

NSCC Safe Disclosure Policy “Whistleblowing”

Frequently Asked Questions Managers

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 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);
- 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.

What is the role of the manager under the Safe Disclosure Policy?

You might find yourself in the position of being the first person an employee talks to. The Safe Disclosure “Whistleblower” policy recognizes this and defines the roles and responsibilities of NSCC leaders.

What do you do if an employee you supervise comes in and says they think someone is engaging in an Improper Activity? The first thing you have to recognize is that the mere act of coming to see you counts as a complaint. According to the NSCC Safe Disclosure Policy and Procedure, a report does not have to be written. Why is this significant? Because even a verbal disclosure means you have certain responsibilities. You have to respond. Try to get the Discloser to make a written report using the Safe Disclosure form. If you cannot persuade them to do this, then you should document the verbal report in writing and in as much detail as you can.

The same rules apply if someone you do *not* supervise approaches you with a similar allegation. As a College leader, you must respond, and contact the Director of Human Resources who is accountable for coordinating the College response to disclosures.

What do I do if an employee comes to me with a situation that may be potentially covered under Safe Disclosure, but I’m not sure if it is covered?

Contact the Director of Human Resources for advice. If in doubt, err on the side of reporting it.

What do I do if an employee comes to me with what I am certain is a Safe Disclosure matter?

The employee may not be fully aware of the process for disclosure. The Safe Disclosure policy and procedures detail the process for making disclosures and define the protections offered to the Discloser. In addition, a form for making disclosures is available online and it clearly walks the individuals through the information assembly aspect of filing a report.

Support the employee, provide them with the process information and the form they need to make a written report. If you cannot persuade them to do this, then you should document the verbal report in writing and in as much detail as you can and contact the Director of Human Resources. Ask them if they are aware of the process and, if not, provide them with the Policy and Procedures and let them know their report is being forwarded to the Director of Human Resources.

Advise the employee that as a manager, you have an obligation to bring forward the complaint and will be contacting the Director of Human Resources.

If they come to you with a completed Safe Disclosure form already in hand, make record of its receipt and immediately contact the Director of Human Resources.

In all cases, stress the need for confidentiality. Members of the College Community can expect disclosures will be treated with due confidentiality and protection against reprisal. 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.

How do I document the verbal report? (what information do I include)?

Try to get the Discloser to make a written report using the Safe Disclosure form with as much detail as possible. If you cannot persuade them to do this, then you should document the verbal report in writing and in as much detail as you can - it may be helpful for you to use the Safe Disclosure form as your guide. Contact the Director of Human Resources immediately if you receive a verbal report. In consultation with, and guided by the Director of Human Resources, it may make sense for you to gather more information, documentation etc.

Can I investigate allegations myself to determine if the report should go further?

No, leave that to the investigator(s). Your responsibility is support the employee making disclosure, to document the receipt of disclosure and to refer Safe Disclosure matters to the Director of Human Resources for review and determine the investigation process. If you have any doubt about whether or not the matter should be disclosed, you should err on the side of disclosure and contact the Director of Human Resources.

What do I do if the employee who reports an activity wants to remain anonymous?

If the Discloser wishes to remain anonymous, let them know that while the College will accept anonymous disclosures, it may inhibit the subsequent review and investigation of the alleged Improper Activity. Support the employee, provide them with the process information and encourage them to make a written report; the form provides the option of anonymous submission. If you cannot persuade them to do this, then you should document the verbal report in writing and in as much detail as you can and contact the Director of Human Resources. Advise the employee that as a manager, you do have an obligation to bring forward the complaint and will fully respect their desire to remain anonymous. Contact the Director of Human Resources.

What protections are in place for employees who disclose? What is my role in this?

First of all, the identity of the employee making a disclosure is protected (see Protection of Identity in procedures for details). Members of the College Community can expect disclosures will be treated with due confidentiality and protection against reprisal. 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.

The College's Safe Disclosure Policy and Procedures offer 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.

Some people may experience anxiety or stress before and during the investigation process. Investigators will be a 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 be best placed to support employees through the process. As manager, you play a key role in ensuring that the work environment is supportive and free from reprisal and, if the employee experiences problems, you would normally be the first person they to talk to. 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 protections are in place for me as the individual to whom the disclosure is made?

The same protections are in place for all members of the College Community – disclosures will be treated with due confidentiality and protection against reprisal.

What do I do if an employee complains to me that they are being harassed because they've made a report under Safe Disclosure?

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

How do I respond to the individual accused of Improper Activity if they approach me about the report made through me by my employee?

Individuals involved in a Safe Disclosure investigation are instructed of the need for confidentiality and should not be approaching anyone who is part of the investigation or outside of the investigation.

Let the individual who has approached you know that you are uncomfortable with the conversation, that you will not engage in a discussion about your employee or the investigation, and that you will be advising the Director of Human Resources of the breach of confidentiality.

Where do I go for help?

While your Senior Leader is always available if you need support, the Director of Human Resources holds accountability for the College's Safe Disclosure Policy and is a key resource should you require assistance.