

# Policy

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## PUBLIC INTEREST DISCLOSURE POLICY

**Number:** HR 3  
**Classification:** Human Resources  
**Approving Authority:** Board of Governors  
**Designated Executive Officer:** President  
**Effective Date:** December 1, 2024  
**Supersedes:**  
**Date of Last Review/Revision:** October 2024  
**Mandated Review Date:** October 2031

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**Associated Procedures:** HR 3.1 Public Interest Disclosure Procedures

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## 1.0 BACKGROUND

- 1.1 The BC [\*Public Interest Disclosure Act\*](#) (PIDA) provides a framework for Employees to report specific kinds of serious Wrongdoing with legislated protection from Reprisal. PIDA is effective for UNBC Employees December 1, 2024.
- 1.2 Public interest Disclosures must be about a matter of public interest and serious Wrongdoing in or relating to the University.
- 1.3 There are specific places to go for advice and processes that need to be followed to make a Disclosure about these kinds of Wrongdoing. If Employees choose to make a PIDA Disclosure, they must do so in good faith.

## 2.0 PURPOSE

- 2.1 The purpose of this policy and its corresponding procedures are as follows:
  - 2.1.1 Establish a process to provide current and former UNBC Employees a safe and legally protected way to report or seek advice on disclosing serious or systemic issues of Wrongdoing under PIDA without fear of retaliation or Reprisal.
  - 2.1.2 Describe the roles and responsibilities of all UNBC Employees under PIDA.

## 3.0 PRINCIPLES

- 3.1 UNBC is committed to supporting ethical conduct in its operations, including receiving, investigating, and responding to Disclosures and by providing information about PIDA, this Policy and the Procedures.
- 3.2 UNBC fosters a culture in which Employees are encouraged to disclose Wrongdoing.
- 3.3 Disclosures must be managed in an expeditious, fair and proportionate manner.
- 3.3 Disclosures received under this Policy are investigated in accordance with the principles of procedural fairness.
- 3.4 UNBC does not commit or tolerate Reprisals against Employees who, in good faith, make a request for advice, make a Disclosure, cooperate in an Investigation or

make a complaint about Reprisal, or against any Service Provider which has cooperated in an Investigation, under this Policy.

- 3.5 UNBC 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).

## 4.0 SCOPE

- 4.1 This Policy and the corresponding Procedures apply
- 4.1.1 exclusively to current and former UNBC Employees who wish to disclose or seek advice about disclosing Serious Wrongdoing under PIDA at UNBC; and
  - 4.1.2 to referred Disclosures from the BC Ombudsperson.
- 4.2 This Policy does not apply to members of the public, volunteers, students, or to former Employees who were not employed by UNBC at the time the Wrongdoing occurred or was discovered.

## 5.0 DEFINITIONS

- 5.1 **Act or PIDA** means the Public Interest Disclosure Act.
- 5.2 **Chief Executive** means the President.
- 5.3 **Designated Officer** means the senior official(s) designated to receive requests for advice and receive and investigate Disclosures under the *Act* and ensure that instructions are available to current and former Employees about PIDA, this Policy and the Procedures.
- 5.4 **Discloser** means an Employee or former Employee of UNBC who makes a Disclosure of Wrongdoing or seeks advice about making a disclosure under the *Act*.
- 5.5 **Disclosure** means a Disclosure of Wrongdoing made by a Discloser in accordance with the *Act*.
- 5.6 **Employee** means current and former Employees of UNBC, and for the purpose of this Policy and its Procedures also includes current and former members of the Board of Governors, volunteers, and Service Providers to the extent appropriate in the context.

- 5.7** **Reprisal** is defined under section 31(1) of PIDA. A person must not take or threaten to take any of the following measures of Reprisal against an Employee, or counsel or direct that any of the following measures of Reprisal be taken against an Employee, by reason that the Employee has, in good faith, made a request for advice, a Disclosure or a complaint about a Reprisal or cooperated with an investigation under this Act:
- a disciplinary measure;
  - a demotion;
  - a termination of employment;
  - any measure that adversely affects the Employee's employment or working conditions.
- 5.8** **Respondent** means a person alleged or found to have committed Wrongdoing.
- 5.9** **Service Provider** means a person or company retained under contract to perform services for the University.
- 5.10** **Supervisor** means:
- 5.10.1 for Employees, the Employee's administrator, manager or Supervisor, as applicable;
- 5.10.2 for Board members and the President, the Chair of the Board of Governors.
- 5.11** **Wrongdoing** is defined in [section 7\(1\) of PIDA](#) as follows:
- 5.11.1 a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- 5.11.2 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;
- 5.11.3 a serious misuse of public funds or public assets;
- 5.11.4 gross or systemic mismanagement;
- 5.11.5 knowingly directing or counselling a person to commit a Wrongdoing described in subsections 5.10.1 to 5.10.4.

## 6.0 POLICY

## 6.1 General

- 6.1.1 Employees and former Employees can seek advice and make Disclosures in good faith about wrongful or unlawful conduct without fear of retaliation or Reprisal.
- 6.1.2 UNBC is responsible for managing and investigating Disclosures, and reporting on the outcomes of the investigations.
- 6.1.3 Employees, Service Providers and former Employees can cooperate with investigations without fear of retaliation or Reprisal.
- 6.1.4 UNBC must protect the privacy of people involved in Disclosures, investigations and reports.
- 6.1.5 All reporting under this Policy must be compliant with PIDA and FIPPA.

## 6.2 Duties and Responsibilities

- 6.2.1 The President is responsible for administering this Policy and assigning the role of Designated Officer.
- 6.2.3 The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this Policy and Procedures.
- 6.2.4 The Designated Officer may delegate their authority to a UNBC Employee or a Service Provider to assess and investigate Disclosures at their discretion and as required in the circumstances.
- 6.2.5 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 UNBC.
- 6.2.6 Employees can make Disclosures in good faith based on a reasonable belief that Wrongdoing has or is about to occur, in accordance with this Policy and its corresponding Procedures.
- 6.2.7 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.
- 6.2.8 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.

6.2.9 Nothing in this Policy relieves those responsible for the administration and management of UNBC 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.

### 6.3 Consequences of Non-compliance

6.3.1 An Employee found to have engaged in Wrongdoing may be subject to disciplinary action, up to and including termination of employment.

6.3.2 An Employee who makes a bad faith, malicious or intentionally false Disclosure may be subject to discipline, up to and including termination of employment.

6.3.3 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, UNBC's *Protection of Privacy Policy*, and applicable law may be subject to disciplinary action, up to and including termination of employment.

6.3.4 UNBC does 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 Service Provider 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.

6.3.5 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.

### 6.4 Reprisal

- 6.4.1 Reprisal is prohibited under PIDA. 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.
- 6.4.2 Employees are protected from Reprisal when they do any of the following acts:
- i. Seek advice about making a Disclosure;
  - ii. Make a Disclosure; or
  - iii. Cooperate with a PIDA investigation.
- 6.4.3 This protection applies whether the Employee decides to make a Disclosure or not.
- 6.4.4 Employees are protected from any person taking an adverse measure against them which impacts their employment because they did a Protected Act under PIDA. An adverse measure can include termination, suspension and demotion, as well as subtler measures like bullying, ostracizing or a workplace transfer.
- 6.4.4 No person can take a Reprisal against an Employee, including Supervisors, co-workers, senior executive or alleged wrongdoers.
- 6.4.5 The BC Ombudsperson is responsible for investigating complaints of Reprisal from public bodies under PIDA's jurisdiction.

## 7.0 REPORTING

The President, or their Designated Officer, must prepare and publish publicly on the University's website an annual report on all Disclosures made in that year, including Disclosures made to the BC Ombudsperson. The report must include the following:

- 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.

## 8.0 AUTHORITIES AND OFFICERS

The authorities and officers for this policy are as follows:

Approving Authority: Board of Governors  
Designated Executive Officer: President  
Procedural Authority: President  
Procedural Officer: Senior Governance Officer

## 9.0 RELEVANT LEGISLATION

- 9.1 [BC Human Rights Code](#) (RSBC 1996, c210)
- 9.2 [Criminal Code](#) (R.S.C., 1985, c. C-46)
- 9.3 [Freedom of Information and Protection of Privacy Act](#) (RSBC 1996, c. 165)
- 9.4 [Public Interest Disclosure Act](#) (RSBC 2018, c. 22)
- 9.5 [University Act](#) (RSBC, 1996, c.468)
- 9.6 [Workers Compensation Act](#) (RSBC 2019, c.165)

## 10.0 RELATED POLICIES AND OTHER ASSOCIATED DOCUMENTS

- 10.1 All Collective Agreements
- 10.2 BC Ombudsperson's PIDA Procedures (The BC Ombudsperson has distinct PIDA procedures. Employees making requests for advice or reports or Wrongdoing to the BC Ombudsperson can contact them directly for more information)
- 10.3 Board of Governors Code of Conduct
- 10.4 *Conflict of Interest Policy*
- 10.5 *Harassment and Discrimination Policy*
- 10.6 *Occupational Health and Safety Policy*
- 10.7 *Respect in the Workplace Policy and Response Procedures*
- 10.8 *Sexual Violence and Misconduct Prevention and Response Policy and Sexual Violence and Misconduct Procedures*
- 10.9 UNBC Employee Code of Conduct
- 10.10 [WorkSafe BC regulations, policies, and guidelines](#)