

 CAPILANO UNIVERSITY		POLICY	
Policy No.	Officer Responsible		
B.310	Vice-President, Finance and Administration		
Policy Name			
Protected Disclosure (Whistleblower) Policy			
Approved by	Replaces	Category	Next Review
Board			June 2028
Date Issued	Date Reviewed	Related Policies	
February 16, 2016	June 27, 2023	B.511 Discrimination, Bullying and Harassment Policy B.217 Fraud Prevention and Investigation Policy B.506 Standards of Conduct Policy B.701 Student Code of Conduct	

1 PURPOSE

- 1.1 In all its activities Capilano University (“the University”) seeks to maintain the highest standards of ethical conduct and to promote a culture based on honest, transparent and accountable behaviour. It is the expectation that all members of the University community will comply with all applicable regulatory frameworks and University policies. In the event that situations arise where the expected standards are not met, the University recognizes that the good faith disclosure of Wrongdoing (“whistle blowing”) is a necessary and valuable service to all its stakeholders and must not be cause for reprisals.
- 1.2 The University is committed to acting immediately on any reported Wrongdoing. So that the University can take prompt action, Members of the University community, acting in good faith, are encouraged to responsibly disclose to University authorities Wrongdoing without fear of reprisal. Members of the University community can expect that such disclosures will be treated with due confidentiality in accordance with B.700 Privacy and Access to Information Policy and protection of the individuals involved.
- 1.3 This Policy provides a mechanism for confidential good-faith disclosures, protection of those who make such disclosures from reprisals, and sets out the University’s approach for the appropriate investigation of and response to such disclosures.
- 1.4 Nothing in this Policy relieves those responsible for the administration and management of University academic, administrative or service units from the responsibility of addressing situations of Wrongdoing in accordance with good management practices and existing policies, guidelines and procedures.

- 1.5 All Members of the University Community are encouraged to report Wrongdoing through the complaint, reporting, or disclosure processes provided for by applicable policies and procedures of the University, described in 2.2 below, or using the Protected Disclosure (Whistleblower) Procedure (B.310.1).
- 1.6 Any Member of the University community who is uncertain about their possible duty to report or unsure which policy or procedure to follow in a particular instance may seek advice from the Vice President, Finance and Administration or the Vice President, People, Culture & Diversity
- 1.7 If a report is made concurrently through more than one policy or procedure the Vice President, Finance and Administration and the Vice President, People, Culture & Diversity will, in discussion with the reporting individual, determine the most appropriate process to follow.

2 DEFINITIONS

- 2.1 For the purpose of this policy and the Protected Disclosure (Whistleblower) Procedure (B.310.1), the following definitions apply:

“Agent” means an individual who is authorized by the University to act on its behalf.

“Audit and Risk Committee” means the University Board of Governors Audit and Risk Committee.

“Board” means the University Board of Governors.

“Contractor” means an individual retained under contract to supply goods or perform services for the University.

“Discloser” means a Member of the University Community who makes a written report of alleged Wrongdoing under this Policy or pursuant to a law.

“Disclosure” means any written submission of information reporting alleged Wrongdoing in an acceptable form outlined in this Policy to the appropriate University official

“Employee” means any person employed by the University.

“Fraud” means any deliberate act of deception committed for the purpose of gaining an unauthorized benefit or depriving the University of a benefit. Fraud includes, but is not limited to, an act, irregularity or activity that is unethical, dishonest, improper, or illegal such as:

- a) misappropriation, misapplication, theft, destruction, removal or concealment of University funds, securities, assets, property, supplies, inventory, furniture, fixtures or equipment, records, trade secrets and intellectual property or services;
- b) any breach of a finance-related fiduciary duty or obligation of confidentiality;
- c) forgery, falsification, or alteration of any paper or electronic documents or records;

- d) inappropriate use of computer systems including hacking and software piracy;
- e) authorizing or receiving payment for goods or services not received or performed;
- f) authorizing or receiving payment for time not worked;
- g) false claims and/or misrepresentation of information and/or documents;
- h) altering or deliberately reporting incorrect financial or personal information for either a personal or University advantage;
- i) any claim for reimbursement of expenses that are not incurred for the benefit of the University;
- j) bribery, kickbacks or rebates (given or received)
- k) identify theft; and
- l) misrepresentation of credentials or status with the University.

“Good Faith” means honestly intended actions based on reasonable belief and which are not malicious, frivolous or vexatious in nature.

“Members of the University Community” means employees, students, agents, Board members and volunteers.

“Protected Disclosure” means any Disclosure of Wrongdoing made under this Policy when one is acting in Good Faith and on the basis of a reasonable belief of Wrongdoing

“Reprisal” means an act of retaliation such as to harass, discriminate, threaten, demote, discipline, suspend, dismiss or otherwise disadvantage the individual, adversely affect the individual’s employment, enrolment, working conditions or learning conditions, or deny the individual a benefit.

“Wrongdoing” means any deliberate act of commission or omission in the context of University related duties and activities that is dishonest, unethical, or involves a conflict of interest including but not limited to:

- a) abuse of public trust;
- b) endangering any person or the environment;
- c) Fraud or serious financial misconduct ;
- d) breach of University policy and/or procedures;
- e) violation of a legal or regulatory requirement;
- f) gross or systemic mismanagement or abuse of authority;
- g) any other act or omission that could seriously damage the University’s operations, reputation, or financial standing;

- h) knowingly directing or counselling a person to commit a Wrongdoing or colluding with another to commit Wrongdoing;
- i) obstructing a person's right to disclose Wrongdoing as outlined in this Policy and
- j) any Reprisals for seeking advice about or reporting Wrongdoing or participating an investigation of Wrongdoing.

3 SCOPE

- 3.1 This Policy applies to all members of the University Community and deals with acts of Wrongdoing that are committed by employees, students, contractors, agents or volunteers.
- 3.2 This Policy is not intended to replace policies and procedures developed for the following specific matters:
 - a) Unsafe acts must be immediately reported to a supervisor under B.420 Safety and Emergency Services Policy or if life threatening to 911 and then to Campus Security;
 - b) suspected fraud or theft or misuse of university assets must be reported to under B.217 Fraud Prevention and Investigation Policy and B.217.1 Fraud Investigation Procedure;
 - c) suspected discrimination, bullying or harassment must be reported in line with B.5.11 Discrimination, Bullying and Harassment Policy and B.511.1 Discrimination, Bullying and Harassment Procedure;
 - d) human rights, diversity, inclusion and equity concerns that are not discrimination, bullying or harassment related may be reported under B.512 Human Rights, Diversity, Inclusion and Equity Policy;
 - e) reports about student non-academic misconduct that is not harassment, discrimination, or sexual violence should be raised in accordance with B.701 Student Code of Conduct Policy and associated procedures;
 - f) suspected academic and research integrity matters should be reported and managed in line with S2017-05 Academic Integrity Policy and S2017.05.1 Academic Integrity Procedure;
 - g) disclosures and reports relating to Sexual Violence will be managed with the B.401 Sexual Violence Policy and B.401.1 Sexual Violence Procedures.
- 3.2 Nothing in this Policy shall limit or amend the provisions of collective agreements entered into by the University and its employee groups.
- 3.3 This policy and its associated procedure are separate from any criminal or civil proceedings. The University is not responsible for determining violations of criminal or civil law, and will fully cooperate in any criminal investigation.

- 3.4 To clarify article 2.1, this Policy is not designed to question financial or other decisions taken by the University, the Senate, the Board of Governors or the Government of BC.
- 3.5 This Policy is intended to encourage and enable members of the University Community to raise serious concerns regarding Wrongdoing within the University rather than seeking resolution outside the University.

4 POLICY STATEMENT

4.1 Requests for Advice

- 4.1.1 A Member of the University Community who is considering making a Protected Disclosure may request advice from the Vice President, Finance and Administration or the Vice President, People, Culture & Diversity. The Vice President, Finance and Administration or the Vice President, People, Culture & Diversity may require the request for advice to be in writing. Care should be taken to when requesting advice to only include personal information that is necessary in order to request advice.

4.2 Disclosure of Wrongdoing

- 4.2.1 Members of the University Community who observe or become aware of conduct that they believe, in Good Faith and on reasonable grounds, constitutes Wrongdoing, including being asked to commit a Wrongdoing, should make a Protected Disclosure immediately in writing to their supervisor or the Vice President, Finance and Administration. Supervisors who receive a Protected Disclosure must forward them to the Vice President, Finance and Administration.
- 4.2.2 The University has also established a dedicated email address (whistleblower@capilanou.ca), which can be used to report Protected Disclosures. Emails sent to this address will be received by the Audit and Risk Committee Chair and the Board Chair. Any Protected Disclosures that are reported using the dedicated email address will be shared with the Vice President, Finance and Administration with the exception of disclosures that allege that the Vice President, Finance and Administration or the President are engaged in Wrongdoing.
- 4.2.3 In the event that a Member of the University Community has reasonable grounds to believe that the Vice President, Finance and Administration or the President are engaged in Wrongdoing, the Protected Disclosure should be made directly to the Audit and Risk Committee Chair and Board Chair.
- 4.2.4 All Protected Disclosures will then be reported to the President with the exception of reports that involve the President.
- 4.2.5 Disclosures and requests for advice may be made anonymously, however investigation may not be possible if they do not contain enough information to conduct an investigation.

4.3 Investigation of Wrongdoing

- 4.3.1 The University will take all appropriate action in a timely manner to carefully, fully and fairly investigate Protected Disclosures, including legal action as necessary.
- 4.3.2 Investigations of Protected Disclosures will be overseen and coordinated by the Vice President, Finance and Administration unless otherwise directed by the Chair of the Audit and Risk Committee and the Chair of the Board.
- 4.3.3 Investigations will be conducted with an appropriate level of confidentiality, and with respect to the requirements of any legislation or applicable collective agreement or other agreements in effect that the time of the Wrongdoing.

4.4 Fair Treatment and Confidentiality

- 4.4.1 All Members of the University Community involved in allegations of Wrongdoing will be treated fairly and impartially and will maintain the rights, privileges and protections afforded to them through applicable legislation, University policies, and collective agreements in effect at the time of the alleged Wrongdoing.
- 4.4.2 All Protected Disclosures made under this Policy and all investigations will be handled in a confidential and sensitive manner and in compliance with B.700 Privacy and Access to Information Policy.
- 4.4.3 The University will make reasonable efforts to keep confidential the name(s) of all person(s) reporting allegations of Wrongdoing and the details of the Protected Disclosure to the extent possible under legislation, regulation, University policy, and collective agreements in effect that the time of the disclosure. However, disclosure may be required in order for the University investigate the matter or to take disciplinary or other actions. 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.
- 4.4.4 Where it is determined to be reasonably necessary, Confidential Information may be disclosed to the appropriate individuals in line with B.700 Privacy and Access to Information Policy in order to:
 - a) protect health and safety;
 - b) ensure a full and fair investigation into the complaint;
 - c) implement corrective measures; 8.2.4 obtain legal advice; or
 - d) inform law enforcement of reasonably suspected criminal activity or serious risk of bodily harm to an individual in keeping with privacy legislation.

4.4.4 All Members of the University Community involved in a Protected Disclosure or an investigation shall keep the details and results confidential and not disclose any information without authorization.

4.4.5 A breach of confidentiality is a serious disciplinary offence and may result in discipline, up to and including termination of employment or expulsion from the University as appropriate.

4.5 Protection from Reprisal for Disclosing Wrongdoing

4.5.1 The University will not tolerate any Reprisal, either direct or indirect, against anyone who, in Good Faith:

- a) has sought advice about making a Protected Disclosure;
- b) has disclosed, threatened to disclose or is about to make a Protected Disclosure;
- c) has objected or refused to participate in any activity; or
- d) has cooperated or plans to cooperate in an investigation under this Policy.

4.5.2 The University will take all reasonable steps to ensure that Disclosers are protected from Reprisals that fall within the authority of the University as a consequence of seeking advice on making a Protected Disclosure, making a Protected Disclosure, declining to participate in a Wrongdoing or cooperating in an investigation of Wrongdoing.

4.5.3 A Member of the University Community who retaliates against a Discloser who seeks advice on making a Protected Disclosure, makes a Protected Disclosure, declines to participate in a Wrongdoing or cooperates in an investigation of Wrongdoing is subject to disciplinary action up to and including termination of employment or expulsion from the University as appropriate.

4.6 Disclosures that are Not Good Faith Disclosures

4.6.1 A Discloser who knowingly makes a Disclosure that is not a Good Faith Disclosure will be subject to disciplinary action up to and including termination of employment or expulsion from the University as appropriate

4.7 Protection of the Person Being Investigated

4.7.1 All persons named in or affected by a Protected Disclosure will be treated fairly and consistently regardless of their position or length of employment at the University, and all reasonable steps will be taken to protect their identity. All respondents will maintain the rights, privileges and protections afforded to them through applicable legislation, University policies and collective agreements in effect at the time of the Protected Disclosure.

4.8 Results of Investigation of Disclosure of Wrongdoing

4.8.1 Any resulting actions will normally be determined by the Vice President, Finance and

Administration on the advice of the Vice President, People, Culture & Diversity. Should that not be the appropriate body, then the Audit and Risk Committee Chair will make the determination. Relevant information will be turned over to law enforcement authorities in circumstances where that action is deemed appropriate.

- 4.8.2 Any individual(s) named in the Protected Disclosure will be advised of the results of the investigation by the Vice President, Finance and Administration after any resulting disciplinary action has been determined. This is a confidential communication.
- 4.8.3 A Respondent who is not found to have committed a Wrongdoing shall not be subject to Reprisal, and the University shall take all reasonable steps to protect the position, reputation, privacy and confidentiality of such respondents.
- 4.8.4 All files and documents pertaining to the Protected Disclosure, the investigation and the investigator's report shall be retained by the Vice President, Finance and Administration for a minimum of five (5) years.

5 RESPONSIBILITIES

- 5.1 It is the responsibility of the President to put into place and ensure that Members of the University Community are made aware of procedures, processes and resources in place to implement this Policy.
- 5.2 The President has appointed the Vice President, Finance and Administration with the support of the Vice President People, Culture and Diversity to act as Designated Officer for advice, disclosure, investigation and actions arising from Protected Disclosures.
- 5.3 Members of the University Community are often in the best position to observe and report Wrongdoing 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.
- 5.4 It is the responsibility of all Members of the University Community to comply with the law and the University's policies, and to report any Wrongdoing or suspected Wrongdoing related to the University.
- 5.5 Supervisors and managers are responsible for familiarizing themselves with this policy, receiving and responding to requests for advice about Protected Disclosures from employees, protecting their confidentiality and referring Protected Disclosures to the Vice President, Finance and Administration.
- 5.6 The Board, having the responsibility for the governance 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 Members of the University Community to make Protected Disclosures within the University. It is the responsibility of the Board to:

- a) provide an avenue for receiving and acting on Protected Disclosures within the University, which includes a channel for direct reporting to the Audit and Risk Committee Chair;
- b) provide an avenue for receiving and acting upon allegations of Reprisal against Disclosers; and
- c) review reports from the Vice President, Finance and Administration on Protected Disclosures received under this Policy and actions taken.

6 ANNUAL REPORT OF WRONGDOING

- 6.1 Once per academic year, the Vice President, Finance and Administration will report to the Audit and Risk Committee, which report shall include:
- a) the number of requests for advice about disclosing information;
 - b) the number of Disclosures filed by Disclosers and the number acted on and not acted on;
 - c) the number of Protected Disclosures investigated;
 - d) the findings and recommendations of investigations conducted pursuant to a Protected Disclosure; and
 - e) any action taken pursuant to an investigation or the reason(s) why no action was taken.
- 6.2 The annual report of Wrongdoing shall respect the privacy of Disclosers, respondents, witnesses to the Wrongdoing, and any other person(s) named in a Disclosure or investigation.
- 6.3 The Audit and Risk Committee will receive investigation reports, including the actions taken, and will determine whether changes to University policies, procedures or controls are required.

7 GENERAL PROVISIONS

- 7.1 Nothing in this Policy shall in any way preclude any person from exercising their rights and obligations under collective or employment agreements or other laws that may be applicable..
- 7.2 Failure to comply with this Policy is a serious disciplinary offence and may result in disciplinary action, up to and including termination of employment or expulsion from the University as appropriate. Contractors and agents who commit Wrongdoing may have their contracts terminated.

8 DESIGNATED OFFICER

- 8.1 The President delegates the responsibility of administering this policy to the Vice-President, Finance and Administration.

9 RELATED POLICIES

B.312 Risk Management

B.604 Acceptable Use and Security of Electronic Information and Technology

B.511 Discrimination, Bullying and Harassment Policy

B.512 Human Rights, Diversity, Inclusion, and Equity Policy

B.506 Standards of Conduct Policy

OP.420 Safety and Emergency Services

B.701 Student Code of Conduct

B.604 Acceptable Use and Security of Electronic Information and Technology

10 ASSOCIATED GUIDANCE AND OTHER RESOURCES

B.310.1 Protected Disclosure (Whistleblower) Procedure

B.511.1 Discrimination, Bullying and Harassment Procedure