are experiencing reprisal for reporting Wrongdoing, seeking advice, or cooperating with an investigation under PIDA.
- 6.11 The Office of the Ombudsperson can also provide advice about PIDA to Employees and public bodies.

## 7. Compliance, Review, and Reporting

- 7.1 The Finance, Audit and Risk Committee of the Board of Governors receives a semi-annual report of Disclosures made under this Policy.
- 7.2 The College will publish an annual report that includes information on Disclosures of Wrongdoing made, in accordance with section 38 of the *Public Interest Disclosure Act*. The report will include the number of Disclosures and investigations started, and where Wrongdoing is found, recommendations for corrective actions or reasons for no action taken.
- 7.3 Reports will maintain the confidentiality and privacy of Disclosers and alleged Respondents and not include any information that unreasonably invades someone's privacy.

## 8. Related Acts and Regulations

*Financial Administration Act*  
*Freedom of Information and Protection of Privacy Act*  
*Public Interest Disclosure Act*

## 9. Supporting References, Policies, Procedures and Forms

*Code of Ethical Practices (Employees)*  
*Discrimination, Bullying and Harassment Policy*  
*Fraud Policy*  
*Procedures for Protection from Retaliation*  
*Student Non-Academic Misconduct Policy*

### History / Revisions

Date	Action
2025-03-11	Revision Approved by the Board of Governors: Safe Disclosure Policy (SFDPL_2503_BG/VPC)
2011-06-29	New Policy Approved by the Board of Governors: Safe Disclosure Policy (E.1.13)