

NSCC Safe Disclosure Policy “Whistleblowing”

Frequently Asked Questions

Employees

What is the NSCC Safe Disclosure Policy?

The Safe Disclosure Policy “Whistleblowing” is intended to encourage and enable members of the College Community to voice concerns internally in a responsible and effective manner when they discover information about Improper Activity which they have a reasonable basis to believe has occurred or is occurring within NSCC.

Why did the College develop this policy?

As a publically funded institution NSCC is committed to ensuring the public trust in the effective stewardship of the College working and learning environment. NSCC operates with the utmost integrity and is committed to responding to any disclosure of wrongdoing, and to protecting from retaliation any individual who in good faith, discloses Improper Activity occurring within NSCC.

Who can “blow the whistle”?

All members of the NSCC community, which includes, but is not limited to:

- All NSCC employees (regardless of status);
- The NSCC Board of Governors;
- Any individual or stakeholder in a contractual relationship with NSCC;
- Students (full-time, part-time, online and apprenticeship, etc.);
- Invited guests;
- College committees, councils or associations;
- Union partners; and
- Volunteers.

What kinds of activities are potentially subjects of disclosure under the Policy?

Individuals are encouraged to disclose Improper Activity as defined by the Policy. Improper Activity includes any activity related to the public interest and may consist of one or all of the following:

- **Improper Activity:** Improper Activity is conduct which includes one or more of Official Misconduct, Maladministration, significant misuse of public resources, or creation of a significant danger to public health or safety. This includes directing or counselling someone to engage in Improper Activity. Improper Activity does not include decisions of policy, business or administration, about which reasonable people might disagree.
- **Maladministration:** Maladministration is defined as failure to act, or conduct intended to cover up an act, in a way that is unlawful, unjust, discriminatory or improper, and which adversely impacts someone's interests in a substantial and specific way, or adversely impacts the brand and reputation of the College.
- **Official Misconduct:** Official misconduct is wrongdoing by a member of NSCC community in carrying out their duties or exercising their authority that may be a criminal offence or is otherwise serious enough that it may justify dismissal if proven. Examples include dishonesty, theft, lack of impartiality when awarding or expending College resources, breach of trust placed in a person by virtue of their position, or misuse of officially obtained information.

Isn't a whistleblower or disclosure just another word for snitch?

No. Whistleblowers or Disclosers provide an early warning system that can alert their colleagues, employers or the public to danger or illegality before it is too late. They can be among the most loyal and public-spirited employees. Unfortunately, there are still some people who believe that "whistleblower" is a dirty word and don't realize how whistleblowing can save lives, jobs, money and reputations. Fortunately, more and more people are beginning to realize how invaluable responsible whistleblowing can be.

What should I do if I want to make a report under Safe Disclosure? Who do I go to?

While it is encouraged that disclosures be made in writing using the Safe Disclosure form, verbal disclosures will be accepted. Disclosures may be made to:

- An employee's manager; or
- Any member of NSCC Senior Leadership, including Vice Presidents, Deans, Principals or Directors

Where the disclosure may involve a member of the College executive team, disclosure may be made to:

- NSCC President;
- The Chair of the NSCC Board of Governors;
- The Director of Internal Audit; or
- The Director of Human Resources.

Where the disclosure may involve Internal Audit or Human Resources, disclosure may be made to any Vice President or the President.

Will my report be held in confidence?

Members of the College Community can expect disclosures will be treated with due confidentiality and protection against reprisal. As a member of the College community you are encouraged to make disclosure per the Safe Disclosure procedures in order to maintain appropriate confidentiality in respect to official information. Should disclosure be made to anyone outside of an official NSCC capacity, the same protections regarding identity and confidentiality cannot be preserved by the College.

What if I don't want anyone to know, can I make an anonymous report?

Yes. However, while anonymous disclosures will be accepted, a Discloser's decision to remain anonymous may inhibit the subsequent review and investigation of the alleged Improper Activity. To make anonymous disclosure, complete the Safe Disclosure form, omitting your name/details.

There may actually be additional risks when employees raise their concerns anonymously. These are:

- being anonymous does not stop others from successfully guessing who raised the concern;
- it is harder to investigate the concern if investigators can't ask follow-up questions;
- it is easier to get protection under the Safe Disclosure Policy if the concerns are raised directly with someone.

What information should I provide when I make a disclosure?

Provide as much information as possible using the **Safe Disclosure** form. While you may not have all the information, the Safe Disclosure form invites you to use the following thought process:

- **Who?**
Who is responsible for the Improper Activity? If anyone outside of the College is involved and known to you, who are they? If any businesses are involved, which ones? Who else is involved or who knows about this?
- **What?**
What is the Improper Activity? What documents are there that might verify the Improper Activity occurred? Can you provide copies of the documents?

- **Where?**
Where did the Improper Activity occur? Where can an investigator find documents or other evidence related to the activity?
- **When?**
When did the activity occur? When did you discover the activity?
- **Why?**
Did the activity provide some benefit to those involved?
- **How?**
How was the activity able to occur? Were there any controls in place and if so, how were they evaded?

Is there a deadline for filing a report under Safe Disclosure?

No, but it is important to file a report as soon as you have enough evidence to make a good faith report. If you delay, evidence becomes dated, potentially hampering the investigation and inhibiting the College's ability to resolve the issue. Keep in mind that if so much time has passed between the events and the disclosure that, taking into account the nature of the alleged improper activity, there is no useful purpose to be served in investigating, there will be no grounds for investigation.

What happens after I file a report?

A preliminary review will be conducted by the Director of Human Resources or their designate, and you may be contacted for an interview. The preliminary review will determine if a full investigation should be undertaken and by whom. You will be advised of the results of the initial review including whether an investigation will be conducted and the process or, where a Disclosure is rejected or determined to be outside the Policy application, the reasons for the decision. A Disclosure that is rejected will require no further action by the College.

How can I help with the investigation?

Cooperate fully with the investigation. Provide as much factual information and evidence as possible in order to allow the investigation to proceed. However, please do not obtain any evidence for which you do not have a right of access and don't do your own investigation! You should be prepared to be interviewed by the investigator(s) and provide all information you have regarding the allegations. You should maintain strict confidentiality at all times to ensure the integrity of the process.

Is it possible that my allegations will not be investigated under Safe Disclosure?

It is possible. Sometime, in good faith, individuals disclose concerns that are related to employee relations or management issues and are more appropriately dealt with through a different forum. Sometimes a reported violation does not fall under the definition of Improper Activity but is a violation that should be referred to another College Policy. The preliminary review assesses whether or not there appears to be Improper Activity. However, just because an investigation under the Safe Disclosure Policy is not launched does not mean that the complaint won't be looked into.

Will I be informed of the outcome of the investigation?

Yes. You generally have the right to be informed of the outcome of your disclosure although there might be overriding legal or public interest reasons not to do so. However, any action taken against an employee as a consequence of the findings of the investigation may be personal and confidential, in which case it cannot be disclosed.

Can I discuss the matter with colleagues, especially others who might have supporting information?

If you self-disclose your identity to anyone, the College will no longer be obligated to maintain your confidentiality. To protect your confidentiality and that of the investigation, it is not advisable to discuss the matter with friends or colleagues. If you know others who might have information relevant to the investigation, include this information in your report and the investigator will follow-up.

I know I have to keep this confidential, where can I go for support during this process?

Some people may experience anxiety or stress before and during the investigation process. Investigators will be as supportive as they can and are a good source of information about what to expect through the process however, given their objective role, are not best placed to support you through the process. Your manager plays a key role in ensuring that your work environment is supportive and free from reprisal and, if you experience problems, they would normally be the first person to talk to. If they are subject of, or implicated in, your report, the Director of Human Resources would be a more appropriate contact. In addition, NSCC offers an Employee and Family Assistance Program (EFAP) which provides free, confidential and professional counselling services to employees who experience problems, including stress. You can find the contact information for your EFAP on OurNSCC on the benefits page.

What if word gets out that I made a report and people are making it difficult for me to work? Who should I inform?

The College's Safe Disclosure Policy offers protection for individuals making disclosure. If you become aware that confidentiality has been breached and/or if you feel that you are being retaliated against for being a whistleblower, contact the Director of Human Resources immediately so that any additional safety precautions can be employed and appropriate disciplinary action initiated.

What is considered reprisal/retaliation?

Reprisal refers to any retaliatory actions or measures that could be taken against a Discloser reporting Improper Activity that may adversely affect their employment, status or well-being. Examples of this may include intimidation or harassment, threat to personal safety, adverse discrimination, disadvantage or treatment about a person's career, profession or employment, damage to reputation or damage to property. In order to be considered reprisal/retaliation, there must be a causal link between the disclosure or the intent to make a disclosure.

What happens if I file a complaint about retaliation? Who will investigate it?

If you report a concern regarding reprisal, the Director of Human Resources or their designate, will review the complaint, determine immediately if additional safety precautions should be employed and investigate the concern to determine if disciplinary action is warranted, and if so, what action is appropriate.

What information should I include in a reprisal/retaliation complaint?

The complaint must set forth, in enough detail, the necessary facts, including dates and names of relevant persons. It must contain facts supporting the alleged retaliatory acts and the effects on you of the alleged acts. In order to be considered as reprisal/retaliation you must have:

- filed a report or made a Safe Disclosure alleging Improper Activity, or
- alleged that you were threatened, coerced, commanded or prevented by intimidation from filing a safe Disclosure report.

If reprisal/retaliation is found, will I be informed of action taken?

You will be informed of any appropriate relief for yourself, but you will not necessarily be informed of any corrective action taken against the person who retaliated against you as any such action taken related to employees is considered to be protected and confidential.