

Section:	Human Resources (HR)
Subject:	Employment Rights and Obligations
Legislation:	<i>Public Interest Disclosure (Whistleblower Protection) Act (SA 2012 cP39.5)</i>
Effective:	January 30, 2007
Revision:	May 14, 2014; September 1, 2016 (reformatted)

APPROVED: _____
President and CEO

POLICY

The Board of Governors is committed to ensuring that SAIT and its stakeholders adhere to the highest standards of ethics in respect to SAIT operations, and that SAIT is committed to providing opportunities for members of the SAIT community to disclose unethical behaviour that they observe or reasonably suspect.

PROCEDURE

DEFINITIONS

- Chief officer** In the context of Alberta's *Public Interest Disclosure (Whistleblower Protection) Act*, SAIT's president and CEO or designate.
- Good faith disclosure** A complaint of any unethical behaviour that is not frivolous or vexatious and is made without malicious intent.
- Reprisal** Retaliatory measures, as a result of a good faith disclosure, that include:
- a) A dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;

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- b) Any other measure that adversely affects the employee's employment or working conditions; and/or
- c) A threat to take any of the measures mentioned in clauses a) and b).

SAIT community

SAIT's governors, employees, students, contractors, affiliates and volunteers.

Unethical behaviour

Includes but is not limited to the following in respect of SAIT or any member of the SAIT community:

- a) Gross mismanagement of public funds or a public asset.
- b) Contravention of a federal or provincial act or regulation.
- c) A breach of SAIT's Code of Ethics.
- d) An act or omission that creates a substantial and specific danger to the life, health or safety of persons, except as outlined in the *Public Interest Disclosure (Whistleblower Protection) Act*, or to the environment.
- e) An act of reprisal.
- f) Attempts to conceal any of the above.
- g) Knowingly directing or counseling an individual to commit any of the above.

GOVERNING PRINCIPLES

1. SAIT is committed to the highest standards of ethical conduct in all of its activities. SAIT encourages members of the SAIT community to disclose any unethical behaviour that they may have knowledge of or reasonably suspect.
2. SAIT will protect individuals from reprisal who make good faith disclosures in respect to wrongdoing, including prohibiting reprisal against such individuals.
3. The procedures herein are not intended to replace SAIT's policies and procedures.

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PROCEDURE**A. Reporting Unethical Behaviour**

1. Any member of the SAIT community who alleges that conduct constituting unethical behaviour has occurred or is reasonably likely to occur must immediately report such matter, provided it is a good faith disclosure, to a direct supervisor, manager, dean or director.
2. Once a report is made, the supervisor, manager, dean or director, as the case may be, shall ensure the disclosure is immediately forwarded to the appropriate director or associate vice president:
 - a) If the allegation of unethical behaviour relates to a SAIT employee, the disclosure is to be forwarded to the associate vice president of employee services.
 - b) If the allegation of unethical behaviour relates to a student of SAIT, the disclosure is to be forwarded to the registrar.
 - c) If the allegation of unethical behaviour relates to a financial malpractice or impropriety, the disclosure is to be forwarded to the director of Internal Audit.
3. The disclosure must include the following information:
 - a) A description of the alleged unethical behaviour;
 - b) Description of all parties involved;
 - c) The date of the unethical behaviour;
 - d) The potential financial interests and rewards, if known; and
 - e) Any other information necessary to evaluate the allegation.
4. The director or associate vice president, or designate, will review the disclosure and determine if:
 - a) An investigation is to be carried out.
 - b) The allegation can be combined with a related disclosure.
 - c) The allegation should be referred to a more appropriate process.

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- d) The allegation should be dismissed because it is not a good faith disclosure or for any other valid reason.
5. The director or associate vice president, or designate, will acknowledge, in writing, that the complaint has been received, within five business days of receiving the disclosure and will communicate to the complainant within ten business days if an investigation will occur.
6. If the director or associate vice president, or designate believes that the matter to which the complaint relates constitutes an imminent risk or specific danger to the life, health or safety of individuals, other than as set out in the *Public Interest Disclosure (Whistleblower Protection) Act*, or to the environment, the matter will, if appropriate, be referred to the public interest commissioner as soon as reasonably practicable.

B. Anonymous Reporting

1. If a complainant is uncomfortable reporting unethical behaviour to the direct supervisor, manager, dean or director, the disclosure may be submitted anonymously using the external Ethics Hotline (www.sait.confidenceline.net or 1-800-661-9675).
2. Anonymous complaints may limit an investigator's ability to determine the exact nature of the alleged unethical behaviour. Complaints regarding SAIT employees and students are subject to the principles of natural justice and procedural fairness and as such, are most effectively handled directly by Employee Services and the Office of the Registrar.
3. Unethical behaviour that is reported anonymously will be considered at the discretion of the chair of the Audit Committee or designate in terms of seriousness and credibility.

C. Investigation

1. If an investigation occurs, it may be conducted by an internal or external investigator and will follow the principles of natural justice and procedural fairness.
2. If during the investigation, the investigator believes other unethical behaviour has been committed or may be committed, the investigator will communicate that unethical behaviour to the director or associate vice president as per paragraph A.2 of this procedure, who will determine further action.

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3. If during the investigation, the investigator believes that an offence has been committed under any provincial or federal act or regulation, the investigator will communicate the offence to the director or associate vice president, as per paragraph A.2 of this procedure, who will determine further action.
4. Witnesses may have legal or other representation or support during an interview.
5. The investigation should be conducted and concluded within 110 business days from when the good faith disclosure was received. If the investigation is lengthy, the investigator can request an extension of 30 business days with the approval from the chief officer. Further time extensions can be requested from the public interest commissioner.
6. At the completion of the investigation, a report will be provided to SAIT's president and CEO and the chair of the Audit Committee, as applicable, if the investigator has found evidence of unethical behaviour.
7. The report by the investigator will not include information that leads or could lead to the identification of the individual who submitted the allegation if that individual has requested anonymity.
8. If unethical behaviour is found, appropriate remedial and disciplinary actions will be undertaken.
9. If an investigation finds that an individual has made a complaint that is not a good faith disclosure of unethical behaviour, or has knowingly made a false allegation of unethical behaviour, SAIT may take disciplinary action against that individual, up to and including dismissal.

D. Treatment of a Disclosure

1. Information concerning alleged unethical behaviour (including the identity of the complainant or any complaints of reprisal) and any investigation thereof will be kept confidential and disclosed only to individuals who have a legitimate need for the information and as required by law.
2. If the individual who submitted the allegation requests information about the progress of an investigation, that information may be provided at the investigator's discretion..
3. Records pertaining to alleged unethical behaviour are SAIT's property and will be retained in accordance with SAIT's records retention policy and procedures (except in the event of criminal activity, in which case the records may be delivered to the

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appropriate authorities, and except as otherwise required by law). They will be subject to safeguards that ensure their confidentiality while in SAIT's possession and, when applicable, will safeguard the anonymity of the individual who made the good faith disclosure.

E. Protecting the Individual Who Made the Disclosure

1. No person shall take any reprisal against an individual who has made a good faith disclosure. If a SAIT employee feels there have been reprisals for a good faith disclosure of unethical behaviour, the employee may follow the provisions of the *Public Interest Disclosure (Whistleblower Protection) Act*.

F. Follow-Up of Recommendations

1. The president and CEO, chair of the Audit Committee or designate may request information on the status of corrective measures or disciplinary action taken as a result of an investigation into a good faith disclosure.

G. Annual Reporting of Disclosure

1. The chief officer or designate must prepare an annual report in accordance with the *Public Interest Disclosure (Whistleblower Protection) Act*.

POLICY/PROCEDURE REFERENCE

HR.4.9 Ethical Disclosure policy

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PROCEDURE