



Policy Number	8.12
Approval Body	Board of Governors
Policy Officer	Associate Vice President, Human Resources
Approval Date	June 2024
Review Date	

8.12 EMPLOYEE SAFE DISCLOSURE POLICY

RELATED LEGISLATION + LINKED POLICIES

- University Act
- BC Human Rights Code
- All related ECU policies
- Criminal Code
- Emergency and Disaster Management Act
- Freedom of Information and Protection of Privacy Act
- All Collective Agreements

OBJECTIVE

Emily Carr University of Art + Design (“University”) is committed to maintaining the highest standards of ethical conduct and promoting a culture of honest, transparent and accountable behaviour. Employees are encouraged to report Wrongdoing as defined by this Policy through this Policy and its related Procedures.

The Public Interest Disclosure Act (“PIDA”) protects an employee who in good faith requests advice about making, or makes, a Disclosure of Wrongdoing or complaint about reprisal. PIDA also protects employees who in good faith cooperate with an Investigation under PIDA. The University is committed to its obligations under PIDA and adopts this Policy and Procedures to meet them.

The University will protect the privacy of those involved in such requests for advice, Disclosures and Investigations in accordance with all applicable laws, including PIDA and privacy laws.

SCOPE + APPLICATION

The purpose of this Policy and related Procedures is to establish processes that comply with PIDA for:

- employees and former employees to seek advice on and make Disclosures in good faith about wrongful or unlawful conduct without fear of retaliation or reprisal;
- the University to manage and investigate Disclosures, and report the outcomes of investigations;
- employees, former employees and contractors to cooperate with Investigations without fear of retaliation or reprisal; and
- the University to protect the privacy of people involved in Disclosures, Investigations and reports.

The Policy applies to employees which includes Board Members and former employees who were employed when a Wrongdoing occurred or was discovered.

This Policy applies to Wrongdoing, as defined in PIDA, in or related to the University:

- a) a serious act or omission that, if proven, would constitute an offence under an enactment such as laws, regulations and statutes of British Columbia or Canada;
- b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;
- c) a serious misuse of public funds or public assets;
- d) gross or systemic mismanagement;
- e) knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

PIDA does not limit an employee's rights or remedies that may be available under a collective agreement, contract or law. The Policy establishes a separate reporting procedure for employees to disclose specific types of improper activity, referred to as Wrongdoing, and does not affect an employee's duty to report other misconduct or improper activity under Code of Conduct or similar policies or right to raise concerns under an applicable law, contract or policy.

DEFINITIONS

In this Policy and the Procedures, terms have the same meaning as set out in the *Public Interest Disclosure Act (PIDA)*, except as further defined below:

“Designated Officer” means the following senior official(s) designated to do the following or, in the event the senior official designated is disqualified from acting, the official who is responsible under the section *Referral of Disclosure to Designated Officer* in the Procedures to:

- a) Receive requests for advice: Associate Vice President, Human Resources
- b) Receive and investigate disclosures: Associate Vice President, Human Resources

“Disclosure” means a report of Wrongdoing made under this Policy;

“Investigation” means an investigation of a Disclosure undertaken by the University under this Policy or by the BC Ombudsperson under PIDA;

“Natural Justice” means the right to an independent and unbiased hearing and the right to be heard.

“Procedural Fairness” means:

- a) The right to know the case against you
- b) The right to an impartial decision maker
- c) The opportunity to have your views considered by the person or people making the decision
- d) The right to a decision and the rationale for that decision

“Protection Official” means:

- a) in respect of a health-related matter, the provincial health officer,
- b) in respect of an environmental matter, the provincial administrator as defined in section 1 (1) of the Emergency and Disaster Management Act, or
- c) in any other case, an appropriate police force in British Columbia.

“Respondent” means a person about whom allegations of Wrongdoing are made;

“Supervisor” means:

- a) for employees, the employee’s administrator, manager or supervisor, as applicable;
- b) for Board Members, the Chair of the Board of Governors.

“Wrongdoing” has the meaning described above under the heading “Scope”.

POLICY PRINCIPLES

1. The University is committed to supporting ethical conduct in its operations, including by receiving, investigating and responding to Disclosures and by providing information about PIDA, this Policy and the Procedures, and seeks to foster a culture in which employees are encouraged to disclose Wrongdoing.
2. The University will follow this Policy in Investigations of Disclosures that it receives under this Policy in accordance with the principles of procedural fairness and natural justice.
3. The University will not commit or tolerate reprisals against any employee who, in good faith, makes a request for advice, makes a Disclosure, cooperates in an Investigation or makes a complaint about reprisal, or against any contractor which has cooperated in an Investigation, under this Policy.
4. The University is committed to protecting the privacy of disclosers, Respondents and those who cooperate in Investigations in a manner that is consistent with its obligations under PIDA and the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). All reporting under this Policy will be in compliance with PIDA and FIPPA.

Duties and Responsibilities

1. All employees are responsible for acting with honesty, integrity and accountability and complying with applicable law and policy in their work and dealings with others at the University.
2. Employees must make Disclosures in good faith based on a reasonable belief that Wrongdoing has or is about to occur, in accordance with this Policy and Procedures.
3. Employees must not engage in any reprisal against a person who has, in good faith, requested advice about making a Disclosure, has made a Disclosure or complaint about reprisal, or has cooperated in an Investigation under this Policy.
4. The President is responsible for administering this Policy, assigning the role of Designated Officer and ensuring that instruction is available to all employees about PIDA, this Policy and the Procedures, and preparing an annual report on disclosures of Wrongdoings made in that year in accordance with section 38 of PIDA. In the event that the President is unable or unavailable to perform their duties under this Policy, the President may delegate their authority in writing to other senior officials of the University.
5. The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this Policy and Procedures.

6. Supervisors are responsible for responding to requests for advice from employees, receiving Disclosures and referring Disclosures to the Designated Officer, or other senior official, as set out in the Procedures.
7. Everyone involved in an Investigation must treat all related information as confidential and everyone must protect any personal information collected, used or shared as part of a request for advice, Disclosure, complaint about reprisal or Investigation to the extent possible under applicable legislation, policy and collective agreements.
8. Nothing in this Policy relieves those responsible for the administration and management of the University from their responsibilities to address Wrongdoing or other types of misconduct or improper activity in accordance with good management practices and other policies, guidelines and procedures.

Consequences of Non-compliance

1. An employee found to have engaged in Wrongdoing may be subject to disciplinary action, up to and including termination of employment.
2. An employee who makes a bad faith, malicious or intentionally false Disclosure may be subject to discipline, up to and including termination of employment.
3. Breach of confidentiality and privacy is a serious offence. An employee who does not strictly protect confidentiality and privacy as required by this Policy and Procedures and applicable law may be subject to disciplinary action, up to and including termination of employment.
4. The University will not tolerate any reprisal against any person who has, in good faith, requested advice, made a Disclosure or complaint of reprisal, or cooperated in an Investigation under this Policy, including any contractor who has cooperated in an Investigation. This protection does not apply to protect an employee from the consequences of their own Wrongdoing, misconduct or improper activity unrelated to their rights under PIDA. An employee who engages in any such reprisal may be subject to discipline, up to and including termination of employment.
5. In addition to disciplinary consequences, it is a provincial offence under PIDA to obstruct, make a false statement to, or mislead or attempt to mislead, a person in the performance of their duties, powers or functions under PIDA, which is punishable upon conviction by a fine.

UNIVERSITY ACCOUNTABILITY

The University must prepare an annual report on all disclosures made in that year, including disclosures made to the BC Ombudsperson, and make the report publicly available on its website. The report must include:

- the number of disclosures received, including referrals;
- the number acted on and not acted on;
- the number of investigations commenced; and,
- if an investigation finds wrongdoing, a description of the wrongdoing, recommendations and corrective action taken in relation to the wrongdoing (or why no action was taken).

The report must not include any information that would invade a person's privacy or reveal the identity of a discloser or an individual who was the subject of an investigation.