



Category	Global Planning & Accountability
Approved by:	College Leadership Council (CLC)
Approval Date:	January 6, 2015
Effective Date:	January 6, 2015
Revised Date(s):	February 12, 2024
Policy Sponsor:	President and Chief Executive Officer
Policy Administrator:	Vice-President People and Engagement

Safe Disclosure Policy

Purpose

The purpose of this policy is to:

- facilitate the disclosure and investigation of significant and serious matters in relation to the college that an employee believes to be unlawful, dangerous to the public or injurious to the public interest;
- protect employees who make those disclosures from reprisal;
- manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals; and
- promote public confidence in the administration of the college.

Scope/Limits

This policy applies to all employees of the college.

Definitions

Good Faith Disclosure a submission of information, that is based on reasonable belief and is not malicious, frivolous or vexatious, to the appropriate college authority.

Members of the college community includes employees, visitors, volunteers, third party contractors and their employees engaged in activities related to their contracts with the College.

Employee means any person on the payroll of Lethbridge College.

Volunteer means any person performing an unpaid service for Lethbridge College.

Contractor means any person, partnership or group of persons who, through a contract, agreement or ownership, provides services to the College.

Visitor means any person accessing Lethbridge College facilities who is not an employee, volunteer, or contractor.

Reprisal means retaliatory actions or measures that are taken, or threatened to be taken against an employee for reporting a possible wrongdoing, including but not limited to:

- a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
- b) any actions or measures, other than those mentioned in item (a) above, that adversely affects the employee's employment or working conditions;
- c) intimidation or coercion; and
- d) harassment or discrimination.

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 employee;
- 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 willful disregard for the proper management of:
 - i) public funds or a public asset,
 - ii) the delivery of a public service including the management or performance of
 - (A) a contract or arrangement identified or described in the Public Interest Disclosure (Whistleblower Protection) Act regulations, including the duties resulting from the contract or arrangement of any funds administered or provided under the contract or arrangement, and
 - (B) 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, commission of an act of retaliation or reprisal in relation to a disclosure made pursuant to the Safe Disclosure Policy; or
 - iii) employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the college relating to bullying, harassment or intimidation;
- e) knowingly directing or counselling an individual to commit a wrongdoing identified in a) to e) above;
- f) unethical behavior associated with using one's position at the college or one's association with Lethbridge College for personal advantage, such as altering or incorrectly reporting information for personal gain or for the advantage of another or Lethbridge College.
- g) unethical behavior in the care or use of live animals, including conducting teaching or research not approved by the LC Animal Care Committee or contravention of the Canadian Council on Animal Research animal husbandry practices.

Policy Statements

1. Lethbridge College recognizes its legal and ethical responsibilities with respect to public interest disclosure and is committed to maintaining the highest standard of legal, fiscal and ethical behavior by members of the college community.
2. All employees have the responsibility to report any wrongdoing which they have observed or which they reasonably suspect.

3. All reports of possible wrongdoing will be taken seriously and will be promptly investigated. The specific action taken in any particular case will depend on the nature and gravity of the conduct or circumstances reported, and the quality of the information provided. Where a wrongdoing has occurred those matters will be corrected and, if appropriate, the person(s) responsible will be disciplined.
4. The college will not tolerate reprisal and will maintain an environment of safe disclosure of allegations of wrongdoing made in good faith. Any employee who undertakes, participates in, or directs a reprisal may be subject to disciplinary action up to and including termination of employment.
5. Maintaining confidentiality will be strictly managed throughout the process.
6. Any disclosure of possible wrongdoing or a complaint of reprisal found to be in bad faith or in contravention of this policy shall be subject to appropriate disciplinary action, up to and including the termination of employment.
7. Those who commit a wrongdoing are subject to appropriate disciplinary action. Actions may include discipline up to and including termination of employment or association with the college, and/or legal sanctions.

A: Policy Supports

[Safe Disclosure Procedures – \(Appendix A\)](#)

B: Legislated References

Public Interest Disclosure Act of Alberta
Alberta Freedom of Information and Protection of Privacy (FOIP) Act

C: Other References

D: Related Policies

Confidentiality
Health and Safety
Board of Governors

- EL – General Constraint
- EL 1 – Treatment of Students
- EL 5 – Asset Protection
- EL 8 – Communication and Support to Board



Parent Policy:	Safe Disclosure
Effective Date:	September 13, 2018
Revised Date(s):	September 13 2018
Policy Sponsor:	President and CEO
Policy Administrator:	Vice-President People and Planning
Appendix A	

Safe Disclosure Procedures

Definitions:

Act means the Public Interest Disclosure (Whistleblower Protection) Act (Alberta) as may be amended from time to time, and any regulations thereunder;

Chief officer has the same meaning as set out in the Act, and for the purposes of the college specifically, means the President and Chief Executive Officer;

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

Designated officer means the senior official designated by the chief officer to manage and investigate disclosures under the Act

Disclosure means a disclosure of wrongdoing made in good faith by a member of the college community in accordance with this Act.

Reporter means person(s) making the disclosure

Reprisal means retaliatory actions or measures that are taken, or threatened to be taken against an employee for reporting a possible wrongdoing, including but not limited to:

- a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
- b) any actions or measures, other than those mentioned in item (a) above, that adversely affects the employee's employment or working conditions;
- c) intimidation or coercion; and
- d) harassment or discrimination.

Wrongdoing means

- 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 employee;
- 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 willful disregard for the proper management of:
 - i) public funds or a public asset,
 - ii) the delivery of a public service including the management or performance of
 - (A) a contract or arrangement identified or described in the Public Interest Disclosure (Whistleblower Protection) Act regulations, including the duties resulting from the contract or arrangement of any funds administered or provided under the contract or arrangement, and
 - (B) 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, commission of an act of retaliation or reprisal in relation to a disclosure made pursuant to the Safe Disclosure Policy; or
 - iii) employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the college relating to bullying, harassment or intimidation;
- e) knowingly directing or counselling an individual to commit a wrongdoing identified in a) to e) above;
- f) unethical behavior associated with using one's position at the college or one's association with Lethbridge College for personal advantage, such as altering or incorrectly reporting information for personal gain or for the advantage of another or Lethbridge College.
- g) unethical behavior in the care or use of live animals, including conducting teaching or research not approved by the LC Animal Care Committee or contravention of the Canadian Council on Animal Research animal husbandry practices.

Part A: Designations and Roles

Chief and Designated Officer

The chief officer of Lethbridge College may designate a senior official as the designated officer for the purposes of managing and investigating disclosures. If no designation is made, the chief officer will also be the designated officer for the purposes of the Act.

The president and CEO of Lethbridge College as chief officer, has designated the vice-president people and planning as the designated officer at Lethbridge College.

Roles and Responsibilities

1. Chief Officer

The chief officer is responsible to:

- establish and maintain an internal written procedure to manage and investigate disclosures of possible wrongdoings.
- provide reports annually, or as often as necessary, to the Lethbridge College Board of

Governors of all investigation undertaken, the results of the investigation and any actions required as a result of the investigation.

- Manage and investigate possible wrongdoings in limited circumstances where the designated officer has, or appears to have, a conflict of interest in managing and/or investigating disclosure of possible wrongdoings.
- ensure information about the Act and the procedures established are widely communicated to all employees the chief officer is responsible for.

2. Designated Officer

The designated officer is responsible to:

- manage and investigate disclosures as defined by these procedures.
- seek advice/information from the Public Interest Commissioner regarding the management of investigations where appropriate.

3. Employees

Employees of the college are responsible to:

- report any wrongdoing which they have observed or which they reasonably suspect or have been asked to commit.

Part B: Disclosure Procedures

Making a Disclosure

1. Employees, who are considering making a disclosure, can request information or advice from their supervisor, designated officer, chief officer, or the Office of The Public Interest Commissioner. The Office of the Public Interest Commissioner can be contacted Monday to Friday 8:15am – 12:00pm /1:00pm – 4:30pm) at Toll Free: 1-855-641-8659 or via email at info@pic.alberta.ca.
2. Employees who have reason to believe that a possible wrongdoing has been committed or is about to be committed, or could show that they have been asked to commit a possible wrongdoing, must immediately report those facts in writing using the [Safe Disclosure Form](#) by mail or email as identified below:
 - a. To the **Designated Officer – Vice-President of People and Planning**, Lethbridge College, 3000 College Drive, South Lethbridge, AB T1K 1L6. Or by email: safedisclosure@lethbridgecollege.ca
 - b. If the Designated Officer is the individual alleged to have committed the wrongdoing, the disclosure should be made to the **Chief Officer – President and CEO**, Lethbridge College, 3000 College Drive, South Lethbridge, AB T1K1L6.
 - c. If both the Designated Officer and Chief Officer are the individuals alleged to have committed the wrongdoing, the disclosure should be made to the **Chair, Finance, Audit and Risk (FAR) Committee Lethbridge College Board of Governors**, Lethbridge

College, 3000 College Drive, South Lethbridge, AB T1K1L6.

3. In limited circumstances where the Chair, Finance Audit and Risk Committee has or appears to have a conflict of interest in managing and investigating disclosures of possible wrongdoings against the Chief Officer or the Designated Officer, the Chair of the Board of Governors shall be responsible for managing and investigating such possible wrongdoings.
4. Disclosures may also be made directly to the Public Interest commissioner using the online web form available at www.yourvoiceprotected.ca. Employees who are not unable to submit or do not wish to use the web form may contact the Office of the Public Interest Commissioner at 1.855.641.8659/
5. In all cases, the officer responsible for managing the investigation will follow the procedures defined below.
6. All disclosures should contain the following content:
 - a. A description including the activity or activities involved in the alleged wrongdoing.
 - b. The name of the individual or individuals alleged to have either committed the possible wrongdoing, or about to commit the possible wrongdoing.
 - c. The date of the possible wrongdoing.
 - d. An explanation of any perceived risk(s) to the college.
 - e. An explanation of any perceived financial interests or reward.
 - f. An explanation of any perceived or suspected violations of relevant laws.
 - g. Any other information that may be helpful to properly understand and evaluate the allegation of possible wrongdoing.
7. Anonymous disclosures should clearly be indicated in your written communication of the disclosure. However, it should be noted that anonymous reports often do not contain the required detail with respect to an allegation in order to enable a full and thorough investigation. Given the anonymity of the Reporter, the Designated Officer and the investigator will be prevented from seeking clarification or further information to rectify any deficiencies in the disclosure in order to ensure a full review and investigation. Additionally, an employee who makes an anonymous disclosure cannot be advised of whether an investigation will be conducted, or the progress or results of an investigation if conducted.
8. Maintaining confidentiality is paramount to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a disclosure being received through to the end of the investigation and report release. In order to enhance confidentiality, as few people as are required will handle disclosures. Employees must not share information or evidence regarding disclosures or wrongdoings with fellow employees who do not have a need to know such information and who are not authorized to address disclosures.

All participants in an investigation shall keep confidential:

- the identity of individuals involved in the disclosure process;
- the identity of individuals alleged to have committed the wrongdoings;
- the identity of witnesses;
- the information collected in relation to a disclosure; and
- the details and results of the investigation.

However, such confidentiality may not be maintained for matters which pose an imminent risk of a substantial and specific danger to life, health or safety of individuals, or to the environment. Confidentiality is also subject to the provisions of the Freedom of Information and Protection of Privacy Act (Alberta), other legislation, and college policy.

Referring Disclosure to External Entity or Commissioner

1. Where a disclosure received by the Designated Officer would, in the view of the Designated Officer, be more appropriately dealt with by the Commissioner or by another department, public entity or office of the Legislature, the Designated Officer shall refer such disclosure to the Commissioner or the Chief Officer or Designated Officer of such department, entity or office within Fifteen (15) Business Days of receipt.
 - a. The Employee or other person making the disclosure will be advised by the Designated Officer about the referral.
2. If during the course of an investigation into a disclosure, the Designated Officer has reason to believe that an offence has been committed under a provincial or federal act or regulation, the Designated Officer will report such offence to the Law Enforcement Agency of jurisdiction and/or the Commissioner.

Part C: Receiving and Reviewing Disclosures

1. Receipt of Disclosure
 - a. Any supervisor or manager receiving a disclosure must forward all information received to the Designated Officer immediately.
 - b. The Designated Officer, upon receiving the information either directly or through a supervisor or manager, will acknowledge receipt of the disclosure to the reporter within five (5) business days of the receipt of a disclosure.
 - c. If the Designated Officer is in a potential, perceived, or real conflict of interest with respect to the nature of the disclosure or a person involved in the alleged wrongdoing, the disclosure will be referred to the Chief Officer for appropriate handling.
2. Within twenty (20) business days of actual receipt by the Designated Officer of a disclosure the Designated Officer will:
 - a. advise the Chief Officer of the disclosure
 - b. determine whether the form and the content of the disclosure meet the criteria for a disclosure
 - c. determine whether the disclosure falls within the scope of this policy and procedure
 - d. determine whether the disclosure includes sufficient information
 - e. determine whether the matters described in the disclosure should be investigated
 - f. notify the employee who made the disclosure whether or not the matter will be investigated
3. An investigation will not be conducted if:
 - a. the disclosure was made in bad faith
 - b. the disclosure does not deal with a wrongdoing

- c. the disclosure is frivolous or vexatious
 - d. the disclosure does not provide sufficient information to permit an investigation
 - e. more than two years have elapsed since the employee making the disclosure discovered the wrongdoing
 - f. after consideration of all other relevant factors and criteria the Designated Officer determines that an investigation is not required
4. Reasons for not pursuing an investigation will be clearly documented by the Designated Officer and the person who made the disclosure will be advised of the reasons for not pursuing an investigation.
 5. Where the designated officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, or that a criminal act has been committed they will, as soon as reasonably practicable report the alleged offence to a law enforcement agency and to the Minister of Justice and Solicitor General.

Part D: Investigations

1. The Designated Officer will assign an appropriately trained investigator to conduct investigations; where appropriate an independent external investigator may be secured at the discretion of the Designated Officer.
2. Investigations will be conducted in a way that upholds the principles of discretion, confidentiality, procedural fairness, and natural justice.
3. A single investigation can be conducted in circumstances where multiple disclosures are made on the same matter.
4. All disclosures received will be assessed by the Designated Officer for the level of reprisal risk and the level of risk will be routinely monitored throughout the investigative process.
5. Any investigation to be conducted will be completed and the investigation report submitted to the Designated Officer as soon as practicable and within one hundred twenty (120) business days from the date of disclosure.
6. The Chief Officer may grant an extension of up to Thirty (30) business days in the event the investigation process cannot be completed within the time limits.
7. If further time is needed, the Chief Officer will request for a further extension from the Commissioner. The person who made the disclosure will be advised if an extension is provided.
8. Upon the conclusion of the investigation, the investigator will provide the Designated Officer with a written report summarizing the matter. The report will include:
 - a. all relevant facts and accompanying analysis
 - b. witness statements
 - c. investigation findings and conclusions with supporting evidence

Part E: Recommendations, Corrective Action, and Offences

1. The final investigation report may include recommendations for any corrective measures that should be taken by the college. Any recommendations made by the investigator for corrective action arising from an investigation must be reviewed and approved by the Chief Officer and the Designated Officer.
2. The Vice-President People and Planning will be contacted in all cases where there may be an impact upon an employee's employment or there is, or may be, an allegation of reprisal, whether it be prior to the commencement of an investigation or through the outcome of the investigation.
3. Once approved, the Designated Officer must initiate steps to take the corrective measures within Ten (10) business days of the date of the approval.
4. All corrective action must be implemented within ninety (90) business days of the date of approval by the Chief Officer and the Designated Officer. Where extenuating circumstances necessitate, additional time may be approved by the Chief Officer.
5. Once all corrective actions have been completed the Designated Officer must provide a briefing to the Chief Officer which sets out all corrective actions taken along with supporting evidence.
6. The Designated Officer will, within Six (6) months of the completion of an investigation ensure recommended corrective measures and/or disciplinary action have been taken or directed. If no actions or insufficient actions have been taken, the matter will be escalated to the Chief Officer.
7. Outcomes will strive to be fair and reasonable for all persons involved. Following the completion of the investigation of a disclosure, outcomes which may result include:
 - a. an apology;
 - b. mediation;
 - c. an admission of fault;
 - d. a change in decision;
 - e. a change to policy, procedure or practice;
 - f. a correction of misleading records;
 - g. financial compensation, including a refund of any fees;
 - h. the waiving of a debt; the remission of a penalty;
 - i. protection to the employee making the disclosure; disciplinary action; or
 - j. referral of a matter to an external agency for further investigation or prosecution

Part F: Information Management and Reporting

1. The Chief Officer and Designated Officer are authorized to collect, directly or indirectly, use and disclose personal information, individually identifying information and any other information that is considered necessary to manage and investigate disclosures. This information will be managed in accordance with the Alberta Freedom of Information and Protection of Privacy (FOIP) Act.
2. The details and results of investigations will not be disclosed or discussed with any person

other than college members, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Chief Officer, the Designated Officer and investigators of wrongdoings may at any time disclose information in relation to any disclosure, investigation or investigation outcome with the Executive Leadership Team (ELT), the Board of Governors of Lethbridge College, solicitors and/or law enforcement agencies, as deemed appropriate.

3. The Designated Officer on behalf of the Chief Officer, will prepare a report annually in relation to disclosures which have been received in the previous year.
4. The report will include the following information:
 - a. the number of disclosures referred or received;
 - b. the number of disclosures acted on;
 - c. the number of disclosures not acted on;
 - d. the number of investigations commenced as a result of disclosures;
 - e. 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 or the reasons why no corrective measure was taken; and
 - f. confirmation about whether recommended corrective measures and/or disciplinary actions have been taken.
5. The report will not publically identify any employee who sought advice, made a disclosure, or made a complaint of reprisal and will not disclose individually identifying health information.
6. The report prepared by the Designated Officer will be approved by the Chief Officer prior to inclusion in the annual report of the college.
7. The Designated Officer will provide a report to the Finance, Audit, and Risk Committee of the Board of Governors of Lethbridge College on a quarterly basis regarding status and results of investigations, recommendations and corrective actions.

Part G: Protection from Reprisals

1. Employees who report in good faith, an alleged or actual wrongdoing, have the right to be protected from reprisal. Reprisal includes, but is not necessarily limited to the following retaliatory actions, or threat of the following retaliatory actions:
 - a. a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job;
 - b. change of job location, reduction in wages, change in hours of work or reprimand;
 - c. any actions or measures that adversely affects the employee's employment or working conditions;
 - d. intimidation or coercion; and
 - e. harassment or discrimination.
2. The college will not condone reprisal against:
 - a. Any employee who in good faith and without malice or desire for personal benefit, discloses wrongdoing or alleged wrongdoing in accordance with this policy and procedures; or
 - b. Any employee or other individual who in good faith and without malice or desire

for personal benefit participates as a witness in an investigation of wrongdoing or alleged wrongdoing in accordance with this policy and procedures.

3. An employee who believes that they have been subjected to reprisal as a result of making a disclosure or participating in an investigation of wrongdoing may report the matter to the Chief Officer. Any allegation of reprisal shall be investigated as an alleged wrongdoing in accordance with this policy and procedures hereto, and the finding of wrongdoing, may result in disciplinary proceedings, up to and including termination.
4. The Act also allows for a complaint to be made to the Public Interest Commissioner, in the prescribed form, if the employee alleges that a reprisal has been taken or directed against the employee.
 - a. Employees may access the Public Interest Commissioners website (www.yourvoiceprotected.ca) to obtain an appropriate form, to make a secure submission, or for assistance. Employees may contact an independent investigator for assistance at: Toll-free province-wide: 1-855-641-8659 or via email at info@pic.alberta.ca

Part H: Bad Faith Disclosures

1. An employee who does not act in good faith or makes an allegation without having reasonable grounds for believing it to be substantially true, or who makes it for the purposes of personal gain, or who makes it maliciously, frivolously or vexatiously, may be subject to disciplinary proceedings, up to and including termination of employment.

Part I: Communication of Safe Disclosure Policy and Procedures

1. As per the college's Policy Framework, the communication of this policy and procedures as they may be amended or updated from time to time, will be communicated through the college's employee Connections newsletter, as well as through updates from their Management Forum leader. The policy and procedures are made available to employees on the college's website.