

**CHAMPLAIN REGIONAL COLLEGE
OF GENERAL AND VOCATIONAL EDUCATION**



**PROCEDURE TO FACILITATE
THE DISCLOSURE OF WRONGDOINGS**



Procedure to facilitate the disclosure of wrongdoings

This Procedure was adopted for the first time by the Director General's Advisory Committee (DGAC) on May 14, 2019 and subsequently amended :

Month DD, YYYY

Procedure to facilitate the disclosure of wrongdoings

1. PURPOSE AND SCOPE

As a public body, Champlain Regional College (hereby referred to as the “**College**”) must fulfill certain obligations under the *Act to facilitate the disclosure of wrongdoings relating to public bodies*. The purpose of this document is to establish a process whereby all employees of the College can safely disclose of wrongdoings committed or about to be committed without a fear of reprisal.

The highest ranking administrative official (the “Board”) appoints the designated officer who is responsible for receiving disclosures, for verifying if a wrongdoing has indeed been committed or is about to be committed and, if required, to report back to the Board.

2. DEFINITIONS

Business days are Monday to Friday inclusively, excluding statutory holidays.

Designated officer refers to the person appointed by the Board. For the purpose of this procedure, the appointed person is the Secretary General. She/he is responsible to receive and process, with due diligence, the disclosures made by any employee or student, and to verify whether a wrongdoing has been committed or is about to be committed.

Discloser is an employee or a member of the personnel who disclose a reprehensible act to the designated officer.

Employee is any person at the employ of the College, whether permanent, temporary or occasional, unionized or non-unionized, including student employees or trainees, and management personnel. People who are no longer employed by the College, as well as retired persons, are not included in this definition.

Public Protector is an impartial ombudsman and independent service who deals with complaints received about public bodies.

Reprisal means any prejudicial or punitive measure or action taken, or to be taken, against a discloser for having made, in good faith, a disclosure or collaborated in an audit or investigation conducted as a result of a disclosure.

Student is any person registered in a course, credit or non-credit, or a program at the College.

Procedure to facilitate the disclosure of wrongdoings

Wrongdoing is, for the purpose of the *Act to facilitate the disclosure of wrongdoings relating to public bodies*, any doing that constitutes or consists of, as the case may be:

1. a contravention of a Québec law, of a federal law applicable in Québec or of a regulation made under such a law and to which the College is subject to;
2. a serious breach of the code of ethics and professional conduct of the College;
3. a misuse of funds or property belonging to the College, including the funds or property it manages or holds for others;
4. gross mismanagement within the College, including an abuse of authority or power;
5. any act or omission that seriously compromises or may seriously compromise a person's health or safety or that of the environment;
6. the act of directing or advising a person to commit a wrongdoing described in paragraphs 1 to 5.

3. APPLICATION

This procedure applies to the disclosure of any wrongdoing that has occurred or is about to occur with respect to the College. Wrongdoings include, in particular, those committed by an employee of the College in the exercise of his or her functions or by any person, partnership, group or other entity in the preparation or performance of a contract, including a grant of financial assistance, that has been entered into or is about to be entered into with the College.

4. PROCEDURES

4.1. FILING A DISCLOSURE

The discloser shall file a disclosure to the designated officer that a wrongdoing has been committed or is about to be, by submitting the written disclosure by email at safedisclosure@crcmail.net, in person, or by mail to:

Confidential
Secretary General
Champlain Regional College
1301, Portland Blvd.
Sherbrooke (Québec) J1J 1S2

Procedure to facilitate the disclosure of wrongdoings

The written disclosure should include as much information as possible, including, without limitation:

- contact information of the discloser, unless anonymous
- for each person involved in the alleged wrongdoing:
 - full name of the person;
 - title or position held by the person;
 - the service or administrative unit;
 - contact information of the person.
- details concerning the alleged wrongdoing:
 - description of the facts, of the event, or the act;
 - the service or administrative unit affected;
 - reasons why this it is considered a reprehensible wrongdoing;
 - when and where this wrongdoing was committed;
 - the names, titles and contact information of other persons involved in the wrongdoing or witness to the act;
 - possible consequences of the wrongdoing on the College, on the health and safety of employees and/or students or on the environment;
 - in the event the wrongdoing has not been committed but is on the verge of occurring, the information necessary to prevent it.
- information on the steps/measures taken with management, the union or other associations, or with other employees;
- mention of any fear or threat of reprisals.

If necessary, the designated officer shall conduct the necessary verifications to complete the missing information.

The discloser may, if they so choose, file a disclosure to the Public Protector by submitting in writing the information regarding the wrongdoing, to the Public Protector:

Direction des enquêtes sur les divulgations en matière d'intégrité publique

Protecteur du citoyen

800, place D'Youville, 18^e étage

Québec (Québec) G1R 3P4

Téléphone : 1-844-580-7993 (sans frais au Québec)

Formulaire sécurisés sur le site Internet :

www.divulgation.protecteurducitoyen.qc.ca

Procedure to facilitate the disclosure of wrongdoings

4.2. RECEPTION OF A DISCLOSURE

The designated officer receives disclosures of wrongdoing. If the contact information of the discloser is available and allows for confidential communication, a written acknowledgment of receipt shall be sent to the discloser within five (5) working days of receipt of the disclosure. In addition, the designated officer will communicate, by phone, with the discloser, to confirm the information received in the disclosure and to explain the process.

4.3. ADMISSIBILITY ANALYSIS OF THE DISCLOSURE:

Within fifteen (15) working days following the receipt of the disclosure, the designated officer shall analyze the admissibility of the disclosure to ensure compliance.

To be admissible, the disclosure must:

- relate to a wrongdoing, as defined in section 2 of this procedure;
- be made by an employee or a student, as defined in section 2 of this procedure;
- be made in the public interest and not motivated for personal purposes;
- be submitted to the person responsible for follow-up in the year in which the wrongdoing was committed or was about to be committed.

The purpose of the disclosure must not:

- question the appropriateness of government policies and programs or of the College;
- question the effectiveness, efficiency or soundness of strategies, orientations, and operations regarding investments, fund management or debt management activities of the *Caisse de dépôt et placement du Québec* or *Investissement Québec*;
- be the subject of an appeal in front of the court or a decision rendered by the court;
- be considered frivolous.

When a disclosure is deemed to be non-admissible, the designated officer, if aware of the contact information of the discloser, shall send a written notice stating the reasons for the decision and confirm the end of the process.

When the disclosure is found to be admissible, the designated officer shall proceed with verifications within sixty (60) days of the decision.

4.4. VERIFICATIONS CONDUCTED BY THE DESIGNATED OFFICER

Following receipt of a disclosure under this procedure, the designated officer makes the necessary verifications to determine whether a wrongdoing has

Procedure to facilitate the disclosure of wrongdoings

been committed or is about to be. When performing audits, she/he is required to maintain discretion and confidentiality of the discloser's identity as well as the information that was communicated to her/him.

The designated officer may, in particular:

- check the information to which he is able to have access (public registers, documents accessible online or otherwise);
- interview any person who may hold information relevant to the verification, in the extent to which she/he agrees to collaborate voluntarily.

As part of the verifications, the designated officer informs the Director General of the steps taken, except where she/he considers that the disclosure is likely to call her/him into question.

A person who makes a disclosure or collaborates with the designated officer during the verifications may disclose any information that may demonstrate that a reprehensible act has been committed or is about to be committed, and this despite:

- the provisions on the disclosure of information under the *Loi sur la protection des renseignements personnels dans le secteur privé* and by the *Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels*, except article 33;
- any other disclosure restriction provided by law and any obligation to confidentiality or loyalty which may bind a person, in particular with regard to his employer or, where applicable, its clientele. This implies in particular the possibility of lifting the professional secret, with the exception of the one that binds lawyers or notaries to their clientele.

The Director General is responsible of ensuring the proper collaboration of all employees in the verifications conducted by the designated person.

5. END OF THE VERIFICATIONS

At the end of the verification, the designated officer shall send a written notice to the discloser to inform her/him that the process is completed.

6. TRANSFER OF THE DISCLOSURE TO THE PUBLIC PROTECTOR

The designated officer may decide to transfer the disclosure to the Public Protector if she/he considers that the latter, in the circumstances, is the better body to act on the disclosure. This may be the case, for example, when the disclosure of the wrongdoing requires a thorough investigation or the power to convoke a person by subpoena to provide information or to produce

Procedure to facilitate the disclosure of wrongdoings

documents. When a disclosure is transferred to the Public Protector, the designated officer shall notify the discloser, accordingly.

7. TRANSMISSION OF INFORMATION TO AN ORGANIZATION IN CHARGE OF PREVENTING, DETECTING OR SUPPRESS CRIME, OR VIOLATION OF LAWS

If the designated officer considers that the information brought to her/his attention may be the subject of a denunciation pursuant to Article 26 of the *Loi concernant la lutte contre la corruption*, she/he shall transmit it, as soon as possible, to the *Commissaire à la lutte contre la corruption*.

The designated officer shall also disclose the information that is necessary for the purposes of a prosecution for a law violation to any other body responsible for preventing, detecting or suppressing crime or violations of laws, including a police service or professional order.

When transmitting information to such an organization, the designated officer may terminate the processing of the disclosure or continue the disclosure, in the manner agreed with that organization. If she/he deems necessary, the designated officer shall advise the discloser of the transfer of information.

8. PROTECTION OF THE IDENTITY OF THE DISCLOSER AND CONFIDENTIALITY

The designated officer must protect the confidentiality of the discloser's identity as well as the information communicated to her/him in the course of her/his duties. To this end, she/he keeps all records by means of a locked filing cabinet for paper format, not accessible to other staff, and protects computer files by restricted access that guarantees confidentiality. She/he shall also meet the discloser or any other person collaborating in an audit in places that protect their identity and confidentiality of the discussions.

The records of the designated officer are confidential. No one has the right of access or rectification to information that has been communicated, despite sections 9, 83 and 89 of the *Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels*.

9. HUMAN RIGHTS IMPLICATED BY THE DISCLOSURE

Considering that the disclosure of a wrongdoing identifies a person as the presumed author of the act, the designated officer must protect the confidentiality of her/his identity when the verification is ongoing and provide her/him with the opportunity to give her/his version of the facts. The person implicated in the allegations must, in particular, be able to answer to the allegations with which she/he is accused. This meeting may be held in person or by any other means of communication. During this meeting, the presumed author may be accompanied by a person of her/his choice.

Procedure to facilitate the disclosure of wrongdoings

10. PROTECTION AGAINST REPRISALS

No reprisals shall be made against disclosers, persons collaborating in a verification or those associated with the implementation of the procedure. The designated officer must inform these persons that they are protected in the event of the exercise of reprisals. She/he must also specify the time limit for taking action in case of reprisals.

The designated officer shall direct those who believe they have been victim to a reprisal to the Public Protector, the Commission des normes, de l'équité, de la santé et de la sécurité au travail (CNESST), or their union (for unionized employees) when the retaliatory measure concerns employment or working conditions. An employee has 45 days from the when the reprisal was imposed to file a complaint to the CNESST.