CÉGEP Heritage COLLEGE

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CÉGEP HERITAGE COLLEGE
POLICY #50

CONCERNING
SAFE DISCLOSURE

COMING INTO FORCE: October 28, 2026

REVISED: N/A

ADMINISTRATOR: Director General

Preamble[1,2]

CÉGEP Heritage College (hereinafter referred to as the "College") is a public body instituted by virtue of the *General and Vocational Colleges Act (CQLR, c C-29)*. In accordance with the *Act to facilitate the disclosure of wrongdoings relating to public bodies (CQLR, c D-11.1)* (hereinafter referred to as the "*Act*"), the College must establish a policy to facilitate the disclosure, in the public interest, of wrongdoings committed or about to be committed in relation to the College. Further, in accordance with the *Act respecting protection against reprisals related to the disclosure of wrongdoings (CQLR, c P-33.01)* (hereinafter referred to as the "*Act against reprisals*"), the College must protect a person who discloses any wrongdoing. The Treasury Board Secretariat may, by directive,

(1) establish terms governing the designation of the persons in charge of ethics and integrity; and
(2) specify the functions of the persons in charge of ethics and integrity and the terms and conditions governing the exercise of their functions.

ARTICLE 1
Purpose

As a public body, the present Policy defines the values, principles, authorities, and mechanisms for safe disclosure and the protection of a person who discloses any wrongdoing in relation to the College.

ARTICLE 2
Application

The present Policy applies to all members of the College community. For the disclosure of specific issues[3] such as ethical conduct, discrimination and harassment, sexual violence, confidentiality, etc., all members of the College Community are strongly encouraged to first follow established College bylaws or policies and their related procedures.

In accordance with section 5 of the *Act*, the present Policy does not apply:

- "*to a disclosure whose purpose is not in the public interest, such as a disclosure whose purpose pertains solely to a condition of employment of the person making the disclosure, nor does it apply to a disclosure whose purpose is to question the merits of the policies and program objectives of the Government or of the public body.*" or
- "*to a disclosure of a contravention of an Act or regulation regarding the tendering or awarding process for, or the performance of, a public contract described in the first paragraph of section 20 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1), except in the case of an alleged wrongdoing in relation to the Autorité des marchés publics;*".

ARTICLE 3
General Provisions

3.1 Wrongdoings

As defined in section 4 of the *Act*, a wrongdoing constitutes or consists in, 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,

[1] In the present document, the use of gender-neutral language is used solely for the purpose of simplifying the text and by no means is intended as discriminatory.
[2] See the Glossary for explanations of frequently used terms.
[3] Refer to the list in Related Documents.

(2) a serious breach of the standards of ethics and professional conduct,

(3) a misuse of funds or property belonging to a public body, including the funds or property it manages or holds for others,

(4) gross mismanagement within a public body, including an abuse of authority.

(5) any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment, or

(6) directing or counselling a person to commit a wrongdoing described in any of paragraphs 1 to 5.

3.2 Reprisal

The protection of a person who discloses any wrongdoing in relation to the College is paramount. It is prohibited to take or to threaten to take a reprisal against a person so that the person will abstain from making a disclosure in good faith, cooperating in an audit or an investigation, or exercising a right conferred on them by the present Policy.

3.3 Values and Principles[4]

At the core of the present Policy are the College's Statements of Values and Principles which underpin the College's philosophy to facilitate safe disclosure of wrongdoings and to protect against reprisals.

3.4 Confidentiality

The person designated as responsible for ethics and integrity management (hereinafter referred to as "Ethics and Integrity Officer") is bound to confidentiality in exercising the functions of office and must, among other things, take the measures necessary to ensure that any information communicated to them remains confidential, including the identity of any person who contacts them to obtain information on the possibility of making a disclosure or on the protection against reprisals.

In accordance with section 6 of the *Act*, a disclosure may be made anonymously or not. Anonymity however impedes the Ethics and Integrity Officer to complete a report on the matter.

3.5 Day-to-Day Management

In accordance with section 13 of the *Act*, the board of directors is the highest-ranking administrative official and is responsible for the day-to-day management of the public body. By adoption of the present Policy, the Board confers this responsibility to the Director General.

The Director General shall appoint an Ethics and Integrity Officer responsible for the day-to-day management of safe disclosure. In the event that the disclosure involves the Ethics and Integrity Officer, or in the event of the Ethics and Integrity Officer's absence or inability to act, the Academic Dean shall assume all such responsibilities. In the event of a disclosure involving the Director General or the Academic Dean, the Office of the Chair of the Board of Governors shall assume all such responsibilities.

3.6 Powers and Immunity

In accordance with Chapter VI of the *Act*:

1) No judicial proceedings may be brought against the Ethics and Integrity Officer for any act performed or omitted in good faith in the exercise of their functions;

2) Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought nor any injunction granted against the Ethics and Integrity Officer in the exercise of their functions;

[4] Consult the Glossary for descriptions of the College Values and Principles.

3) Despite any Act to the contrary, no one may be compelled to make a deposition relating to information obtained in the exercise of their functions as the Ethics and Integrity Officer, nor to produce any document containing such information.

4) Despite sections 9, 83 and 89 of the *Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR, c A-2.1)*, no one has a right of access to or of correction of such information.

ARTICLE 4
Ethics and Integrity Officer

4.1 Factors to Consider

The Ethics and Integrity Officer's duties include coordinating and implementing measures within the College to prevent wrongdoing and the exercise or threat of reprisals in connection with a disclosure. To this end, the Officer makes recommendations they deem appropriate regarding the measures to be implemented.

When making recommendations, the Officer considers the following factors:

(1) the level of knowledge among staff regarding the mechanism for disclosing wrongdoing and protection against reprisals;

(2) the robustness of existing measures to prevent wrongdoing and reprisals;

(3) the impact of the organisational culture on the likelihood of wrongdoing or retaliation occurring;

(4) the consideration of risks related to wrongdoing identified by the College's various committees and audits;

(5) the ability of the College and its staff to identify and mitigate ethical and integrity risks;

(6) the availability of ethical and integrity advice to staff.

The Ethics and Integrity Officer performs these functions in collaboration with the relevant stakeholders within the College.

4.2 Absence

A temporary Ethics and Integrity Officer may be appointed to cover for a short-term absence of the Ethics and Integrity Officer (e.g., during holidays). Appropriate measures must be taken to inform staff members of this temporary appointment (e.g., by means of an automatic reply).

Any prolonged absence over a period of four (4) weeks requires a new appointment.

ARTICLE 5
Disclosure Mechanism

In accordance with the *Act* and the *Act against reprisals*, a person may disclose a wrongdoing to the Public Protector on-line (https://protecteurducitoyen.qc.ca/en) or by phone (1-800-463-5070, from Monday to Friday, 8:30 am to 4:30 pm).

ARTICLE 6
Disciplinary Measures

Any person who engages in the following actions is subject to disciplinary measures:

1) discloses information that they know to be false or misleading;

2) reveals confidential information without authorization;

3) hinders or attempts to hinder the Ethics and Integrity Officer in the exercise of the functions of their office, refuses to provide any information or a document they are required to provide or refuses to make it available, or conceals or destroys any document relevant to an audit or investigation;

4) by an act or omission, helps a person to commit an offence under 1), 2) or 3) or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence;

5) subsequent to the results of an investigation, is found to have committed a wrongdoing.

Disciplinary measures may range from reprimand, suspension or dismissal, subject to provisions of collective agreements.

ARTICLE 7
Roles and Responsibilities

7.1 Board of Governors

The Board is responsible for:

- Adopting the present Policy and subsequent revisions;
- Promoting and supporting the present Policy as leaders of ethical and professional conduct;
- Administering any disciplinary measures for disclosures involving Senior Executives; and,
- Disclosing a wrongdoing within the context of the present Policy.

7.2 Director General

The Director General is responsible for:

- Overseeing the application of the present Policy;
- Ensuring the implementation of the present Policy and related procedures;
- Demonstrating leadership in the advancement of an ethical and professional culture in the College;
- ;
- Reporting on an annual basis disclosures submitted to the Board and Minister;
- Administering disciplinary measures to members of the College Community, save and except for members of the Board of Governors;
- Communicating the present Policy to the College community; and,
- Disclosing a wrongdoing within the context of the present Policy.

7.3 Office of the Chair of the Board of Governors

The Office of the Chair of the Board of Governors is responsible for:

- Acting as a leader of the Board in ethical and professional conduct;
- Assuming the responsibilities of the Ethics and Integrity Officer for a disclosure involving Senior Executives;
- In accordance with Bylaw #6 Concerning the Ethical and Professional Conduct of the Board of Governors, administering disciplinary measures to members of the Board of Governors; and,
- Disclosing a wrongdoing within the context of the present Policy.

7.4 Director of Human Resources

The Ethics and Integrity Officer must be able to perform their role independently and without fear of reprisal. In order for the Ethics and Integrity Officer to fully perform their role, independently of any other duties they may have, the designated person must:

1. be a person of trust, integrity and credibility among staff and easily accessible to them;
2. have the ability to influence the organisation's managers and executives;

3. have the ability to collaborate with stakeholders involved in ethics and integrity management;
4. have a good knowledge of the regulatory framework and practices relating to ethics and integrity in public bodies.

The Director of Human Resources is responsible for:

- Assuming the role of Ethics and Integrity Officer;
- Attending training sessions mandated by the Treasury Board Secretariat and the Public Protector within six (6) months of the appointment;
- Coordinating and implementing the measures to prevent wrongdoings, and reprisals or threats of reprisals in collaboration with the responsible Senior Manager;
- Informing the members of the College community about the possibility of making a disclosure and the protection against reprisals provided for in the *Act against reprisals*;
- Acting as liaison officer when an audit or an investigation is conducted for the purposes of the present Policy;
- Assisting Senior Management with ethical issues by identifying risks and offering support and guidance during deliberations on complex matters;
- Assisting Senior Management develop the best management strategies to promote ethics within the College;
- Advising the Director General on revisions to the present Policy; and,
- Disclosing a wrongdoing within the context of the present Policy.

7.5 Senior Management

Senior Management is responsible for:

- Promoting and supporting the present Policy within their respective Services; and,
- Disclosing a wrongdoing within the context of the present Policy.

7.6 College Community

All members of the College community are responsible for:

- Understanding the provisions within the present Policy; and,
- Disclosing a wrongdoing within the context of the present Policy.

ARTICLE 8
Revision

The present Policy shall be reviewed at least every five (5) years, or when deemed necessary by legislation, Ministry requirements or by the Board of Governors.

GLOSSARY

***Act*:**	*Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1)*
***Act against reprisals*:**	*Act respecting protection against reprisals related to the disclosure of wrongdoings (CQLR, c P-33.01)*
Board:	The term refers to the Board of Governors of CÉGEP Heritage College.
College community:	The term used for staff, students and persons who enter into a working or service relationship (including volunteers) with the College, on or off College premises.
Disclosure:	As defined in the *Act against reprisals*, "*disclosure means:* *(a) the communication of information in accordance with section 6 or the first paragraph of section 7 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1);* *(b) the communication, by a person to the public body within which that person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to the public body; or* *(c) the communication, by a person to any person, partnership, entity or group within which the person exercises a function, of information which could show that a wrongdoing has been committed or is about to be committed in relation to a public body and that the wrongdoing concerns that person, partnership, entity or group;*"
Minister:	Unless specified otherwise, the Minister responsible for the application of the Act under section 72 of the *General and Vocational Colleges Act (CQLR, c. C-29)*.
Ministry:	Unless specified otherwise, the Ministry under the jurisdiction of the Minister defined above.
Office of the Chair of the Board of Governors:	This term is used for both the Chair and the Vice-Chair of the Board of Governors. The Chair serves as primary authority of the Office; in their absence or inability to act, the Vice-Chair exercises all functions of the Office.
Reprisal:	As defined in the *Act*, reprisals, without limitation, include: "*(1) transferring, suspending, demoting or dismissing a person or ending a person's training, imposing on them any other disciplinary measure or measure that adversely affects their employment, conditions of employment or training, including discriminatory measures, or imposing on them any other sanction; and* *(2) if the person referred to in that section is the parent of a child to whom childcare services are provided by a public body referred to in paragraph 9 of section 2 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (chapter D-11.1), depriving that person or that person's child of any right, subjecting them to differential treatment or suspending or expelling that person's child.* *For the purposes of this Act,* *(1) "training" has the meaning assigned by section 1 of the Act to ensure the protection of trainees in the workplace (chapter P-39.3); and*

(2) the person who has de facto custody of a child is considered to be a parent of the child, except if the person having parental authority objects."

Senior Executives: As defined by the *Regulation respecting certain conditions of employment of senior executives of general and vocational colleges (CQLR, c C-29, r 0.2)*, senior executive means an academic dean, a director general of a college, a director general of a regional college or a director of a constituent college within the meaning of the *General and Vocational Colleges Act (CQLR, c C-29)*.

Statement of Principles: The following Principles are the foundation for the responsibilities of all members of the CÉGEP Heritage College community.

Reciprocity

Treating people as you would wish to be treated. Reciprocity is the basis of all the other stated principles.

Non-Maleficence

Refraining from harming or undermining others.

Beneficence

Promoting good and supporting others.

Autonomy

Acknowledging a person's free, deliberate and thoughtful choices.

Equality

Treating people in a non-discriminatory manner.

Confidentiality

Protecting personal and private information.

Statement of Values: The College Values Statement is as follows:

Dignity

Being defined as the intrinsic, unconditional and equal worth of all human beings. Dignity is the basis of all the other stated values.

Care

Providing support, assistance when required.

Integrity

Possessing and acting in accordance with moral principles.

Justice

Treating people fairly and equitably in relation to their decisions and actions.

Transparency

Demonstrating openness regarding decisions and actions taken.

Affiliation

Having a sense of belonging to the CÉGEP Heritage College community.

Accountability

Being held responsible for decisions and actions taken.

Wrongdoing: As defined in the *Act*, "*any act that constitutes or consists in, 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,

(2) a serious breach of the standards of ethics and professional conduct,

(3) a misuse of funds or property belonging to a public body, including the funds or property it manages or holds for others,

(4) gross mismanagement within a public body, including an abuse of authority,

(5) any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment, or

(6) directing or counselling a person to commit a wrongdoing described in any of paragraphs 1 to 5,

is considered a wrongdoing.

A wrongdoing can be committed or about to be committed by, in particular, a member of the personnel, a shareholder or a director of a public body in the exercise of his or her functions, or by any other person, partnership, group or other entity in the course of the tendering or awarding process for, or the performance of, a contract of a public body, including a grant of financial assistance."

Related Documents

This document is to be used in conjunction with:

- *General and Vocational Colleges Act (CQLR, c. C-29)* and related *Regulations*[5]
- *Act to facilitate the disclosure of wrongdoings relating to public bodies (CQLR, c D-11.1)*[6]
- *Act respecting protection against reprisals related to the disclosure of wrongdoings (CQLR, c P-33.01)*[7]
- *Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR, c A-2.1)*[8]
- CÉGEP Heritage College Charter of Rights and Responsibilities[9]
- CÉGEP Heritage College Code of Ethical Conduct[10]
- CÉGEP Heritage College Bylaw #6 Concerning the Ethics and Professional Conduct of the Board of Governors[11]
- CÉGEP Heritage College Bylaw #9 Concerning Delegation of Authority[12]
- CÉGEP Heritage College Bylaw #10 Concerning Procurement and Financial Management[13]
- CÉGEP Heritage College Bylaw #11 Concerning Human Resources[14]
- CÉGEP Heritage College Policy #1 Concerning Financial Management[15]
- CÉGEP Heritage College Policy #5 Concerning the Evaluation of Student Achievement[16]
- CÉGEP Heritage College Policy #6 Concerning a Respectful Environment Free of Discrimination and Harassment[17]
- CÉGEP Heritage College Policy #10 Concerning Human Resources[18]
- CÉGEP Heritage College Policy #24 Concerning Standards of Student Conduct[19]
- CÉGEP Heritage College Policy #30 Concerning Procurement Management
- CÉGEP Heritage College Policy #44 Concerning Prevention of Sexual Violence[20]
- CÉGEP Heritage College Policy #48 Concerning Personal Information and Confidentiality[21]

[5] Copies of this document are available from the Director General's Office.
[6] *Ibid*.
[7] *Ibid*.
[8] *Ibid*.
[9] Copies of this document are available from the Director General's Office and on the College Website.
[10] *Ibid*.
[11] *Ibid*.
[12] *Ibid*.
[13] *Ibid*.
[14] *Ibid*.
[15] *Ibid*.
[16] *Ibid*.
[17] *Ibid*.
[18] *Ibid.*
[19] *Ibid*.
[20] *Ibid*.
[21] *Ibid*.

Reference Documents

- Document consolidé concernant certaines conditions de travail des hors-cadres des collèges d'enseignement général et professionnel
- Document consolidé concernant certaines conditions de travail des cadres des collèges d'enseignement général et professionnel
- Collective Agreement for Teaching Staff
- Collective Agreement for Professional Staff
- Collective Agreement for Support Staff