
Approval Authority:	Board of Governors	Last Approved:	June 11, 2024
Administrative Responsibility:	President, CFO, Human Resources	Next Review:	2027

STATEMENT

NVIT, as an Indigenous post-secondary institution, is dedicated to upholding the principles of Indigenous governance, ethics, and accountability. Grounded in Indigenous values and traditions, NVIT fosters a culture of integrity, transparency, and respect. Employees are encouraged to report any actions or behaviours that deviate from these principles, known as Wrongdoing, through NVIT's Public Interest Disclosure Policy and Procedures. NVIT recognizes the importance of the Public Interest Disclosure Act (PIDA) and is committed to fulfilling its obligations under PIDA while honouring Indigenous values and traditions.

PURPOSE

The purpose of this Policy and related Procedures is to establish processes that comply with PIDA, fostering a culture of integrity, transparency, and respect at NVIT for:

- Employees and former employees are to seek advice on and make disclosures in good faith about wrongful or unlawful conduct without fear of reprisal.
- The institution to manage and investigate disclosures and report the outcomes of investigations.
- Employees, contractors, and former employees to cooperate with investigations without fear of reprisal; and
- The institution to protect people's privacy in disclosures, investigations, and reports.

SCOPE

This Policy applies to individuals – described below – who wish to make disclosure(s) or seek advice about making disclosures related to Wrongdoing. Matters not covered under this policy may be addressed through other NVIT's policies, procedures, or processes.

WHO THIS POLICY APPLIES TO

- The Policy applies to employees, Board members, and officers of the Institution and former employees who were employed when Wrongdoing occurred or was discovered.

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 the NVIT Code of Conduct or right to raise concerns under 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*, except as further defined below:

1. **"Designated Officer"** means the person(s) designated by the President (refer to the procedures) as being responsible for receiving requests for advice about Disclosures, receiving and investigating Disclosures;
2. **"Supervisor"** means:
 - a) for employees, the employee's administrator, manager, or supervisor, as applicable;
 - b) for Board members and the President, the Chair of the Board of Governors.
3. **"Employee"** means:
 - a) a current employee of NVIT; and
 - b) a former employee of NVIT, if the Wrongdoing occurred or was discovered by the former employee when the former employee was employed by NVIT.
4. **"Board Member"** means:
 - a) a current member of the NVIT Board of Governors appointed through CABRO.
5. **"Discloser"** means an Employee or Board Member who makes a Disclosure;
6. **"Respondent"** means any person currently employed by NVIT who is alleged or found to have committed Wrongdoing.
7. **"BC Ombudsperson"** means the Ombudsperson appointed under the Ombudsperson Act.
8. **"Protection Official"** means:
 - a) the provincial health officer, in respect of a health-related matter;
 - b) the agency responsible for the Emergency Program Act in respect of an environmental matter or
 - c) In any other case, an appropriate police force should be in British Columbia.
9. **"Disclosure"** means a report of Wrongdoing made under this Policy;
10. **"Investigation"** means an investigation of a Disclosure undertaken by the Institution under this Policy or by the Ombudsperson under PIDA;
11. **"Wrongdoing"** means the following conduct in or relating to NVIT and includes conduct that occurred before the coming into force of PIDA:
 - a) a serious act or omission that, if proven, would constitute an offence under an enactment 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 a wrongdoing described in sections (a) to (d) above.

12. **“Reprisal”** means any of the following measures taken against, or counselled to be taken against, an Employee because the Employee has, in good faith, made a request for advice, a Disclosure, or a complaint about a Reprisal, or cooperated with a PIDA Investigation:
- a) a disciplinary measure;
 - b) a demotion;
 - c) a termination of employment;
 - d) any measure that adversely affects the Employee’s employment or working conditions;
 - e) a threat to take any of the measures referred to in sections (a) to (d) above.

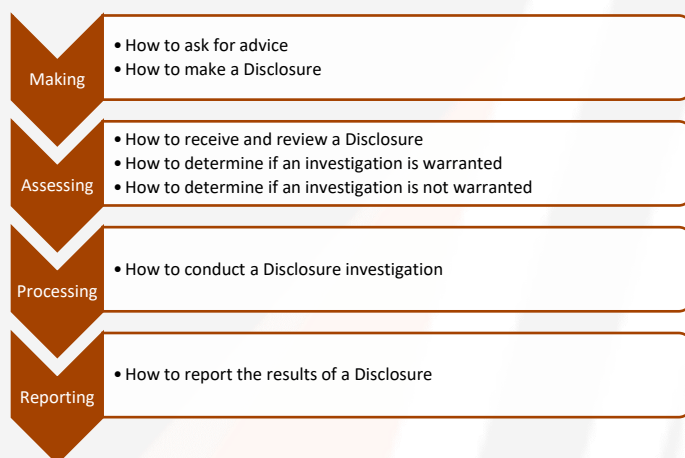
ROLES AND RESPONSIBILITIES

- i. **“Designated Officer”**: NVIT’s Designated Officers are the Chief Financial Officer and the Manager of Human Resources. The Designated Officers are responsible for advising, receiving, investigating, and reporting Disclosures;
 - a) The Chair of the Board of Governors may act as a Designated Officer if the conditions under “How to refer a Disclosure” (in this Procedure) apply.
- ii. All employees are responsible for acting with honesty, integrity, and accountability and complying with applicable laws and policies in their work and dealings with others at the institution.
- iii. 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.
- iv. 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.
- v. The President is responsible for administering this Policy, assigning the role of Designated Officer and Supervisor, and ensuring that instruction about PIDA, this Policy, and the Procedures are available to all employees. 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 Institution.
- vi. The Designated Officer is responsible for exercising the responsibilities assigned to them by the President under this Policy and Procedures.
- vii. The Supervisor is responsible for responding to employee advice requests, receiving Disclosures, and referring Disclosures to the Designated Officer or other senior official, as set out in the Procedures.
- viii. 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, or complaint about reprisal or Investigation to the extent possible under applicable legislation, policy, and collective agreements.
- ix. Nothing in this Policy relieves those responsible for the administration and management of the Institution 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

- i. An employee found to have engaged in Wrongdoing may be subject to disciplinary action, up to and including termination of employment.
- ii. An employee who makes a bad faith, malicious or intentionally false Disclosure may be subject to discipline, up to and including termination of employment.
- iii. 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.
- iv. The Institution 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.
- v. 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.

PROCESSES AND PROCEDURES



HOW TO ASK FOR ADVICE

- i. An employee who, in good faith, reasonably believes that a Wrongdoing has been committed or is about to be committed may make a Disclosure to any of the following:
 - a) the Supervisor;
 - b) the Designated Officers responsible for receiving Disclosures; or
 - c) the BC Ombudsperson.
- ii. Disclosures should be made in a timely manner.
- iii. A Disclosure must be in writing using the Disclosure Form (see Appendix 1) and include the following information if known:

- a) a description of the Wrongdoing;
 - b) the name of the person(s) alleged to have committed the Wrongdoing, or to be about to commit the Wrongdoing;
 - c) the date or expected date of the Wrongdoing;
 - d) whether information or conduct that is being disclosed relates to an obligation under a statute and, if so, the name of that statute; and
 - e) whether the Wrongdoing has already been reported, and, if so, the name of the person to whom it was reported and the response, if any, that the Discloser received.
- iv. A Disclosure that is being delivered to a Designated Officer or Supervisor must be sent by email to PIDA@nvit.ca
- v. A Disclosure may be done anonymously, and employees considering an anonymous Disclosure should be aware that the person receiving the Disclosure may be unable to seek clarification or further information from them, which may impact response to the request for advice and/or Investigation of the Disclosure. Similarly, an anonymous Discloser may not be notified further about an Investigation under this Procedure.

HOW TO MAKE A DISCLOSURE ABOUT URGENT RISK

- i. PIDA allows employees to make public Disclosures under limited circumstances. Employees making public Disclosures must meet the following conditions:
 - a) the employee reasonably believes there is a matter that constitutes 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 Protection Official (public health Official, Emergency Management BC, or police as defined in this Policy) before making the Disclosure;
 - c) the employee has received direction from that Protection Official and is following it, including if the Protection Official directs the employee not to make a public Disclosure;
 - d) the employee does not disclose or share anyone's personal information except as necessary to address the urgent risk, and the employee does not disclose any information that is privileged or subject to a restriction on Disclosure under PIDA or another enactment of British Columbia or Canada, including solicitor-client privilege, litigation privilege or another ground of common law privilege, or public interest immunity.
- ii. Employees are expected to obtain appropriate advice if they are uncertain about what information may be disclosed as part of a public Disclosure.
- iii. An employee who makes a public Disclosure must, immediately following the public Disclosure, notify the Supervisor or the Designated Officer about the public Disclosure, and submit a Disclosure in accordance with How to Make a Disclosure above.

- iv. if the employee does not wish to make a public Disclosure or is directed by a Protection Official not to do so, the employee is, nevertheless, expected to report their concerns to the Designated Officers without delay in accordance with this Policy.

REPRISAL PROTECTIONS

- i. The Institution will not tolerate reprisals against employees who request advice, make Disclosures or complaints about reprisal, or cooperate in an Investigation or contractors that cooperate in an Investigation in accordance with this Policy or the PIDA. A reprisal may include a disciplinary measure, demotion, termination of employment, any other measure that adversely affects the employee's employment or working conditions or any threat to do the same or, in the case of a contractor, termination or non-renewal of their contract(s) or withholding payment. This protection does not apply to protect an employee or contractor from the management or termination of their employment or contractual relationship, respectively, unrelated to their exercise of their rights under PIDA.
- ii. An employee who believes that they have been the subject of a reprisal may make a complaint to the Ombudsperson, who may investigate and make recommendations to address a reprisal in accordance with PIDA.

HOW TO RECEIVE AND REVIEW A DISCLOSURE

- i. Upon receiving a Disclosure, the Supervisor or Designated Officer must date stamp the report and follow any other process established for receiving Disclosures.
- ii. The Designated Officers must ensure that the Disclosure is reviewed in a timely manner in accordance with this Procedure.

HOW TO REFER A DISCLOSURE

- i. A Supervisor or Designated Officer who receives a Disclosure must promptly refer the Disclosure, as applicable, including all forms, documents and other materials supplied by the Discloser, as follows:
 - a) unless the allegations concern alleged Wrongdoing by the President, a member of the Board of Governors or a Designated Officer, the Disclosure shall be referred to the Designated Officer, who may delegate their duties under this Policy;
 - b) if the allegations concern alleged Wrongdoing by the Designated Officer, the Disclosure shall be referred to the President;
 - c) if the allegations made in a Disclosure concern alleged Wrongdoing by the President, a member of the Board of Governors (or either/both and the Designated Officer(s)), then the Disclosure shall be referred to the Chair of the Board of Governors as the Designated Officer; or
 - d) if the allegations made in a Disclosure concern wrongdoing by all of the officials listed in subparagraphs (a), (b) and (c) or the Chair of the Board of Governors, then the Disclosure will be referred to the BC Ombudsperson.

- e) The Designated Officer may choose to re-direct the Disclosure if the conditions under 3.7 ii apply.

HOW TO DETERMINE IF AN INVESTIGATION IS WARRANTED

- i. After a Disclosure is received from any source, including a referral from a Supervisor, the Designated Officers will conduct a preliminary review of the Disclosure and decide within 10 business days whether an Investigation is required and the form of the Investigation. The Designated Officer must assess each Disclosure received for the risk of reprisal against the Discloser (regardless of whether the Disclosure will be investigated).
- ii. The Designated Officers may communicate with and request information from the Discloser in order to make this determination.
- iii. If the Designated Officers reasonably believe there is an urgent risk arising from the information provided in a Disclosure, they may report the matter to an appropriate Protection Official.

HOW TO DETERMINE IF AN INVESTIGATION IS NOT WARRANTED

- i. The Designated Officers may elect not to proceed with an Investigation or to stop an Investigation at any time if the Designated Officer reasonably believes:
 - a) the Disclosure was not made by an employee as defined in the Policy;
 - b) the allegations, if proven, do not constitute Wrongdoing;
 - c) the Disclosure relates primarily to:
 - a dispute between the employee and the Institution about their employment;
 - a law enforcement matter being addressed by the police force;
 - a matter relating to the prosecution of an offence or
 - the exercise of an adjudicative function of a court, tribunal, or other statutory decision-maker, including a decision or the processes and deliberations that have led or may lead to a decision;
 - d) the Disclosure does not provide adequate particulars of the Wrongdoing;
 - e) the Disclosure is frivolous or vexatious or has not been made in good faith;
 - f) the Investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged Wrongdoing and the date of the Disclosure;
 - g) the Disclosure relates solely to a public policy decision;
 - h) the Disclosure is already being or has been appropriately investigated by the Ombudsperson, the Institution or other appropriate authority; or
 - i) PIDA otherwise requires or permits the Institution to stop or suspend the Investigation.
- ii. If the Designated Officers determine that the Disclosure does not warrant Investigation under this Policy but involves a matter which may be appropriately addressed through

- another process (including the grievance process), the Designated Officer will re-direct the matter to the entity responsible for that process.
- iii. The Designated Officers may refer a Disclosure to the BC Ombudsperson and law enforcement, considering factors such as:
- a) whether the subject matter of the Disclosure would be more appropriately dealt with by another authority;
 - b) the complexity of the subject matter of the Disclosure;
 - c) whether a real or perceived conflict of interest exists;
 - d) the resources and expertise required to conduct a fair and effective Investigation; and
 - e) if the subject matter relates to an individual with authority over the Designated Officer.
- iv. The Designated Officers may postpone or suspend an Investigation if the Designated Officers:
- a) report to a law enforcement agency an alleged offence they have reason to believe has been committed in relation to the Disclosure;
 - b) consider that the Investigation may compromise another investigation or
 - c) the alleged Wrongdoing is also being investigated for the prosecution of an offence.
- v. The Designated Officer will notify the Discloser and, if appropriate, the Respondent(s), if they refuse, stop, postpone, or suspend an Investigation or refer the Investigation to another process or authority, including the reasons for the decision. The Designated Officer will also notify the President unless the President is alleged to be responsible for the Wrongdoing, in which case the Designated Officer will notify the Chair of the Board of Governors and any other person required by PIDA.

HOW TO CONDUCT A DISCLOSURE INVESTIGATION

- i. Every person involved in Investigations under this Policy must carry out their functions in an expeditious, fair, and proportionate manner as appropriate in the circumstances, as required under the PIDA and in accordance with applicable obligations under a collective or employment agreement.
- ii. Investigations will be conducted in accordance with the principles of procedural fairness and natural justice and conducted in accordance with applicable legislation, policy, and agreements. Respondents of the Disclosure will be informed of the nature of the allegations and will have an opportunity to respond to the allegations.
- iii. Where the Designated Officers decide that an Investigation is Warranted, the Designated Officer will manage the Investigation with appropriate assistance and consultation, depending on the nature of the Disclosure.
- iv. Subject to the provisions of the How to determine if an Investigation is not warranted section above, the Designated Officers may expand the scope of an Investigation beyond the allegations set out in the Disclosure or complaint about reprisal to ensure that any potential Wrongdoing discovered during an Investigation is investigated. If more than one

- Disclosure is received with respect to the same or similar Wrongdoing, a single Investigation into the alleged Wrongdoing may be conducted.
- v. The Designated Officers shall seek, where practicable, to assess Disclosures within 20 business days and to investigate Disclosures within 120 business days. The Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.
 - vi. The Designated Officers may seek assistance from the Ombudsperson for an Investigation or refer a Disclosure in whole or in part to the BC Ombudsperson, provided that notice of the referral is provided in writing to the Discloser.

HOW TO REPORT THE RESULTS OF A DISCLOSURE

- i. The Designated Officers will provide a report on the findings of the Investigation, reasons and any recommendations to the President or, in the case of an Investigation involving the President, to the Chair of the Board of Governors.
- ii. The Designated Officers will ensure that any corrective actions recommended are implemented in accordance with relevant legislation, policy and agreement. The Designated Officer is not required to hold a hearing.
- iii. Subject to the Institution's obligations under FIPPA, the Designated Officers will seek to provide an appropriate summary report within 20 business days of the Investigation being completed to the Discloser and the Respondent(s). The obligation to provide such a report does not apply to a Discloser who submits a Disclosure anonymously.

CONFIDENTIALITY

- i. The Institution is committed to protecting the privacy of disclosers, Respondents, and those who cooperate in Investigations in a manner 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.
- ii. For the Policy and Procedures to function as intended, everyone involved in a request for advice, Disclosure, complaint about reprisal or Investigation must protect confidentiality and privacy.
- iii. Employees must take reasonable precautions to ensure that personal information is not disclosed in a request for advice, Disclosure or complaint about reprisal beyond what is reasonably necessary.
- iv. Employees must maintain strict confidentiality with respect to all personal information – including the identity of those involved – related to a request for advice, Disclosure, complaint about reprisal or Investigation under the Policy and Procedures and must not disclose such information. Employees are encouraged to ask the Designated Officers if they have any questions about their confidentiality obligations.

- v. Supervisors and Designated Officers must advise employees who request advice, make a Disclosure or complaint about reprisal or participate in an Investigation about these obligations.
- vi. Supervisors and Designated Officers must only collect, use and disclose personal information, particularly if it may reveal the identity of a discloser or Respondent, necessary to fulfill their responsibilities under PIDA or as otherwise permitted by PIDA, including to comply with other applicable laws and agreement and ensure a fair and appropriate Investigation.

June 2024 – May 2025

Annual Report of Nicola Valley Institute of Technology Under the *Public Interest Disclosure Act*

What is the Public Interest Disclosure Act?

The *Public Interest Disclosure Act* (“PIDA”) is legislation that supports ethical and accountable practices by encouraging the employees of public bodies to report serious misconduct for investigation and further action.

PIDA provides a framework for employees to report wrongdoing, and provides them with protection against reprisals. The types of wrongdoing that can be reported under PIDA include:

- A serious act or omission that constitutes an offence under an enactment in BC or Canada;
- An act or omission giving rise to a substantial and specific danger to the life, health or safety of persons, or to the environment;
- A serious misuse of public funds or public assets; and
- Gross or systemic mismanagement; and
- Directing or counselling a person to commit any of the above.

Nicola Valley Institute of Technology (NVIT) became subject to the PIDA on June 1, 2024. Under section 38 of PIDA, NVIT is responsible for issuing this annual report on the disclosures that it received under PIDA within the year.

Disclosures

Number of Disclosures Received: One

Number of Disclosures Acted on: One

Number of Disclosures Not Acted on: Zero

Number of Investigations Commenced as a Result of a Disclosure: One

Number of Disclosures giving rise to a finding of Wrongdoing under PIDA: Zero


Description of Any Findings of Wrongdoing and Related Recommendations: Not Applicable

Nature of Finding of Wrongdoing	Recommendations	Corrective Action Taken or Reasons why Corrective Action Not Taken

For privacy reasons, the findings and recommendations in the above Table are provided in summary form.



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INSTITUTE OF
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+1-877-682-3300 

info@nvit.ca 

nvit.ca 

Public Interest Disclosure Act

Disclosure Form

This form is designed to assist you with providing information about how to disclose Wrongdoing under the Public Interest Disclosure Act to the Designated Officers in accordance with NVIT's Policy and Procedures.

If you are unable to include all details about the alleged Wrongdoing on this form, you may submit further details as a separate document. Please include it when you submit this form. Questions marked with a * are mandatory.

NVIT's Designated Officers are Chief Financial Officer, Paul Grewal and Director of Human Resources, Ashley Nickel. They can be reached at PIDA@nvit.ca.

Employment Status*

This form is for current and former employees within NVIT to assist them in making a disclosure under the Public Interest Disclosure Act.

Are you a current or former employee of NVIT? Please check the appropriate box:

Current

Former

Board Member

Contractor

BC'S INDIGENOUS PUBLIC POST-SECONDARY INSTITUTE


EXPERIENCE THE NVIT DIFFERENCE

MERRITT CAMPUS
4155 Belshaw St,
Merritt, BC V1K 1R1

VANCOUVER CAMPUS
200-4355 Mathissi Place,
Burnaby, BC V5G 4S8



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INSTITUTE OF
TECHNOLOGY**

+1-877-682-3300 

info@nvit.ca 

nvit.ca 

Type of Wrongdoing* (Please check all that apply)

The Wrongdoing I wish to disclose relates to:*

A serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada.

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.

A serious misuse of public funds or public assets.

Gross or systemic mismanagement.

Someone knowingly directing or counselling a person to commit one or more of the Wrongdoings described above.

If none of the above apply, please consider addressing the matter through other internal policies and procedures or contact your supervisor.

Adapted from the PIDA Form For Political Staff by the BC Public Service Agency.



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Contact Information

Your Name

First:

Last:

Address

Street address:

Unit number:

City:

Province:

Postal code:

Phone Numbers

Daytime phone number:

Other phone number:

Email:

May a message be left at your daytime phone number?

Yes

No



Disclosure Details*

In the space provided below, please provide as much information as you can about the alleged Wrongdoing and the person(s) alleged to have committed the Wrongdoing or about to commit the Wrongdoing. The following details are required if known:

- Description of the Wrongdoing and any relevant background
- The names of those responsible
- When and where the Wrongdoing occurred or may be about to occur
- Names of people who witnessed some or all of the Wrongdoing, if available

Disclosure Details:



Steps Already Taken*

This section helps us understand what steps have already been taken to prevent the alleged Wrongdoing.

Have you reported the Wrongdoing to your supervisor, Designated Officers, another excluded manager, or through another process?*

Yes

No

Are you aware if other bodies are investigating the alleged Wrongdoing (e.g. grievances through the bargaining unit, the court system or under another law, Health Officer, the police)?*

Yes

No

Unknown

If this space is not sufficient, please include additional documents. Retain copies of all your submissions.

Note: You don't have to provide supporting materials.

End of document