

SAFE DISCLOSURE (“WHISTLEBLOWER”)

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Owner.

Category:	G. People & Culture
Parent Policy:	G25
Approval Date:	June 25, 2025
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Procedure Owner:	Chief People & Culture Officer

Overview:	<p>This procedure outlines:</p> <ul style="list-style-type: none"> • Reportable types of wrongdoings • Procedures for employees to report wrongdoings • Procedures for managing and investigating disclosures of wrongdoings • Annual reporting requirements <p>The procedure does not apply to alleged contraventions of internal policies or procedures, code of conduct matters, violations of collective agreements or individual disputes between employees relating to bullying, harassment or intimidation.</p>
Procedures:	<ol style="list-style-type: none"> 1. The <i>Public Interest Disclosure (Whistleblower Protection) Act</i> (the Act) facilitates the disclosure and investigation of wrongdoings. The types of wrongdoings specifically defined within the Act that may be reported and investigated are outlined in the definition in this policy and procedure. 2. <u>Procedures for Employees to Report Wrongdoings:</u> <p>Seeking Advice</p> <ol style="list-style-type: none"> a. Employees considering making a disclosure may seek advice about the disclosure process from their supervisor, their Designated Officer or from the Public Interest Commissioner. Employees are protected from any reprisal as a result of seeking advice. b. In circumstances where a complaint relates to a College Executive or a member of the Board of Governors, employees should seek advice from the Public Interest Commissioner. c. The office of the Public Interest Commissioner may be contacted at: <p>Email: info@pic.alberta.ca Phone: 1.855.641.8659 www.yourvoiceprotected.ca</p>

Reporting Wrongdoings

- a. Employees may make a disclosure as soon as perceived wrongdoings are recognized and do not need to take any other preliminary step to address their concern.
- b. Employees may report wrongdoings through the College's third-party reporting service, ConfidenceLine. Disclosures can be made via telephone at 1.800.661.9675 or online through the link found on the College website.
- c. Employees may also report wrongdoings by contacting the Designated Officer (employee-safedisclosure@oldscollege.ca). Disclosures must be submitted in writing using the [Safe Disclosure Form](#) and employees should clearly indicate they are making a disclosure under the Act. The Designated Officer for the College is the Chief People and Culture Officer.
- d. Employees who submit a disclosure of wrongdoing to the Designated Officer or through ConfidenceLine may also inform the Public Interest Commissioner of the disclosure. The Public Interest Commissioner will consult with the Designated Officer and monitor the outcome of the matter.

Anonymous Disclosures

- a. Employees considering making an anonymous disclosure should seek advice about doing so from the Public Interest Commissioner. If there is inadequate information provided about the wrongdoing, anonymous disclosures may not be acted upon if an investigation cannot be carried out fairly and effectively.

Disclosures Relating to College Executives or the Board of Governors

- a. Employees who have information about wrongdoings involving a College executive or a member of the Board of Governors should make their disclosure to the Public Interest Commissioner.

Reporting Reprisals

- a. The Act protects employees from reprisal who have, in good faith:
 - i. requested advice from a supervisor, the Designated Officer, or the Public Interest Commissioner about making a disclosure,
 - ii. made a disclosure under the Act,
 - iii. cooperated in an investigation under the Act,
 - iv. declined to participate in a wrongdoing, or
 - v. acted in accordance with the Act.
- b. The College supports employees who come forward in good faith to report wrongdoings. Reprisals taken against employees will not be tolerated. A reprisal is an offence under the Act. Anyone who takes, directs or counsels a reprisal against an employee is liable to prosecution under the Act in addition to disciplinary action, up to and including termination for cause.
- c. Employees who believe they have been the target of a reprisal must make a complaint of reprisal directly to the Public Interest Commissioner using the form on the Public Interest Commissioner's website.

3. Procedures for Managing and Investigating Disclosures of Wrongdoing:

Assessing Disclosures of Wrongdoing

- a. The Designated Officer must acknowledge receipt within five business days after reading the disclosure. Within 20 business

days, the Designated Officer must decide whether an investigation is required and notify the employee who made the disclosure of the decision and the reason for the decision.

- b. To establish jurisdiction over a complaint of wrongdoing under the Act, the Designated Officer will confirm the following:
 - i. the disclosure relates to actions by an employee of the College,
 - ii. the disclosure appears to have been made in good faith,
 - iii. the alleged wrongdoing occurred post enactment of the Act and less than two years have passed since the discovery of the wrongdoing,
 - iv. the allegation(s) appear to meet the definition of wrongdoing as defined in section 3 of the Act, and
 - v. the allegation(s) has a public interest component and are not based only on perceived wrongs perpetrated against the individual employee who made the disclosure. If the disclosure does not meet the jurisdiction of the Act, the Designated Officer must notify the employee who made the disclosure. The Designated Officer may refer the employee to a more appropriate process or alternate authority.
- c. An investigation is not required if:
 - i. the subject-matter of the disclosure would more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act or a regulation,
 - ii. the disclosure relates to a matter that would more appropriately be dealt with according to the procedures under a collective agreement or employment agreement,
 - iii. the disclosure is frivolous or vexatious, has not been made in good faith or does not meet the definition of a wrongdoing,
 - iv. the disclosure relates to a decision, action, or matter that results from a balanced and informed decision-making process on a public policy or operational issue,
 - v. the disclosure does not provide adequate particulars about the wrongdoing as required by section 13 of the Act to permit the conduct of a fair and effective investigation,
 - vi. more than two years has passed since the date that the wrongdoing was discovered, or
 - vii. there is another valid reason for not investigating the disclosure (e.g., the subject-matter of the disclosure is under investigation by another authority or is currently before the courts).
- d. Disclosures alleging gross-mismanagement of employees are jurisdictional under the Act when all of the following apply:
 - i. there is a pattern of behavior or conduct of a systemic nature by the alleged wrongdoer(s),
 - ii. the conduct or pattern of behavior indicates a problem within the culture of the College, including a department within the College,
 - iii. the conduct relates to systemic bullying, harassment, or intimidation, and
 - iv. the matter does not relate to an individual dispute between employees or between an employee and their supervisor.
- e. When assessing a disclosure alleging gross-mismanagement of

employees, Designated Officers shall consider whether all applicable mechanisms, including any human resource processes or processes under a collective agreement, to address bullying, harassment or intimidation within the organization have been used or considered. If all other mechanisms have not been used or considered first, the Designated Officer may refer the employee to the alternate process. If the matter is referred to an alternate process, the employee remains protected from adverse employment actions as a result of the initial disclosure or request for advice. If the matter is not resolved through the alternate process, the employee may return the matter to the Designated Officer. If no other mechanisms exist, there is a legitimate concern that the employees may become the target of a reprisal, or based on the nature of the allegation the Designated Officer believes the matter should be investigated under the act, the Designated Officer may investigate the matter.

- f. An employee who is dissatisfied with the Designated Officer's decision may bring the matter to the Public Interest Commissioner.

Assessing Good Faith

- a. Employees are required to make disclosures of wrongdoing in good faith.
- b. A disclosure is made in good faith if there is an honest and reasonable belief in the wrongdoing, the allegation is absent of clear malice and does not seek to deceive.
- c. In the absence of clear evidence of malice, the benefit of the doubt must be afforded to the employee in that the information was provided in good faith.
- d. A disclosure is not considered to be made in good faith if:
 - i. the disclosure is seeking to deceive the College,
 - ii. the allegations are non-serious (i.e., frivolous), or
 - iii. the allegations are vexatious in nature and seek to cause emotional or material harm to those accused of the wrongdoing.
- e. The College is not required under the Act to investigate a disclosure that has not been made in good faith. The Designated Officer will decline to investigate allegations that have not been made in good faith.
- f. The Act does not permit the College to penalize an employee with adverse employment measures when the Designated Officer has determined a complaint was not made in good faith (without consultation with the Public Interest Commissioner). Doing so may contravene the reprisal provisions of the Act.
- g. In serious instances where an employee knowingly makes a false or misleading statement when making a disclosure, the Designated Officer will consult with the Public Interest Commissioner to determine whether the conduct constitutes an offence under the Act.

Investigating Disclosures of Wrongdoing

- a. The Designated Officer will notify the Chief Officer prior to initiating an investigation into a disclosure of wrongdoing. The Designated Officer may consult with the Chief Officer regarding the management and investigation of the disclosure.
- b. The Designated Officer may request advice and support from the Public Interest Commissioner during the management and

investigation of a disclosure.

- c. The Designated Officer may choose to conduct the investigation themselves or designate an investigator, including retaining the services of a third party where appropriate and may request assistance from any individual while investigating the disclosure of wrongdoing.
- d. Prior to initiating an investigation, the Designated Officer or investigator will prepare terms of reference including:
 - i. the scope of the investigation,
 - ii. the human resources required to complete the investigation including external consultants and subject-matter experts,
 - iii. a preliminary list of witnesses to be interviewed,
 - iv. a preliminary list of records required for the purpose of the investigation, and
 - v. a timeline for completion of the investigation.
- e. The Designated Officer or investigator may collect, use, and disclose personal information, individually identifying health information, and any other information that is considered necessary to manage and investigate the disclosure of wrongdoing.
- f. The Designated Officer or investigator may require any employee of the College to provide information or record and give written or oral replies to questions for the purpose of investigating the disclosure.
- g. If, during an investigation, the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed, they may commence a new investigation and notify the Chief Officer.
- h. If the Designated Officer receives more than one disclosure of wrongdoing with respect to the same matter, a single investigation may be conducted rather than a separate investigation.
- i. The Designated Officer must conclude an investigation within 120 business days from the date the disclosure of wrongdoing was acknowledged. The Chief Officer, with the Public Interest Commissioner's permission, may extend the time period to complete the investigation as appropriate in the interest of a fair and efficient outcome.
- j. If the time period has been extended, the employee who submitted the disclosure must be promptly advised of when they may expect the next procedural step to occur or be completed.
- k. At the conclusion of an investigation, the Designated Officer must prepare a report for the Chief Officer outlining the allegations investigated, whether the investigation found wrongdoing occurred, and recommendations for corrective measures.
- l. The Chief Officer will consider the recommendations for corrective measures, implement applicable remedies to the wrongdoing and take appropriate disciplinary action as required, up to and including termination with cause.
- m. An employee who is dissatisfied with the outcome of the investigation by the Designated Officer or believes the matter has not been resolved may bring the matter to the Public Interest Commissioner.

Referring Disclosures of Wrongdoing

- a. The Designated Officer may refer a disclosure of wrongdoing to an alternate authority, including the Public Interest Commissioner.

Factors in considering whether to refer a disclosure of wrongdoing include:

- i. whether the subject-matter of the disclosure would more appropriately be dealt with by another authority,
 - ii. the complexity of the subject-matter of the disclosure,
 - iii. whether a real or perceived conflict of interest may exist,
 - iv. the resources and expertise required to conduct a fair and effective investigation, and
 - v. whether the subject-matter pertains to an individual whose position in the organization is superior to that of the Designated Officer.
- b. When a disclosure of wrongdoing is referred to an alternate authority, the employee who made the disclosure must be informed of the decision.

Matters Constituting an Imminent Risk

- a. Notwithstanding any other provision in this procedure, where the subject-matter constitutes an imminent risk of a substantial or specific danger to the life, health, or safety of individuals, or to the environment, the Designated Officer is authorized to notify any individual within the College and any appropriate authority required to respond to the danger, including calling 911, without the consent of the disclosing employee.
- b. The Designated Officer must also notify
 - i. the appropriate law enforcement agency,
 - ii. in the case of a health-related matter, the Chief Medical Officer of Health, and
 - iii. the department, public entity, or other entity responsible for managing, controlling, or containing the risk, if any exists.
- c. The Designated Officer must suspend any investigation into the matter and may only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been completed.

Matters Involving a Possible Offence

- a. If during an investigation the Designated Officer has reason to believe that an offence has been committed under a provincial or federal act or regulation, the matter must be reported to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.
- b. The Designated Officer must suspend any investigation into the matter and only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been completed.

4. Offences Under the Act:

- a. It is an offence to willfully obstruct, counsel or direct a person to willfully obstruct a Designated Officer in the performance of their duties.
- b. It is an offence to knowingly withhold material information or make a false or misleading statement, orally or in writing, to a Designated Officer.
- c. It is an offence to destroy, damage, or alter a document or thing, falsify a document or make a false document, conceal a document or thing, or direct or counsel to do any of the foregoing, knowing that the document or thing is likely to be relevant to an

investigation by the Designated Officer.

- d. The Designated Officer may seek advice from the Public Interest Commissioner when there is a concern that an offence may have been committed under the Act.

5. Procedural Fairness:

- a. Disclosures of wrongdoing will be investigated in an efficient, confidential manner that is guided by the concept of procedural fairness. This includes the right of an alleged wrongdoer(s) to be heard, and the right to have the matter investigated in an impartial manner.
- b. Where a disclosure of wrongdoing is determined to have merit, the alleged wrongdoer(s) has the right to know the nature of the allegations made against them.
- c. Where a disclosure of wrongdoing is determined to have merit, the Designated Officer must give the alleged wrongdoer(s) the opportunity to respond to the allegations and the relevant information used to support the allegation. The Designated Officer may receive a response verbally or in writing, in any manner determined to be fair and appropriate.
- d. The whistleblower, respondent, and witnesses have the right to obtain advice and representation from their association or union. Other support persons are at the discretion of the Designated Officer.
- e. The respondent has the right to be informed of the conclusion and the reasons for the conclusion.
- f. Whistleblowers must be informed that a report has been made to the Chief Officer but the extent that the Designated Officer informs the whistleblower about the investigation is discretionary.
- g. The Designated Officer must recuse themselves from an investigation where they believe they are in a conflict of interest, or when they believe a personal bias exists. The Chief Officer may appoint an alternate individual to function as the Designated Officer or may refer the matter to the Public Interest Commissioner.

6. Protecting Confidentiality:

- a. Designated Officers must protect the identity of employees who make disclosures of wrongdoings, individuals alleged to have committed wrongdoings, and witnesses who participate in investigations.
- b. Any person engaged by the Designated Officer or Chief Officer to assist with managing or conducting an investigation must protect the identity of the individuals involved in the disclosure process.
- c. The identity of employees who make disclosures, individuals alleged to have committed wrongdoings, and witnesses who participate in investigations, may only be revealed
 - i. to persons appointed as the Designated Officer,
 - ii. to the Chief Officer,
 - iii. to the Public Interest Commissioner,
 - iv. to persons engaged by the Designated Officer or Chief Officer to assist with managing or conducting an investigation,
 - v. to other persons when required by law, and
 - vi. when disclosing the identity of the whistleblower is absolutely necessary to ensure the right to procedural fairness is respected.

- d. The Designated Officer will inform those who participated in the investigation of the intent to reveal their identity prior to doing so. In the event of a dispute regarding the release of the identity of a party, the Designated Officer will seek advice from the Public Interest Commissioner.
- e. Where wrongdoing has been found, the Chief Officer, or the Board of Governors when it assumes this role, may identify the wrongdoer(s) to others within the organization or to external authorities for the purpose of taking appropriate corrective action.

7. Information Security and Access:

- a. The Designated Officer will ensure all information obtained through the course of an investigation is secured, remains confidential, and is only disclosed when necessary to manage and investigate disclosures of wrongdoing.
- b. The Designated Officer must maintain all records and information relating to investigations electronically in a secure network drive with access privileges restricted to the Designated Officer and Chief Officer. Where additional persons are required to assist with an investigation additional file permissions will be established for each specific case.
- c. Investigation related information must not be stored on the hard drive (i.e. desktop) of a computer or a portable media (i.e. USB flash drives).
- d. Paper evidence or evidence that cannot be converted electronically, must be stored in a secure location accessible only to the Designated Officer. If securing evidence is not possible, the Designated Officer may contact the Public Interest Commissioner for advice.
- e. There is no right of access under the Freedom of Information and Protection of Privacy (FOIP) Act to information that would reveal the identity of a person who has requested advice about making a disclosure, made a disclosure, or whose complaint has been referred to the Labour Relations Board pursuant to the Act. However, if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.

8. Annual Reporting Requirements:

- a. The Chief Officer will report annually as required by the Act, including
 - i. the number of disclosures received by or referred to the Designated Officer,
 - ii. the number of disclosures acted on, and the number of disclosures not acted on, by the Designated Officer,
 - iii. the number of investigations commenced by the Designated Officer,
 - iv. in the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing, and
 - v. if corrective measures in relation to the wrongdoing have not been taken, the reasons provided.
- b. The Chief Officer's report will be included in the College's Annual Report.
- c. The Chief Officer will not publicly identify an employee who requested advice, made a disclosure of wrongdoing or complaint

Definitions:

of reprisal, or publicly disclose individually identifying health information within the Annual Report.

Bad Faith: A disclosure or report which may be false, misleading or frivolous and:

- misuses or abuses the disclosure process;
- is not reasonably purposeful or constructive, with no reasonable or appropriate outcome that would resolve the subject matter of the disclosure; and/or
- is malicious, hostile, lacking in fairness and impartiality, dishonest, or generally against the concept of Good Faith Reporting.

Business Days: Means days that the College is open for business, excluding weekends and holiday closures.

Chief Officer: The President & CEO.

Commissioner: The Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act.

ConfidenceLine or Website: The external service provider established for receiving complaints under the Act.

Designated Officer: The Chief Officer or an individual appointed by the Chief Officer to manage and report on Protected Disclosures made in accordance with this Policy and related procedures.

Employee: An individual who is engaged to work for the College under an employment contract, including faculty, staff, exempt, casual and management employees.

Good Faith: A submission of information that is based on honest and reasonable belief, absent of clear malice, and does not seek to deceive.

Imminent Risk: Refers to situations that require immediate attention because they could pose significant risk to public health or safety, or impacts on the environment.

Investigation Report: The written report summarizing the investigation and the Investigators findings including: i. findings of fact; ii. assessment of all of the evidence; and iii. an analysis and conclusion as to whether or not the complaint was substantiated.

Investigator: The person or persons appointed by the Designated Officer to investigate a Protected Disclosure.

Principles of Procedural Fairness and Natural Justice: Means that the employee has a right to be heard in a fair and unbiased manner prior to a decision being made that may have a negative impact on their rights or interests. This includes being informed of the facts alleged and given the full opportunity to respond. However, this does not include being informed of the identity of a person(s) who have made a Protected Disclosure.

Protected Disclosure: Awritten report of Wrongdoing made in good faith by an Employee in accordance with the Act and this Policy and related procedures.

Respondent: The Employee who is alleged to have breached the Act, the Code of Conduct or where applicable, other College policy.

Retaliation and Reprisal: Actions or measures that are taken, or threatened to be taken against an individual for reporting a possible Wrongdoing, including but not limited to:

- a dismissal, layoff, suspension, demotion or transfer, discontinuation or

	<p>elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;</p> <ul style="list-style-type: none"> • any actions or measures, other than those mentioned in item (i) above, that adversely affects the employment or working conditions of a Personnel, Contractor or Student; • intimidation or coercion; and • harassment or discrimination. <p>Supervisor: Anyone with employees who directly report to them and in the case of a Board Member, means the Chair of the Board of Governors.</p> <p>Wrongdoing: The activity or conduct engaged in by an Employee in or relating to the College, as follows:</p> <ul style="list-style-type: none"> • A contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada • An act or omission that creates: <ul style="list-style-type: none"> ◦ 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 an employee, or ◦ A substantial and specific danger to the environment; • Gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of: <ul style="list-style-type: none"> ◦ Public funds or a public asset, ◦ The delivery of a public service, including the management or performance of: <ul style="list-style-type: none"> ■ A contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and ■ The duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or ◦ Employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; • Unethical behaviour in the care or use of live animals, including conducting teaching or research not approved by the Olds College Animal Care Committee or contravention of the Canadian Council on Animal Care. • Knowingly directing or counseling an individual to commit a wrongdoing mentioned in the above clauses.
Related Information:	Safe Disclosure Form
Review Period:	3 years
Revision History:	<p>New: 2014</p> <p>Revised: 2016</p> <p>Revised: October 2022</p> <p>Revised: June 2025</p>