

PURPOSE

Nova Scotia Community College’s Mission of building Nova Scotia’s economy and quality of life through education and innovation is pursued in part through the values of integrity and public accountability. These values require openness and accountability to ensure the effective stewardship of NSCC’s resources, processes and environment. To this end, the goals of this Policy are:

- to promote the disclosure of improper activity within NSCC, in order to positively impact the reputation, effectiveness, finances and working environment of NSCC;
- to respond to all Disclosures of improper activity thoroughly, impartially and on a timely basis;
- to provide collaborative, efficient, clear and timely mechanisms and approaches for dealing with Disclosures that arise out of this Policy;
- to protect from retaliatory action any member of the NSCC community who, in good faith, discloses improper activity;
- to protect the dignity, wellbeing, career interests and reputation of all parties involved; and
- to take appropriate action where evidence of improper activity has been found.

STATEMENT OF POLICY/SCOPE

This Policy applies to the NSCC community, which includes, but is not limited to the following:

- 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.

This Policy applies to any behaviour that is connected to and/or may impact the work and services of the College, the work of College employees or the Mission and/or reputation of the College. It applies to behaviour taking place in any physical or electronic sites.

This Policy is directed at the public interest in avoiding Improper Activity as defined herein and is not intended to resolve employee or student grievances and related complaints that are normally addressed by NSCC’s academic and administrative policies or collective agreements. Similarly, this Policy is not intended to replace or supersede any existing NSCC policies such as Codes of Conduct, Occupational Health and Safety, Conflict of Interest and Commitment, Respectful Workplace and Learning Environment, Computer Usage, Intellectual Property, Social Media or Email Policy.

DEFINITIONS

Discloser: A Discloser is any member of the NSCC community who makes a report under this Policy

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VP, Learner & College Development

Policy Steward:
Director, Human Resources

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based on information that they reasonably believe could show that an Improper Activity has been committed or is about to be committed.

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.

Investigator: The Investigator is the person or persons charged with conducting the investigation of a Disclosure, namely the Director of Human Resources, the Director or Internal Audit or their respective designate.

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.

Protected Disclosure: A Protected Disclosure is one which is made in the good faith belief that it falls within the scope of this Policy.

Reprisal: A Reprisal is any retaliatory action or measure taken by a member of the NSCC community against a Discloser that adversely impacts their employment, status or well-being, if that action is connected to a Disclosure or was intended to prevent a Disclosure. Examples include: intimidation, harassment, discrimination, threats, etc.

Respondent: A Respondent is any member of the NSCC community alleged to have engaged in an Improper Activity under this Policy.

Witness: A Witness is a person who has information about any alleged Improper Activity.

POLICY

Introduction

1. It is the responsibility of every NSCC employee to be familiar with and to comply with the provisions of this Policy. This includes adhering to confidentiality obligations and participating in any Procedures taken under this Policy.
2. 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.

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Disclosure

3. NSCC encourages any member of the NSCC community who reasonably believes that Improper Activity has occurred or is occurring within NSCC to disclose the information without fear of reprisal.
4. NSCC employees, students, and members of any NSCC committee, board, council or association, who on a reasonable basis believe that Improper Activity has occurred or is occurring, are required to disclose that belief, together with the information on which that belief is based in accordance with the Procedures under this Policy. Any other member of the NSCC community who has a reasonable basis for believing that Improper Activity has occurred or is occurring may also make a disclosure.
5. An employee or student who makes a Disclosure under this Policy in good faith will not be disadvantaged or lose their employment status, or standing as a student, as a result of having reported their concerns, even when the Improper Activity alleged cannot be substantiated.

NSCC Response

6. Disclosures under this Policy shall be investigated by the Director of Human Resources or their designate. However, where the Director of Human Resources, their designate or member of Human Resources is a Respondent to the Disclosure, the Disclosure shall be investigated by the Director of Internal Audit or their designate.
7. Within ten (10) working days of receiving a Disclosure under this Policy, the Investigator shall assess whether the information disclosed is within the scope of the Policy. In conducting this assessment, the Investigator will review any relevant documentation and may interview the Discloser and others as appropriate regarding the alleged Improper Activity.
8. The Discloser and any Witnesses identified by the College are required to provide information and cooperate in any investigation under this Policy.
9. Where it appears that the disclosed information is outside the scope of this Policy, or that it should be dealt with under another policy, agreement, Act or procedure, NSCC reserves the right to determine the appropriate approach to deal with the Disclosure, and may refer the Discloser to the appropriate forum.
10. If it is determined that the Disclosure falls within this Policy, NSCC may conduct a further investigation in accordance with the Procedures herein.
11. Upon concluding its investigation, NSCC may:
 - provide an explanation to the discloser in the event that the allegations are not found to substantiate any improper activity as defined in this Policy;
 - resolve the issue through exercise of management rights;
 - conduct an internal audit or review of an issue;
 - implement or revise policies, procedures or practices;
 - refer allegations to the appropriate external entity; or
 - take such other steps as are deemed appropriate in the circumstances.

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Confidentiality and Protection for Discloser

12. NSCC will maintain strict confidentiality at all times in the reporting and investigation of Disclosures made under this Policy. All records are to be kept confidential and securely filed within Human Resources or Internal Audit as appropriate.
13. NSCC will take every reasonable precaution to protect the concerns and identities of the discloser and the respondent.
14. To respect the commitment to confidentiality, NSCC will endeavor to consult with and obtain the discloser's permission before releasing information to a third party, including a party or agent external to NSCC. On occasion, however, legal obligations or procedural fairness may require NSCC to disclose certain details without the discloser's permission.
15. The Discloser, Respondent and any Witnesses are required to maintain confidentiality to ensure the integrity of process and to safeguard highly sensitive, confidential information.
16. Any breach of the confidentiality provisions of this Policy shall be treated seriously and disciplinary action may be taken in accordance with the relevant provisions of NSCC policies or applicable collective agreements.
17. NSCC is committed to protecting Disclosers who, in good faith, report improper conduct under this Policy. NSCC will take reasonable precautions to ensure that there are no Reprisals or retaliation against the individual making the Disclosure. If, at the time the disclosure is reported, there are concerns about the safety of the Discloser, appropriate protective measures will be initiated.
18. Any NSCC employee who is found to have instigated or supported retaliation or Reprisals against an individual who has disclosed an improper activity are subject to appropriate disciplinary action up to and including termination.
19. Any actions, Reprisal, retaliation or threats against the Discloser must be reported to the Director of Human Resources immediately so that any additional safety precautions can be employed and appropriate disciplinary action initiated.

False Complaints or Abuse of Policy

20. The NSCC expects a Discloser to communicate concerns in good faith. An individual acting in good faith will not be disadvantaged or lose their employment status by reporting their concerns, even when these matters cannot be substantiated. However, the willful misuse or abuse of this Policy will result in disciplinary action up to and including dismissal or termination of employment. Intentionally making a false Disclosure is an example of abuse.

Roles and Responsibilities

The NSCC **Board of Governors** is responsible for fostering a culture of integrity at the College.

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The NSCC **President** is accountable for oversight of the Policy.

The **President and Executive team** are responsible for fostering a culture of integrity and effective stewardship of the public trust.

The **Director of Human Resources** has responsibility for the oversight and application of the Policy and the coordination of NSCC's response to disclosed information. This includes ensuring disclosed information is reviewed and investigated in a fair, efficient and transparent manner; maintaining confidential records of Disclosures and responses under the Policy and; developing and implementing procedures and communications to ensure effective administration of the Policy.

The **Director of Internal Audit** has responsibility for the oversight and application of the Policy and the coordination of NSCC's response to disclosed information in cases where the Director of Human Resources or a member of Human Resources is a Respondent. They are also accountable for working with the Director of Human Resources in the investigation with respect to some disclosures.

NSCC **Leaders** (Principals, Deans, Academic Chairs, Directors and Managers) are accountable for providing advice on Policy provisions, receiving disclosures, and addressing and providing assistance in the College review and response to disclosed information.

NSCC **Employees and Students** are responsible for disclosing information about activity or behaviour that they reasonably believe to be a contravention of the Policy.

Regular Review

This Policy shall be reviewed in accordance with the NSCC Policy Review Schedule.

POLICY SUPPORTS

Related Policies:

Occupational Health and Safety
Conflict of Interest and Commitment
Respectful Workplace and Learning Environment
Computer Usage
Intellectual Property
Social Media or Email Policy

Procedures:

Safe Disclosure (Whistleblower) Procedures
Safe Disclosure (Whistleblower) Form
Frequently Asked Questions

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