

| | |
|---------------------|---|
| Section: | Human Resources (HR) |
| Subject: | Employment Rights and Obligations |
| Legislation: | <i>Public Interest Disclosure (Whistleblowers Protection) Act (SA 2012 cP-39.5); Public Interest Disclosure (Whistleblower Protection) Regulation (Alta. Reg. 71/2013); Public Interest Disclosure (Whistleblower Protection Amendment Regulation (Alta. Reg. 15/2018)); Freedom of Information and Protection of Privacy Act (RSA 2000 cF-25).</i> |
| Effective: | March 17, 2021 |
| Revision: | |

APPROVED: _____
President and CEO

POLICY

The policy of the Board of Governors is that members of the SAIT community shall bring forward information concerning wrongdoing, and shall be treated fairly and without reprisal when doing so.

PROCEDURE

DEFINITIONS

- Chief officer** For the purpose of this procedure, SAIT’s president and CEO.
- Complainant** An individual who makes a disclosure of wrongdoing under this procedure.
- Designated officer** For the purpose of this procedure, SAIT’s associate vice president, employee services.
- Disclosure** A disclosure of wrongdoing made in good faith to SAIT or to the public interest commissioner in accordance with the PID Act or this procedure.
- Employee** A person employed on SAIT’s payroll, whether paid by annual salary or hourly wage, including contractors, consultants and

The official controlled version of this document is held in the Board of Governors Office.



volunteers. For the purpose of this procedure, it also includes an individual who had been employed on SAIT's payroll but who has suffered a reprisal and is no longer employed by SAIT.

Ethics hotline

The external service provider established for receiving complaints under this procedure.

Good faith

Not frivolous or vexatious and without malicious intent.

Gross mismanagement

A deliberate act or omission that shows a reckless or wilful disregard for the proper management of:

- a) Public funds or a public asset;
- b) Delivery of a public service, including:
 - i) Management/performance of or administration of funds provided under a contract or arrangement set out in the PID Act's regulations;
 - ii) Duties/powers resulting from or the administration of funds provided under an enactment set out in the PID Act's regulations; or
- c) Employees, through systemic conduct or a pattern of behaviour relating to bullying, harassment or intimidation.

PID Act

Public Interest Disclosure (Whistleblower Protection) Act

Public interest commissioner

The public interest commissioner of Alberta, available by toll-free phone number 1-855-641-8659

Reprisal

Any of the following measures taken or threatened to be taken against an employee because the employee has in good faith sought advice about making a disclosure, made a disclosure, co-operated in an investigation pursuant to the PID Act or this procedure, declined to participate in suspected wrongdoing, or done anything in accordance with the PID Act or this procedure:

- a) Dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job

The official controlled version of this document is held in the Board of Governors Office.

location, reduction in wages, change in hours of work or reprimand;

- b) Any other measure that adversely affects the employee's employment or working conditions.

Respondent

An individual alleged to have committed an act of wrongdoing under this procedure.

SAIT community

SAIT's governors, employees, students, contractors, consultants, agents, and volunteers.

Student

A person currently enrolled in a SAIT program or course.

Wrongdoing

For the purpose of this procedure, wrongdoing by SAIT, its schools/departments/units, and/or its employees includes:

- a) Contravening provincial or federal legislation or regulations;
- b) An act or omission creating:
 - i) A substantial and specific danger to the life, health or safety of individuals other than a danger inherent in the performance of the employee's duties or functions, or
 - ii) A substantial and specific danger to the environment;
- c) An act or omission of gross mismanagement (as defined above);
- d) An act of wrongdoing as set out in the PID Act's regulations; or
- e) Knowingly directing or counselling someone to commit an act of wrongdoing.

GOVERNING PRINCIPLES

1. SAIT is committed to the highest standards of ethical conduct in all of its activities. SAIT encourages members of the SAIT community to disclose wrongdoings they know of or

The official controlled version of this document is held in the Board of Governors Office.



may reasonably suspect.

2. SAIT's chief officer has designated the associate vice president, employee services, as the designated officer responsible for the management of this procedure.
3. The designated officer will be made aware of all disclosures pursuant to this procedure, determines if an investigation is warranted and how that investigation will be carried out, and provides the chief officer with information required for annual reporting purposes.
4. An employee who is considering making a disclosure may, prior to making the disclosure, request information or advice about the PID Act or this procedure from a supervisor, the designated officer, the chief officer, or the public interest commissioner.
5. SAIT management is responsible for being aware of its obligations to report disclosures and to provide information and advice about this procedure and the PID Act to members of the SAIT community. This may include referring individuals to the Ethics Hotline, the designated officer, or the public interest commissioner.
6. The designated officer may appoint a designate for the purposes of receiving, responding to, assisting with and investigating disclosures to ensure the timely and efficient investigation of disclosures
7. This procedure does not apply to alleged wrongdoing by students, as that is managed under procedure AC.3.4.4 Student Non-Academic Conduct.

PROCEDURE

A. Disclosing a Wrongdoing

1. A member of the SAIT community who believes that wrongdoing has occurred or is reasonably likely to occur may immediately disclose this to:
 - a) A direct supervisor or member of management;
 - b) The designated officer;
 - c) The Ethics Hotline at www.sait.confidenceline.net or at 1-800-661-9675, if the complainant wishes to remain anonymous; or
 - d) The public interest commissioner, using the Public Interest Disclosure Report Form available on the public interest commissioner's website.

The official controlled version of this document is held in the Board of Governors Office.

2. The disclosure must include the following information:
 - a) A written description of the alleged wrongdoing;
 - b) The name of all parties involved;
 - c) The date and place of the alleged wrongdoing;
 - d) Whether the complainant knows of a related disclosure previously made to SAIT under this procedure and the outcome of that disclosure, including a copy of any response made by SAIT;
 - e) Any evidence or documentation regarding the alleged wrongdoing; and
 - f) Any other information necessary to investigate the disclosure.
3. An individual who receives a disclosure as per paragraph A.1.a) shall forward the disclosure within five business days to the designated officer.
4. If the disclosure concerns:
 - a) Wrongdoing that
 - i) Is a financial malpractice or impropriety,
 - ii) A matter of imminent risk of substantial and specific danger to an individual's life, health or safety or to the environment, or
 - iii) An offence committed under legislation or regulation,the designated officer will refer the disclosure to the chair of SAIT's Board of Governors' Audit Committee and then to the public interest commissioner or any other governing agency as required, as per section 30 of the PID Act.
 - b) Wrongdoing related to the chief officer or to the designated officer, the disclosure will be sent to the chair of SAIT's Board of Governors' Audit Committee, who will have all the powers and perform all the duties of the designated officer as set out in this procedure.
 - c) A matter which would see the designated officer in a conflict of interest with respect to the nature of the disclosure or a person involved, the chief officer will designate an individual to exercise all the powers and perform all the duties of the
The official controlled version of this document is held in the Board of Governors Office.

designated officer as set out in this procedure.

5. The designated officer will review the disclosure and determine whether to take one or more of the following actions:
 - a) Carry out an investigation.
 - b) Obtain further information in order to determine whether to proceed with an investigation or whether to dismiss the disclosure.
 - c) Suspend an investigation and send the disclosure to another governing agency as per section 30 of the PID Act.
 - d) Report the wrongdoing to the public interest commissioner, law enforcement agencies and/or to the minister of justice and solicitor general for investigation, or another governing agency as per section 30 of the PID Act.
 - e) Combine the disclosure with one or more related disclosures of wrongdoing, so that a single investigation is conducted.
 - f) Refer the disclosure to a more appropriate process.
 - g) Dismiss the disclosure because it is not made in good faith, does not deal with a wrongdoing, does not provide sufficient information to permit an investigation, or for any other valid reason.
6. The designated officer will:
 - a) Within five business days of receiving the disclosure, advise the complainant that the disclosure has been received; and
 - b) Within 20 business days of receiving the disclosure, advise the complainant whether or not an investigation will occur and, if the investigation will not occur, the reasons for that decision.

B. Anonymous Reporting

1. If a complainant is uncomfortable reporting wrongdoing to the direct supervisor, manager, associate dean, dean, director or associate director, or designated officer, the complainant may submit the complaint anonymously using the Ethics Hotline at www.sait.confidenceline.net or at 1-800-661-9675 or to the public interest

The official controlled version of this document is held in the Board of Governors Office.

commissioner.

2. The complainant should be aware that anonymous disclosures may limit an investigator's ability to determine the exact nature of the alleged wrongdoing, and that the complainant cannot be advised of whether an investigation will be conducted or the progress or results of an investigation if conducted.
3. Anonymous disclosures will follow the procedures set out in section A of this procedure. It may be difficult to assess the reliability of evidence provided anonymously, which could affect the viability of an investigation under the rules of procedure fairness and natural justice.

C. Investigation

1. If an investigation is warranted, the designated officer has the discretion to appoint the investigator. In appropriate circumstances, the investigator may be an external investigator.
2. An investigation, including the investigation of anonymous complaints, is subject to the principles of procedural fairness.
3. If a disclosure involves allegations of an employee's gross mismanagement as defined above, the designated officer must be satisfied that all applicable SAIT mechanisms and processes, including those outlined in collective agreements, have been considered and/or used prior to beginning an investigation under this procedure.
4. If the investigator believes another wrongdoing has been or may be committed, the investigator will advise the designated officer, who will determine further action.
5. If the investigator believes that an offence has been committed under any federal legislation or regulation, the investigator will advise the designated officer, who will determine further action as per section 30 of the PID.
6. Witnesses, respondents and complainants may have representation to support them during an interview.
7. The investigator must conduct and conclude the investigation within 120 business days from when the complainant made the good faith disclosure. If additional time is required, the chief officer:
 - a) May approve a time extension of up to 30 business days, at the investigator's

The official controlled version of this document is held in the Board of Governors Office.

request.

- b) May request a further time extension from the public interest commissioner.

The chief officer must advise the complainant of any such time extension and of when the next procedural step will occur or be completed.

D. Outcome of Investigation

1. At the completion of the investigation or if the investigation is discontinued, the investigator will provide a report to the designated officer, who will in turn forward the report to the chief officer and, as warranted, to the chair of the Board of Governors' Audit Committee. This must be provided within the 120-day timeline indicated in paragraph C.7 of this procedure.
2. The investigator's report will not include information that leads or could lead to the identification of the complainant if that individual has requested anonymity.
3. If a respondent is found to have committed an act of wrongdoing or if a complainant is found to have made a disclosure that was not in good faith, corrective and/or disciplinary actions will be undertaken against that individual as per procedure HR.4.4.1 Corrective Action Procedures. The PID Act outlines a variety of offences and associated fines that may be also be applicable in appropriate circumstances.
4. The designated officer will
 - a) Forward any recommendations upon the conclusion of the investigation to the school/department along with proposed corrective actions.
 - b) Notify the complainant that an investigative report has been prepared and/or that an investigation has been discontinued, and provide the complainant with such information as the designated officer considers appropriate in the circumstances.
 - c) Provide such information to the respondent as may be necessary to support corrective or discipline steps, in accordance with the rules of natural justice and procedure fairness.
5. The chief officer or the chair of the Board of Governors' Audit Committee may request information on the status of corrective measures or disciplinary action taken as a result of an investigation. The designated officer may, if appropriate, provide a summary of these measures or disciplinary actions to the complainant.

The official controlled version of this document is held in the Board of Governors Office.

E. Treatment of a Disclosure

1. Information concerning alleged wrongdoing or reprisal (including the identity of the complainant and other individuals involved) and any investigation of those matters will be kept confidential to the extent practicable and appropriate under the circumstances, and as permitted by law.
2. If the complainant requests information about the progress of an investigation, that information may be provided at the investigator’s discretion and following the requirements of the PID Act and the *Freedom of Information and Protection of Privacy Act* (FOIP Act).
3. Records relating to alleged wrongdoing are SAIT’s property and will be retained in accordance with SAIT’s records management policies and procedures, except as otherwise required by law, such as in the event of imminent risk and/or criminal offences. In that case, the records may be delivered to the appropriate governing agencies. Restrictions to accessing information will follow FOIP Act requirements.

F. Protection from Reprisal

1. SAIT prohibits and will protect members of the SAIT community from reprisal as defined above.
2. An individual who believes they have been subjected to reprisals may raise a complaint of reprisal following the procedures outlined above in relation to disclosures of wrongdoing or may submit their complaints directly to the public interest commissioner, using the Complaint of Reprisal Form available on the public interest commission’s website.
3. An individual found to have committed or participated in an act of reprisal will be subject to the corrective and/or disciplinary actions as per procedure HR.4.4.1 Corrective Action Procedures. Note that the PID Act outlines a variety of offences and associated fines that may also be applicable.

G. Annual Reporting of Disclosures

1. The chief officer must prepare an annual report that includes:

The official controlled version of this document is held in the Board of Governors Office.

- a) The number of disclosures that the designated officer has received, including the number of disclosures acted upon and not acted upon;
 - b) The number of investigations that the designated officer commenced; and
 - c) In the case of an investigation resulting in a finding of wrongdoing:
 - i) A description of the wrongdoing;
 - ii) Any recommendations made and any corrective measures taken in relation to the wrongdoing; and
 - iii) If recommendations for corrective measures were made but not implemented, the reasons for that non-implementation.
2. This report may not identify the names of individuals who sought advice, made a disclosure, or made a complaint of reprisal, or of respondents.
 3. The designated officer is responsible for providing the chief officer with the information required for this annual report.
 4. The chief officer shall send this report to the chair, SAIT's Board of Governors' Audit Committee, and must include it in SAIT's Annual Report.

POLICY/PROCEDURE REFERENCE

HR.4.12 Wrongdoing Disclosure policy

The official controlled version of this document is held in the Board of Governors Office.