

 <b>CAPILANO UNIVERSITY</b>		<b>POLICY</b>		
Policy No.	Officer Responsible			
<b>B.310</b>	<b>Vice-President, People, Culture and Diversity</b> <b>Vice-President, Finance and Administration</b>			
Policy Name				
<b>Public Interest Disclosure Policy</b>				
Approved by	Replaces		Category	Next Review
<b>Board</b>	<b>B.310 Protected Disclosures Policy (2023)</b>		<b>People, Culture and Diversity</b>	<b>April 2030</b>
Date Issued	Date Revised	Date in effect	Related Policies	
<b>February 16, 2016</b>	<b>April 29, 2025</b>	<b>April 29, 2025</b>	<b>B.511 Discrimination, Bullying and Harassment Policy</b> <b>B.217 Fraud Prevention and Investigation Policy</b> <b>B.506 Standards of Conduct Policy</b>	

## 1. PURPOSE

- 1.1 In all its activities Capilano University (“the University”) seeks to maintain the highest standards of ethical conduct and to promote a culture based on honest, transparent and accountable behaviour. It is the expectation that all members of the University community will comply with all applicable regulatory frameworks and University policies.
- 1.2 Employees acting in good faith, are encouraged to disclose Wrongdoing through this Policy and its related Procedures without fear of Reprisal. Any such Disclosures will be treated with due confidentiality in accordance with this Policy, the Public Interest Disclosure Act (“PIDA”), and B.700 Privacy and Access to Information Policy to protect the individuals involved.
- 1.3 This Policy provides a mechanism for confidential Disclosures of Wrongdoing, and protection of those who make such Good-Faith Disclosures from any Reprisals. This Policy also sets out the University’s approach for the appropriate investigation of and response to such Disclosures in accordance with PIDA.
- 1.4 Nothing in this Policy relieves those responsible for the administration and management of University academic, administrative or service units from the responsibility of addressing Employee conduct issues arising in accordance with good management practices and existing policies, guidelines and procedures.

- 1.5 This Policy is not intended to replace existing complaint, reporting and disclosure processes in applicable University policies. It is designed to provide an additional avenue for the confidential Disclosure of Wrongdoing (as defined in this Policy), consistent with PIDA. Employees are encouraged to continue to report any misconduct or improper activity in breach of any other applicable University policy, in accordance with the complaint, reporting, or disclosure processes provided for by the applicable policy. This includes, but is not limited to, those policies listed in the Related Policies section of this procedure.
- 1.6 Employees that are unsure which policy or procedure to follow in a particular instance may seek advice from a Designated Officer

## 2. DEFINITIONS

For the purpose of this policy and the Public Interest Disclosure Procedure (B.310.1), the following definitions apply:

**“Designated Officer”** the senior official(s) designated by the President to receive requests for advice and Disclosures and to investigate disclosures under this Policy. As of the date of this Policy, the Designated Officers are:

- a) the Vice President, People, Culture & Diversity; or
- b) if the request for advice or Disclosure relates to alleged financial Wrongdoing, the Vice President Finance and Administration.

**“Discloser”** an Employee (as defined in this Policy) who makes a Disclosure or seeks advice about making a Disclosure under this Policy.

**“Disclosure”** any written submission of information reporting alleged Wrongdoing as outlined in this Policy

**“Employee”** any person employed by the University. For the purposes of this Policy and its supporting procedure all references to Employee also includes:

- a) individuals who were employed by the University; and/or
- b) current and former Capilano University Board of Governors members who were on the Board

at the time the Wrongdoing occurred or when the Wrongdoing was discovered

**“Good Faith”** honestly intended actions based on reasonable belief and which are not improperly motivated, malicious, frivolous or vexatious in nature.

**“President”** the President of the University.

**“Procedural Fairness”** (fair process) relates to the steps taken before and after making a decision or responding to a complaint. Procedural Fairness requires that:

- a) those directly impacted are given advance notice and adequate information in order to be able to meaningfully participate, enabled to state their case or communicate their concerns and be heard in the decision-making process;
- b) decisions are timely, with well explained reasoning for decisions provided, including:
  - i) the decision-making criteria, policy or legislation (decision making rules);
  - ii) the information and evidence (the facts) considered; and
  - iii) how the decision-making rules were applied to the facts;
- c) decision makers are impartial, unbiased and free from any conflict of interest; and
- d) there is an adequate appeal/review process.

**“Reprisal”** an act of retaliation against an Employee, including demotion, discipline, dismissal or any other measure that adversely affects the Employee’s employment or working conditions, or a threat to take any of those measures.

**“Respondent”** a person alleged or found to have committed Wrongdoing

**“Supervisor”** in this policy means:

- a) for Employees, the Employee’s supervisor, manager, or administrator, as applicable; or
- b) for the President or Board members , the Chair of the Board of Governors.

**“Wrongdoing”** is defined as:

- a) a serious misuse of public funds or assets;
- b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons or the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
- c) 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;
- d) gross or systemic mismanagement; or
- e) knowingly directing or counselling a person to commit any act or omission described in a) to d) above;

### **3. SCOPE**

- 3.1 This Policy applies to all Employees and former Employees of the University who were employed at the time the Wrongdoing occurred or was discovered, and to current Board members and previous members of the Board who were serving at the time the Wrongdoing occurred or was discovered and deals with acts of Wrongdoing within the University or closely related to the function of the University.
- 3.2 In accordance with PIDA, contractors, volunteers, students and members of the public are not able to make Disclosures under this Policy. This does not restrict the ability of those individuals to raise a complaint through any other policy that may be applicable.
- 3.3 This Policy is not intended to replace policies and procedures developed by the University to manage conduct related issues that do not meet the definition of Wrongdoing. However, if the administrator of any such policies receives a report from an Employee that might be considered a Wrongdoing they should seek advice from the Designated Officer as soon as possible and advise the Employee they can make a Disclosure under this policy.
- 3.4 If the Designated Officer determines that the Disclosure does not warrant investigation under this Policy but involves a matter which may be appropriately addressed through another policy or process (including the grievance process), the Designated Officer will re-direct the matter to the administrator responsible for that policy or process.
- 3.5 Nothing in this Policy shall limit or amend the provisions of collective agreements entered into by the University and its employee groups.
- 3.6 This policy and its associated procedure are separate from any criminal or civil proceedings. The University is not responsible for determining violations of criminal or civil law and will fully cooperate in any criminal investigation.

### **4. POLICY STATEMENT**

#### **Requests for Advice**

- 4.1 An Employee who is considering making a Disclosure may request advice from:
  - a) their Supervisor;
  - b) their union representative;
  - c) a lawyer;
  - d) the Designated Officer; or
  - e) the Office of the BC Ombudsperson (the "Ombudsperson")

- 4.2 The Supervisor, Designated Officer or Ombudsperson may require the request for advice to be in writing.

### **Disclosure of Wrongdoing**

- 4.3 Employees who observe or become aware of actions (including actions that they believe are about to happen) that they believe, in Good Faith, constitutes Wrongdoing, can make a Disclosure in writing to their Supervisor, the Designated Officer or the Ombudsperson. Disclosures should be made as soon as practicable, to support a timely response. Supervisors who receive a Disclosure must forward them as soon as possible to the Designated Officer. If the Disclosure is about one of the Designated Officers, the alternate Designated Officer should be notified or the Discloser advised to make their Disclosure to the Ombudsperson's office.
- 4.4 Disclosures may be made by email or mail or through the University's dedicated Public Interest Disclosure reporting form.
- 4.5 If the Discloser has reasonable grounds to believe that a Designated Officer or the President are engaged in Wrongdoing, the Disclosure can be made to the alternate Designated Officer, the Board Chair or the Ombudsperson. Disclosures and requests for advice may be made anonymously, however investigations will only occur under this policy if it can be determined that the Discloser is an Employee or former Employee (or a Board or former Board member) and the Wrongdoing occurred or they learned of the Wrongdoing during their employment at the University. Anonymous Disclosers should also be aware that investigation may not be possible if they do not contain enough information to conduct an investigation and do not provide a means for contact to allow for follow up questions.

### **Public Disclosure in the Case of Imminent Danger.**

- 4.6 In limited, exceptional circumstances, Employees may make a Disclosure to the public which will be treated in accordance with this Policy. Those circumstances are where:
- a) the Employee reasonably believes there is an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment;
  - b) the Employee has consulted with the relevant authority required by PIDA Section 16(1), which is either the provincial health officer, Emergency Management BC, or the police; and
  - c) the Employee is following the direction of that relevant authority to make a public disclosure.

Immediately after a public disclosure is made the Employee must advise their supervisor or the Designated Officer.

### **Investigation of Wrongdoing**

- 4.7 The University will take all appropriate action in a timely manner to carefully, proportionately and fairly investigate Disclosures.
- 4.8 Investigations of Disclosures will be overseen and coordinated by the Designated Officer following B.310 Public Interest Disclosures Procedure or where relevant the advice of the Ombudsperson.
- 4.9 The Designated Officer will review the Disclosure and determine whether to investigate to notify the President of the decision to investigate. If the President is alleged to be responsible for the wrongdoing, the Designated Officer will notify the Chair of the Board of Directors.
- 4.10 Designated officers are also required under PIDA to investigate disclosures referred from the Ombudsperson, a ministry, government body or office, and may request assistance from the Ombudsperson for an investigation, or part of an investigation, or refer a Disclosure, in whole or in part, to the Ombudsperson. If a Disclosure is referred to the Ombudsperson the Designated Officer must notify the Discloser.

#### **Fair Treatment and Confidentiality**

- 4.11 Respondents will be treated fairly and impartially in accordance with the principles of Procedural Fairness and will maintain the rights, privileges and protections afforded to them through applicable legislation, University policies, and collective agreements in effect at the time of the alleged Wrongdoing.
- 4.12 The University is committed to protecting the privacy of Employees that request advice or make Disclosures under this Policy, as required by legislation and in order to mitigate Reprisal risk. All requests for advice, Disclosures and investigations will be handled in a confidential and sensitive manner and in compliance with B.700 Privacy and Access to Information Policy any other relevant legislation or applicable collective agreement or other agreements in effect at the time of the Wrongdoing. All information supplied and documents provided or created in the course of an investigation under this Policy is considered privileged to the extent identified by section 44 of PIDA.
- 4.13 Designated Officers and Supervisors may collect, use and disclose personal information under this Policy and in accordance with PIDA where the personal information is included in a request for advice or Disclosure or is required for the purpose of an investigation or report.
- 4.14 Personal information about a Discloser that could enable their identification must not be shared unless:
  - a) the provision or use of the information is for PIDA purposes, including to ensure a full and fair investigation into the Disclosure;
  - b) disclosure is to inform law enforcement of reasonably suspected criminal activity or serious risk of bodily harm to an individual in keeping with privacy legislation;
  - c) the provision or use of the information is in connection with another lawful purpose;

- d) the personal information has previously been lawfully published; or
  - e) the Discloser has given express consent, in writing, to the release or use of their personal information.
- 4.15 All those involved in a Disclosure or an investigation must keep the details and results confidential. Detailed results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know, or as required under law. A breach of confidentiality is a serious disciplinary offence and may result in discipline, up to and including termination of employment or expulsion from the University as appropriate.

#### **Protection from Reprisal for Disclosing Wrongdoing**

- 4.16 The University will not tolerate any Reprisal, either direct or indirect, against anyone who, in Good Faith:
- a) has sought advice about making a Protected Disclosure;
  - b) has made a Disclosure; or
  - c) has cooperated or plans to cooperate in an investigation under this Policy.
- 4.17 The University will take all reasonable steps to ensure that Disclosers are protected from Reprisals that fall within the authority of the University as a consequence of seeking advice on making a Disclosure, making a Disclosure, or cooperating in an investigation of Wrongdoing.
- 4.18 Any Employee who commits an act of Reprisal against a Discloser who seeks advice on making a Disclosure, makes a Disclosure, or cooperates in an investigation of Wrongdoing is subject to disciplinary action up to and including termination of employment.
- 4.19 Any Employee believes that a Reprisal has been taken or directed against them may make a complaint (in writing) to the Ombudsperson.

#### **Disclosures that are Not Good Faith Disclosures**

- 4.20 A Discloser who knowingly makes a Disclosure that is not a Good Faith Disclosure will be subject to disciplinary action up to and including termination of employment

#### **Protection of Respondents**

- 4.21 Respondents will be treated fairly and consistently regardless of their position or length of employment at the University, and all reasonable steps will be taken to protect their identity while permitting appropriate investigation and remedial steps under this Policy or any applicable University policy. All Respondents will maintain the rights, privileges and protections afforded to them through applicable legislation, University policies and collective agreements in effect at the time of the Disclosure.

## **Results of Investigation of Disclosure of Wrongdoing**

- 4.22 The results of the investigation of Wrongdoing, including recommendations for corrective action, will be provided by the Designated Officers to the President (or the chair of the Board of Governors if the President is a Respondent). Relevant information will be turned over to law enforcement authorities in circumstances where that action is deemed appropriate.
- 4.23 The Discloser and the Respondent will be provided with a summary of the investigation report by the Designated Officer.
- 4.24 A Respondent who is not found to have committed a Wrongdoing shall not be subject to disciplinary action, and the University shall take all reasonable steps to protect the position, reputation, privacy and confidentiality of such Respondents.
- 4.25 All files and documents pertaining to requests for advice made to Designated Officers, Disclosures, the investigation and the investigator's report shall be safely and securely retained by the Designated Officer for a minimum of five (5) years, unless another retention period is required by applicable law.

## **5. RESPONSIBILITIES**

- 5.1 It is the responsibility of the President to put into place and ensure that Employees are made aware of procedures, processes and resources in place to implement this Policy.
- 5.2 The President has appointed the Vice President, People, Culture and Diversity and the Vice President Finance and Administration to act as Designated Officers for advice, disclosure, investigation and actions arising from Disclosures. Designated Officers are responsible for familiarizing themselves with this Policy, and executing their functions in accordance with this Policy.
- 5.3 It is the responsibility of all Employees to comply with the law and the University's policies, and to report any Wrongdoing or suspected Wrongdoing related to the University. Employees are often in the best position to observe and Disclose Wrongdoing because of their proximity to day to day University operations. The University recognizes the importance of Disclosures in order to take preventative or corrective action when Wrongdoing has occurred.
- 5.4 Supervisors are responsible for familiarizing themselves with this Policy, taking relevant training courses, receiving and responding to requests for advice about Disclosures from Employees, protecting their confidentiality and referring Disclosures to the Designated Officer.

## **6. ANNUAL REPORT OF WRONGDOING**

- 6.1 Annually, the Designated Officers will report to the Executive and Human Resources Committee:
  - a) the number of requests for advice about making a Disclosure;



- b) the number of Disclosures filed by Disclosers and the number acted on and not acted on;
  - c) the number of Disclosures investigated;
  - d) the findings and recommendations of investigations conducted pursuant to a Disclosure, including those made by the Ombudsperson; and
  - e) any corrective action taken pursuant to an investigation or the reason(s) why no action was taken.
- 6.2 The report will be published on the University website and must not include any information that would:
- a) identify the Discloser;
  - b) identify a Respondent; or
  - c) unreasonably invade any person's privacy.

## **7. GENERAL PROVISIONS**

- 7.1 Nothing in this Policy shall in any way preclude any person from exercising their rights and obligations under collective or employment agreements or other laws that may be applicable.
- 7.2 Failure to comply with this Policy is a serious offence and may result in disciplinary action, up to and including termination of employment.
- 7.3 It is an 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.

## **8. DESIGNATED OFFICER**

- 8.1 The President delegates the responsibility of owning and administering this policy to the Vice-President, People, Culture and Diversity and the Vice-President, Finance and Administration supported by the Strategic Director, People, Culture and Diversity and the Director Risk Management.

## **9. RELATED POLICIES AND GUIDANCE**

B.217 Fraud Prevention and Investigation Policy

B.401 Sexual Violence Policy

B.506 Standards of Conduct Policy

B.511 Discrimination, Bullying and Harassment Policy

B.512 Human Rights, Diversity, Inclusion, and Equity Policy

B.517 Conflict of Interest Policy

B.604 Acceptable Use and Security of Electronic Information and Technology

OP.420 Safety and Emergency Services

B.310.1 Public Interest Disclosure Procedure

B.217.1 Fraud Investigation Procedure

B.401.1 Sexual Violence Procedure

B.511.1 Discrimination, Bullying and Harassment Procedure

## **10. REFERENCES**

Public Interest Disclosures Act

PIDA Resources. BC Ombudsperson

Fairness by Design: An Administrative Fairness Assessment Guide. Canadian Council of Parliamentary Ombudsman (2022).