

About PIDA – Frequently Asked Questions

ABOUT PIDA & SFU'S OBLIGATIONS

1. What is the Public Interest Disclosure Act?

The Public Interest Disclosure Act (PIDA) is BC's whistleblower protection legislation for current and former employees and current and former Board members of B.C. public sector organizations, including universities. **PIDA will come into effect for SFU employees on December 1, 2024.** PIDA provides mechanisms for investigating allegations of wrongdoing, as defined by PIDA, and where wrongdoing is found, the means to address it. PIDA also provides protection for public sector employees who speak up about serious or systemic wrongdoing within their organization by prohibiting reprisal against those who seek advice about reporting wrongdoing, report wrongdoing, or participate in an investigation of wrongdoing.

2. How is SFU going to comply with PIDA?

SFU will be implementing new processes by December 1, 2024, to support PIDA requirements. The PIDA policy and procedures will be available December 1, 2024 on the SFU central repository for policies (policy gazette), along with a PIDA webpage containing an online form for disclosures, training opportunities and other supporting documents such as flowcharts.

3. Does this new "PIDA Policy" replace all of the other policies that address inappropriate conduct or behaviour at SFU?"

No. SFU maintains a comprehensive policy structure that addresses inappropriate conduct and behaviour at SFU, such as policy GP18 (Human Rights), GP41 (Whistleblower), GP44 (Sexual Violence and Misconduct Prevention, Education and Support), and GP47 (Bullying and Harassment).

Individuals who experience inappropriate conduct or behaviour are welcome to report it under existing applicable policies. However, if an employee believes that they have knowledge of wrongdoing as defined by PIDA, they may report it under the new Public Interest Disclosure Policy instead of under other applicable policies. As part of their assessment, the Designated Officer may determine that a report would be more appropriately addressed under another university policy, in which case the Designated Officer will either refer the discloser to the applicable policy or notify the discloser and forward the report to the university office(s) that manages the applicable policy. Regardless of the Designated Officer's decision, the discloser has the right to make a report to the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson).

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REPORTING WRONGDOING

4. What is wrongdoing under PIDA?

Wrongdoing is defined under PIDA to specifically mean:

- A serious act or omission that, if proven, would constitute an offence under the laws of B.C. 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; or
- Knowingly **directing/counselling a person to commit** the wrongdoing described above.

5. What are some examples of wrongdoing?

The Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson) has issued guidance to public bodies and their employees to help clarify what would, and would likely not, be considered wrongdoing under PIDA.

The following circumstances would likely meet the definition of wrongdoing under PIDA:

- Taking bribes from someone
- Unresolved workplace violence or threats of violence
- Hiring only family members
- An ongoing culture of sexism
- Widespread bullying and harassment
- Ongoing inaction regarding the abuse of vulnerable people
- Recurring theft or sizable theft of university assets or property
- Practices allowing ongoing health and safety violations
- Organized fraud conducted by one or more people (financial or other fraud)
- Awarding contracts for political or personal financial gain
- Using University funds for personal vacations over a sustained period of time
- Using University resources for personal businesses over a sustained period of time
- Culture of overspending on corporate meals and travel
- Negligence causing serious harm
- Practices that lead to ongoing harm to animals

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- Significant destruction of university property
- Use of a work vehicle to operate a private business
- Withholding permits, services or payments as a coercive act

Preventing members of the university community from accessing complaint mechanismsThe following circumstances would likely not meet the definition of wrongdoing under PIDA, but could be addressed under a different policy/procedure:

- Mistakes with paystubs
- A single act of bullying behaviour
- A single discriminatory comment
- A single sexist comment made at work
- An isolated violent incident
- Errors in submitting travel expenses
- Environmental damage that is addressed in a timely manner
- A workplace injury
- An isolated incident of an employee stealing an asset that is worth an insignificant amount from the university
- Using university computers to send personal emails
- Expensing a costly dinner while on a work trip
- A difference of opinion about a policy or practice
- An isolated incident of misuse of university property of small value
- Using a work vehicle to do errands on an occasional basis

6. Who can report wrongdoing under PIDA and the PIDA policy?

- Current and former employees of the university, regardless of whether they are (or were) permanent, temporary, casual, part-time or full-time. This includes Board members.
- Former employees can only report wrongdoing that they discovered, or that occurred, while they were employed by the university.
- Employees can report wrongdoing that has happened in the past, is currently taking place or that they believe is about to happen.
- Students, volunteers, and contractors cannot make a report under PIDA, but may report misconduct through SFU's other applicable policies

7. How can I report wrongdoing?

Current and former employees can report wrongdoing –

1. To their supervisor or the Designated Officer; or

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2. the SFU online PIDA disclosure form; or
3. to the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson).

Employees can choose where to report wrongdoing. Reports can be made anonymously, but the University may not be obliged to investigate an anonymous report made under PIDA unless the report provides sufficient detail to conduct a fair investigation.

8. Can I seek advice before reporting wrongdoing?

Yes. You may request advice from your supervisor, the Designated Officer, a lawyer (at your own expense), your union or employee association (if you are a member of a union or employee association), or the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson). PIDA provides you with protection from reprisal if you seek advice from any of these resources, whether or not you report wrongdoing.

9. What may I seek advice about?

You may ask for advice about the meaning of wrongdoing, what other mechanisms might be appropriate for addressing your concerns, how your privacy will be managed throughout the Disclosure process, how to make a Disclosure of Wrongdoing, and how the PIDA process established by this policy will work.

10. Do I have to talk to my supervisor before reporting wrongdoing?

No. Employees can report wrongdoing without first raising their concerns with their supervisor or employer.

11. Are there time limits for when I may report wrongdoing?

No. An employee, or former employee, may make a disclosure of wrongdoing at any time, even if it occurred in the past, as long as the wrongdoing occurred or was discovered at the time they were employed by the university. It is important to know, though, that it may not be possible to investigate wrongdoing that happened a very long time ago, as evidence or witnesses may no longer be available, or if there would no longer be a useful purpose in an investigation.

12. Can wrongdoing under PIDA be reported anonymously?

Yes, employees can report wrongdoing anonymously using the on-line PIDA disclosure form. SFU may investigate anonymous reports if there is enough information for the allegations of wrongdoing to be properly assessed.

SFU is required to determine if an anonymous report is made by an employee/former employee. The university may ask the anonymous reporter to provide information to determine this.

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13. Can I disclose wrongdoing publicly?

Under PIDA, in urgent situations when there is an imminent risk of a substantial and specific danger to the life, health, or safety of persons, or to the environment, employees may make a public report (e.g., to the media) if they have first obtained the consent of (depending on the nature of the wrongdoing) the Provincial Health Officer, Emergency Management B.C. or the police.

After making such a public report, the employee must also report the wrongdoing through the regular process (i.e. to their leader/supervisor, SFU's Designated Officer, or the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson)).

14. What if my allegation doesn't meet the criteria for wrongdoing under PIDA?

Not all wrongdoing is considered wrongdoing under PIDA. The new PIDA policy is one of many complaint processes available to SFU's employees, and does not replace other reporting mechanisms. Employees have several pathways to report concerns in their workplace, including:

ISSUE	REPORTING PATH & POLICY
Work and research safety	Environmental Health and Safety, GP17
Academic Integrity	Instructor, Chair, or Registrar as set out in S10.01
Human Rights/Discrimination	Human Rights Office, GP18
Sexualized Violence	Sexual Violence Support and Prevention Office, GP44
Bullying and Harassment	Bullying and Harassment Central Hub, GP47
Privacy breaches	Privacy Office, I10.11
Other financial misconduct or deliberate non-compliance matters	Internal Audit, GP41

15. What if I want to report wrongdoing but I am not an employee of the university?

Only employees (current and former) or Board members (current and former) may report wrongdoing under the new PIDA policy. However, SFU maintains a comprehensive policy structure that addresses inappropriate conduct and behaviour at SFU (see above), and many of these other policies, including GP41 (Whistleblower) accept reports from students and other members of the university community. Students who are also employees can report under PIDA, if they witnessed wrongdoing in their capacity as an employee.

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If an employee and student both witnessed the wrongdoing, only the employee can make a disclosure through PIDA. The employee may put down the name of the student in the disclosure form when it asks for the names of people who witnessed some or all of the wrongdoing.

The Designated Officer or the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson) will decide how to proceed with the investigation. Disclosers and those involved in an investigation under PIDA or GP41 are protected from reprisal.

Privacy and Confidentiality

16. What privacy and confidentiality protections does PIDA provide?

If an employee reports wrongdoing, PIDA requires that their personal information and identity be kept confidential to the extent possible. Investigations are conducted confidentially and the identity of the person who made the report of wrongdoing will not be included in any report describing the outcomes of an investigation.

The university is subject to the Freedom of Information and Protection of Privacy Act (RSBC 1996, c.165)(FIPPA):

Sections 12-22 of FIPPA ensure that sensitive information remains confidential, protecting the privacy and interests of all parties involved during any Freedom of Information (FOI) process. Each FOI request is assessed individually, based on the specific records requested and their content, and is evaluated on a case-by-case basis.

Common redactions may include:

- i) the identity of the discloser and, in some cases, the subject of the report;
- ii) advice or recommendations regarding actions to be taken in response to the report;
- iii) legal advice related to the report;
- iv) information that could compromise or interfere with an investigation;
- v) details that may harm the financial interests of SFU or a third party.

These redactions are crucial for protecting individuals' privacy and safety, preserving the integrity of ongoing investigations, and safeguarding the financial and strategic interests of all parties involved.

Specific confidentiality and reprisal legal protections provided by PIDA include -

- It requires the identity of an employee who reports wrongdoing or seeks advice about PIDA to be kept confidential.
- It prohibits reprisal against an employee who reports wrongdoing, asks for advice about

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reporting wrongdoing or making a reprisal complaint, or cooperates with an investigation.

- Contractors who cooperate with a PIDA investigation are also protected from reprisal.

17. I committed to confidentiality when I started my job. Does making a report under PIDA mean I have failed to satisfy my commitment?

- PIDA allows employees to share otherwise confidential information for the purpose of reporting wrongdoing, except information that is protected by solicitor-client privilege or another rule of privilege.
- Reporting wrongdoing under the Act is consistent with an employee's employment obligations.

Protection from Reprisals

18. What should I do if I feel I am being treated differently after seeking advice, reporting a wrongdoing or cooperating with an investigation?

- Reprisal is when you experience retaliation for seeking advice about making a report, reporting wrongdoing or cooperating with an investigation. This can include demotion, disciplinary measures, termination of employment or any measure that adversely affects your employment or working conditions.
- Reprisal complaints must be made through the Office of the B.C. Provincial Ombudsperson (not the SFU Ombudsperson). Visit the [How to report reprisal webpage](#) for more information. You may also contact the Office of the B.C. Provincial Ombudsperson at report@bcombudsperson.ca or 1-800-567-3247.

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Investigations into Wrongdoing

19. What happens after I report wrongdoing?

If you made a report of wrongdoing to your supervisor, they will forward the report to SFU's Designated Officer. The Designated Officer (DO) may contact you to get more information about your report and will assess your report to determine whether it is eligible for investigation under PIDA and the new PIDA policy, and if it is, whether or not an investigation should proceed.

An initial assessment will be made by the DO to determine if an investigation will proceed, based on the circumstances listed in section 7.0 of the procedures to the new PIDA policy.

You will be notified if the university decides to investigate your report. If the university decides not to investigate your report, you will be provided with reasons for the decision.

20. What happens at the end of an investigation?

At the end of an investigation, the Designated Officer will provide a report to the President. In the event that the wrongdoing involves the President, the report shall be provided to General Legal Counsel. The report will set out the Designated Officer's findings, including any recommendations for corrective measures. The Designated Officer will monitor the implementation of any recommendations made. If the Designated Officer does not find that wrongdoing took place, the employee who made the report is still protected from reprisal.