

PROCEDURE

Making a Disclosure

1. A Disclosure under this Policy may be made verbally or in writing using the Safe Disclosure “Whistleblowing” Form. Disclosures should be made as soon as possible after becoming aware of Improper Activity.
2. A Disclosure may be made on an anonymous basis. However, the College’s ability to investigate may be inhibited by such anonymity.
3. Any NSCC employee receiving a verbal Disclosure shall complete a Safe Disclosure “Whistleblowing” Form.
4. A Disclosure may be made to:
 - a. An employee’s manager;
 - b. Any member of NSCC Senior Leadership, including Vice Presidents, Deans, Principals or Directors;
 - c. Where the disclosure may involve a member of the College executive, to the:
 - i. President;
 - ii. Chair of the Board of Governors;
 - iii. Director of Internal Audit; or
 - iv. Director of Human Resources; or
 - d. Where the disclosure may involve internal Audit or Human Resources, disclosure may be made to any Vice President or the President.

Investigating a Disclosure

5. Any person receiving a Disclosure under this Policy shall promptly, and in a sealed envelope or otherwise confidential manner, deliver the Safe Disclosure Form to the Director of Human Resources for investigation.
6. The Investigator shall conduct a preliminary review of the Disclosure to determine whether it falls under this Policy. Such review must be completed within 10 working days. The Investigator may determine that the Disclosure:
 - a. discloses reasonable grounds to believe that the Improper Activity alleged has occurred or may occur and should be investigated; or
 - b. should not be investigated because it:
 - i. does not disclose reasonable grounds to believe that the Improper Activity alleged has occurred or may occur;
 - ii. has been or is being investigated under this or another policy, Act, procedure or collective agreement;
 - iii. should otherwise be dealt with under another policy, Act, procedure or collective agreement;
 - iv. so much time has passed between the events and the disclosure that, taking into account the nature of the alleged Improper Activity, no useful purpose would be served by investigating; or
 - v. was not made in good faith or is otherwise an abuse of the Policy.

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Any investigation conducted by the Director of Internal Audit, or their designate, is to be carried out utilizing the procedures governing investigations by the Director of Human Resources.

7. The Discloser is entitled to be informed, upon request, of the result of the preliminary review, and, subject to the obligations of confidentiality in this Policy, the reasons for that result.
8. A Disclosure that is rejected under s. 6(b) requires no further action by the College.
9. Following a finding under s. 6(a), the Investigator may proceed with the investigation or may appoint an Investigating Team, comprised of internal and/or external investigators, as is deemed appropriate.
10. The Director of Human Resources may determine that it is appropriate to conduct a single investigation into multiple Disclosures.
11. The Investigator shall provide the Respondent with a written summary of the allegations and evidence against them. The Respondent shall have the opportunity to respond in writing, within five (5) working days of receipt of the Summary.
12. The Investigation shall be conducted in a manner appropriate to the particular Disclosure and the seriousness of the issues and may include:
 - a. interviews or written questions of the Discloser, Respondent or Witness(es);
 - b. review of any documents or electronic media; and
 - c. examination or testing of any physical evidence.
13. At any time during the course of an Investigation, an Investigator may determine:
 - a. That the Investigation should be expanded to include other information that comes to light;
 - b. That immediate steps are necessary to prevent or contain Improper Activity;
 - c. That a violation of the criminal law may have occurred and that the appropriate authorities should be notified.
14. Where new information comes to light or an Investigation is expanded under s. 13(a), the Respondent shall be provided with a further written summary of evidence and provided with a further five-day window to respond.

Conclusion of Investigation

15. An Investigation shall be concluded, wherever reasonably possible, within thirty (30) working days. The Investigator may find:
 - a. Improper Activity was carried out or intended to be carried out;
 - b. Improper Activity was carried out, but the Respondent acted without knowledge of the impropriety and could not reasonably have known that the conduct was improper; or
 - c. No Improper Activity was carried out or intended.
16. The Investigator shall, within ten working days of concluding the investigation, provide the Director of Human Resources, as the case may be, a written report of the conclusions containing a summary of the Disclosure, the Investigation process, the key evidence, the conclusions as to any Improper Activity and the reasons supporting those conclusions. Where necessary, a second version of the Report may be provided which preserves the confidentiality interests of any persons mentioned in the Report.

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- 17. The Director of Human Resources shall determine whether further investigation is necessary within ten (10) working days of receipt of the Investigator’s report.
- 18. If no further Investigation is contemplated, the Director of Human Resources will advise of the outcomes; the Respondent, any member of NSCC believed to be necessary to implement discipline, mitigation steps or other remedial measures, any person believed to be necessary to implement due diligence to prevent similar or related Improper Activities in the future, and any person or authority required by legal, regulatory or contractual obligation.
- 19. The Director of Human Resources, in consultation with Senior Leadership, shall determine any appropriate consequences applicable in the case of a finding of Improper Activity. These may include:
 - a. Development of or changes to policy, guidelines, procedures, systems or practices;
 - b. Correction of records;
 - c. Disciplinary action up to and including dismissal or expulsion;
 - d. Referral of a matter to an external agency for further investigation or prosecution;
 - e. Development of educational or training resources for staff or students; and
 - f. Any other measures deemed appropriate in the circumstances.

General Provisions

- 20. The Investigator or Investigating Team shall apprise all persons who participate in any way in the Investigation of the obligations of confidentiality under the Policy, as well as the protections afforded by the Policy.
- 21. The Investigator or Investigating Team shall take steps to protect the confidentiality interests of all those involved in any Disclosure. Except as determined by the Investigator, or where required by law, no person is entitled to information regarding the identity of the Discloser Respondent, Witnesses or other persons or regarding any disciplinary measures arising out of the Disclosure.
- 22. An Investigation shall proceed in accordance with principles of fairness and natural justice. In particular, to the extent possible and as consistent with the confidentiality obligations under this Policy: the Respondent shall be apprised of the procedures under this Policy, informed of the allegations against them, and afforded an opportunity to respond to them.
- 23. The Discloser, Respondent and Witnesses each have the right to be accompanied by an observer (including a Union representative where appropriate) to any meeting or interview by an observer along with the right to be informed of this right in advance of the meeting or interview. The Observer is not entitled to participate and is bound by the obligation to protect the confidentiality interests of those involved.
- 24. The College reserves the right to abridge or deviate from these timelines and procedures in circumstances where the risks arising from a delayed response, whether to the College or to others, are of sufficient magnitude to justify it.

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Reprisal Procedures

- 25. A Discloser who becomes aware of a breach of confidentiality or of any retaliation or reprisal will immediately advise the Director of Human Resources.
- 26. Upon receipt of information under s. 25, the Director of Human Resources shall determine whether any additional safety precautions can and ought to be implemented.
- 27. Within ten (10) working days of becoming aware of a reprisal, retaliation or breach of confidence, a person may file a complaint under this Policy. In order to be considered as Reprisal or retaliation under this Policy, the Complainant must have filed a prior Disclosure under the Policy. Reprisals cannot be adequately investigated in the case of anonymous Disclosures.
- 28. The complaint may be considered together with the prior Disclosure or as a separate matter.
- 29. A person who alleges a Reprisal or breach of confidence may be advised of the findings of any Investigation, along with any relief or remedy to be provided to the victim of Reprisal. However, they will not necessarily be informed of any corrective action taken against the Respondent.

Records Storage

- 30. At the conclusion of the Investigation process, all records will be forwarded to the Director of Human Resources or their designate. These records will be stored separately and treated with the strictest confidence. If the disclosure was regarding the Director of Human Resources, or any of the Human Resources staff, all records will be forwarded to the Director of Internal Audit who will store and treat them with the strictest confidence.
- 31. In the event that the conclusion of an investigation is that Improper Activity occurred and if disciplinary action was taken, a letter indicating that disciplinary action was taken is the only documentation that will appear on the Respondent’s official employment file.

Reporting Requirements

- 32. At the end of each Academic year, the Director of Human Resources or their designate, shall provide the President with a written report of the number of Disclosures under the Policy, the number of Investigations carried out and any actions taken pursuant to an Investigation. The Report shall not contain any identifying information of any Disclosers, Respondents or Witnesses.

PROCEDURE SUPPORTS

- Safe Disclosure “Whistleblowing” Policy
- Safe Disclosure “Whistleblowing” Form
- Frequently Asked Questions
 - Questions about disclosing Improper Activity
 - Questions about being the Respondent – i.e. the subject of an Improper Activity investigation
 - Questions for managers regarding Safe Disclosure and their role

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