

administration • reference memo

- keywords:
- **BOARD POLICY**
 - **PROTECTED DISCLOSURE**
 - WHISTLEBLOWERS**

Purpose

Capilano University is committed to maintaining the highest standards of ethical conduct.

The Board of Governors, having the responsibility for the management and control of the University and its accountability to stakeholders, is committed to ensuring that the University adheres to the highest standards of probity in its operations and provides an avenue for board members, employees, learners, contract employees and consultants, vendors and volunteers to make protected disclosures of wrongdoing or suspected wrongdoing within the University.

This policy is not intended to replace policies and procedures already in effect to deal with academic dishonesty, employee or student conduct, harassment or other related issues.

Nothing in this policy shall limit or amend the provisions of collective agreements entered into by the University and its employee groups.

This policy is not designed to question financial or other decisions taken by the University, BC Government, Senate, or Board.

This policy is intended to encourage and enable employees and others to raise serious concerns within the University rather than seeking resolution outside the University.

Reporting Responsibility

Employees, learners, vendors, contractors and volunteers are often in the best position to observe ethical misconduct or abuse of public trust because of their proximity to day-to-day University operations. The University relies on these individuals to report such activities in order to take prompt corrective action.

It is the responsibility of all Board members, employees, learners, contract employees and consultants, vendors and volunteers (herein referred to as person or people), to comply with the law and the University's policies, and to report any violation or suspected violation, serious misconduct, wrongdoing, or illegal activity related to the University.

administration • reference memo

keywords: • **BOARD POLICY**

 • **PROTECTED DISCLOSURE**

WHISTLEBLOWERS

No Retaliation

No person who in good faith submits a protected disclosure (communicates a concern or reports any wrongdoing or a violation or suspected violation) shall suffer harassment, threats, retaliation, discrimination or adverse employment consequence. An employee who retaliates against someone who has made such a submission or report in good faith is subject to discipline up to and including termination of employment.

Acting in Good Faith

Anyone filing a complaint and submitting a protected disclosure must be acting in good faith and have reasonable grounds for believing the information disclosed. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Accountability

It is the responsibility of the Board of Governors to:

- Provide an avenue for receiving and acting upon protected disclosures in the University, which includes a channel for direct reporting to the Chair of its Audit Committee.
- Provide an avenue for receiving and acting upon allegations of retribution against people making disclosures.
- Ensure that the University has appropriate and effective procedures for dealing discreetly with disclosures of ethical misconduct.
- Review reports from the Audit Committee on allegations received under this policy and actions taken.

It is the responsibility of the President to:

- Ensure that employees and learners are made aware of procedures, processes, and resources in place to implement this Policy.

administration • reference memo

keywords: • **BOARD POLICY**

 • **PROTECTED DISCLOSURE**

WHISTLEBLOWERS

Procedures

Any person who observes or encounters evidence of a serious misconduct, wrongdoing, or illegal activity related to the University, or suspects a violation, including being asked to commit a wrongdoing, should report it immediately to the administrator that has responsibility over the affected area. Recognizing that there may be circumstances in which individuals do not feel comfortable reporting to an administrator, a protected disclosure submission can be made directly to the Chair of the Board of Governors' Audit Committee or the Board Chair.

This policy encourages individuals to include their names with any disclosures they make. Protected disclosures must be put in writing and should be signed or otherwise identified. The submission may be done by email (whistleblower@capilanou.ca), which will be received by the Chair of the Audit Committee and the Board Chair. A submission can also be made by regular mail addressed to the Chair of the Audit Committee or the Board Chair.

Concerns expressed anonymously are much less powerful; therefore, anonymous reports will be considered at the discretion of the Chair of the Board of Governors' Audit Committee or the Board Chair. In exercising this discretion, the Chair(s) will take the following factors into account:

- The seriousness of the issue(s) raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from alternative credible sources.

The Chair of the Board of Governors' Audit Committee or the Board Chair will:

1. refer the matter to appropriate executive management to pursue under existing policy or collective agreement provisions, or
2. refer the matter to the external auditor; or
3. refer the matter to a legal counsel, or
4. refer the matter to police or appropriate authorities.

The Chair of the Board of Governors' Audit Committee or the Board Chair may call upon the university's legal counsel, external auditor, or other external advice to investigate and report on the allegation.

administration • reference memo

- keywords:
- **BOARD POLICY**
 - **PROTECTED DISCLOSURE**
- WHISTLEBLOWERS**

Chair of the Board of Governor's Audit Committee or the Board Chair will report to the Audit Committee all investigations concluded and all actions taken under this procedure. The Committee will review actions taken, and will determine whether changes to University policies, procedures or controls are required.

The person making a report under this policy will be informed of the outcome of the disclosure.

Confidentiality of Disclosures

The University will treat all disclosures made under this policy in a confidential and sensitive manner. If appropriate, the university will make reasonable efforts to keep confidential the name(s) of all person(s) reporting allegations. However, people who are reporting should be aware that confidentiality is not the same as anonymity, and those individuals who are reported will, in most cases, be entitled to know the name of the person who has reported them. The identity of the person or people making the allegation will be kept confidential, so long as it does not hinder or frustrate any investigation. However, it may be judged unfair to conceal the identity of a person making an allegation from the person about whom it is made.

All individuals involved in a disclosure or an investigation shall keep the details and results confidential.

Detailed results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know.