

## 3.33 - Whistleblower Protection - Policy

Section: Human Resources  
Subject: Whistleblower Protection  
Policy: 3.33  
Approved: May 19, 2015  
Revised: November 1, 2015

### Overview

Carlton Trail College encourages all Board members, employees, students, contractors and volunteers, acting in good faith, to report suspected or actual wrongful conduct. The College is committed to protecting individuals from interference with making a protected disclosure and from retaliation for having made a protected disclosure or for having refused an illegal order as defined in this Policy.

College Board members, employees, students, contractors or volunteers may not retaliate against an individual who has made a protected disclosure or has refused to obey an illegal order. College Board members, employees, students, contractors or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of an individual to make a protected disclosure to the individual's immediate supervisor or other appropriate College official about matters within the scope of this Policy.

It is the intention of the College to take whatever action may be necessary to prevent and correct activities that violate this policy.

### Definitions

**Wrongful conduct:** A serious violation of College policy; a violation of applicable provincial or federal laws; or the use of College property, resources or authority for personal gain or other non-College related purpose except as provided under College policy.

**Protected disclosure:** Communication about actual or suspected wrongful conduct engaged in by a College Board member, faculty, staff, student, contractor or volunteer (who is not also the disclosing individual) based on a good faith and responsible belief that the conduct has both occurred and is wrongful under applicable law and/or College policy. Individuals who are aware of or have reason to suspect wrongful conduct should report the conduct to:

- the disclosing individual's supervisor, either verbally or in writing

- the appropriate governmental unit or law enforcement office, after first providing a written communication about the wrongful conduct to the appropriate College official

College Employees are protected by the *Saskatchewan Whistleblower Protection Act – Bill 609*.

**Retaliation:** Adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure.

## Policy

This Policy is intended to protect any individual who engages in good faith disclosure of alleged wrongful conduct to a designated College official or public body. More specifically it:

- encourages individuals to disclose wrongful conduct engaged in by others to the appropriate College official so that prompt, corrective action can be taken by the College
- informs individuals how allegations of wrongful conduct can be disclosed
- protects individuals from reprisal by adverse employment action or other retaliation as a result of having disclosed wrongful conduct (individuals who self-report their own misconduct are not afforded protection by this policy)
- provides individuals, who believe they have been subject to reprisal or false allegations, a fair process to address these allegations or acts

Any communication that proves to have been both unsubstantiated and made with malice or with knowledge of its falsity is not protected by this Policy. This Policy is also intended to protect individuals against false allegations of wrongful misconduct.

Nothing in this Policy is intended to interfere with legitimate employment decisions.

Anyone making a protected disclosure or filing a complaint concerning a violation or suspected violation of this Policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Policy.

Any Board member, employee, student, contractor or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of wrongful conduct or a subsequent false report of retaliation will be subject to disciplinary action, up to and including termination. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.

No individual who makes a protected disclosure will suffer harassment, retaliation, or adverse employment consequences. Any person who retaliates against any individual who makes a protected disclosure is subject to discipline up to and including

termination. This Whistleblower Policy is intended to encourage and enable employees and others to raise concerns within the College prior to seeking resolution outside the College.

Protected disclosures may be made on a confidential basis by the complainant or may be submitted anonymously through the College's reporting process. Protected disclosures and investigatory records will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. To protect your confidentiality and the confidentiality of the investigation, it is advisable not to discuss the matter with friends and colleagues. However, if you self-disclose your identity, the College no longer will be obligated to maintain your confidentiality.

The appropriate College official receiving the protected disclosure will notify the disclosing individual (if identity is known) and acknowledge receipt of the reported violation or suspected violation within ten working days for most issues and within 24-hours for alleged criminal or environmental violations. All reports will be promptly investigated within 30 calendar days and appropriate corrective action will be taken if warranted by the investigation.

Protected disclosure regarding the President and CEO will be referred to the Board.

Any document, record or computer file that may be required for an investigation or disclosure must be preserved.

## **Reporting Violations**

Individuals should share their questions, concerns, suggestions or complaints with the President and CEO, a VP or a Manager who can address them properly. In many cases, the individual's supervisor is in the best position to address an area of concern. If an individual is not comfortable speaking with the supervisor or is not satisfied with the supervisor's response, individuals should take their concerns to other appropriate member of the Executive Team (see procedure). Students may wish to take concerns to their respective advisor. Persons who receive protected disclosures should have the whistleblower complete the Whistleblower Form, then in turn contact the VP Administration.

An alternative method to report concerns is to submit a completed Whistleblower Form directly to the VP Administration by mail or email. If the allegation involves the VP Administration, the individual reporting the violation may submit a completed Whistleblower Form directly to the President and CEO.

## **Individual Responsibilities**

- be knowledgeable about this Policy
- report violations or suspected violations of the policy to the individual's direct supervisor or to the appropriate administrator or office as noted above

## **Department Responsibilities**

- Familiarize employees, students and volunteers with this policy and incorporate it into orientation materials.
- Schedule training for leaders, supervisors and managers. Provide training or information on an ongoing basis for faculty, staff, students, employees and volunteers.
- Provide information about this policy during New Employee Orientation, which is the VP Administration's responsibility.

## **VP Administration**

- Deem whether it is protected disclosure, gross mismanagement or waste, or if it is a labour relations or management issue that needs to be addressed within that context.
- Accept and assist in investigating protected disclosures. Maintain findings of wrongful conduct or false allegations in the individual's personnel file.
- Accept and investigate complaints of retaliation for making protected disclosures.
- Provide training for managers and departments about this policy.

## **President and CEO**

- Lead the investigation of all protected disclosures except for those regarding the President and CEO.
- Inform the Whistleblower of the disposition of the disclosure and findings. However there might be overriding legal or public interest reasons not to do so. Any action taken against an employee may be personal and confidential, in which case, it cannot be disclosed.

## **Board**

- Lead the investigation on all protected disclosures regarding the President and CEO.

For More Information: Saskatchewan Whistleblower Protection Law

<http://www.publications.gov.sk.ca/details.cfm?p=29191>

## 3.33 - Whistleblower Protection - Procedure

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### Whistleblower Form – Send to VP Administration

Carlton Trail College will treat all protected disclosures in a confidential and sensitive manner. The process has been designed to protect your identity when communicating your concern. This Whistleblower Form allows you the opportunity to provide your name and contact information as this information may assist us in investigating your concern. Should you not wish to provide your name, reported incidents will still be accepted and investigated, as appropriate.

#### Instructions:

Please provide as much detail as possible. If you wish to remain anonymous, do not include your relationship to persons identified in your report or your location relative to persons or incidents in your report. If you intend to print and mail this form, please attach additional pages if you need more room to complete the form.

1. Please provide details with respect to the location of the incident.

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2. Please describe the nature of your concern. Include sufficient information for an independent person to understand the concern and to enable further investigation.

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3. Please state the full name(s) and title(s) of individuals whom you suspect of wrongdoing.

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4. How many times has this incident taken place (if applicable)?

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5. How long has this incident been taking place (if applicable)?

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6. Would you be willing to provide your name and contact information? (Please note this is optional).

If yes, please provide your name and telephone number.

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7. Would you like to arrange a meeting/telephone call with an Investigating Officer to discuss the matter? (Please note that this option is only open to individuals who chose to provide their name)

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