

Procedure No.	Officer Responsible	
<b>B.310.1</b>	<b>Vice-President, Finance and Administration</b>	
Procedure Name		
<b>Protected Disclosure (Whistleblower) Procedure</b>		
Policy This Procedure is Under		Date of Next Policy Review
<b>B.310 Protected Disclosure (Whistleblower) Policy</b>		
Date Issued	Date Revised	Related Policies
<b>February 16, 2016</b>		

## 1 PROTECTED DISCLOSURE OF WRONGDOING

1.1 A Protected Disclosure shall provide the following information as clearly as possible:

- a) a description of the specific activity thought to be improper;
- b) the dates, if known, on which the activity occurred;
- c) the person(s) known to be involved;
- d) details as to whether the specific activity thought to be improper has already been disclosed and a response received; and
- e) any other information that would be useful to an investigation of the allegation(s).

1.2 A Protected Disclosure may also be made by email at [whistleblower@capilanou.ca](mailto:whistleblower@capilanou.ca), which will be received by the Audit and Risk Committee Chair and the Board Chair (refer to Appendix A for summary of the disclosure procedure). Information provided anonymously will only be considered at the discretion of the Audit Committee Chair. In exercising such discretion, the Chair will take the following factors into account:

- a) whether sufficient detail is provided by the Discloser;
- b) the seriousness of the issue(s) raised;
- c) the credibility of the concern; and
- d) the likelihood that the information can be independently substantiated by a credible source.

1.3 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 in writing to the Audit Committee Chair and copied to the Board Chair.

- 1.4 The University expects that all Protected Disclosures will be made in Good Faith and be based on the Discloser's best understanding of the situation.

## **2 DETERMINATION OF WHETHER AN INVESTIGATION IS WARRANTED**

- 2.1 Where the Vice President, Finance and Administration receives a Protected Disclosure directly from the Discloser or from the Audit Committee Chair, they are responsible for conducting a preliminary review of the disclosure, possibly including discussions with the Discloser.
- 2.2 After reviewing the allegation(s), the Vice President, Finance and Administration shall decide within fifteen (15) working days whether there are reasonable grounds to warrant an investigation and, if so, whether the investigation will be conducted internally or externally.
- 2.3 Where the Protected Disclosure is about the Vice President, Finance and Administration or the President, the Audit and Risk Committee Chair will refer the matter to external legal counsel and, where appropriate, to the University external auditor, to be investigated and reported on in accordance with University policies, procedures and agreements. The Audit and Risk Committee Chair will follow the advice and recommendations of external legal counsel.

## **3 WHERE AN INVESTIGATION IS NOT WARRANTED**

- 3.1 The Vice President, Finance and Administration may elect not to proceed with an investigation under this Procedure or to stop an investigation at any time when:
  - a) the initial Disclosure of Wrongdoing is more than a reasonable time (usually six (6) months) after the activity is believed to have occurred;
  - b) the Disclosure does not provide sufficient information to proceed;
  - c) the Disclosure may be more appropriately dealt with by another mechanism, policy or procedure;
  - d) if it is determined that the Disclosure was not made in Good Faith or does not deal with a sufficiently serious subject matter; or e) other valid reason.

- 3.2 The Vice President, Finance and Administration must, within fourteen (14) working days of their decision, notify the Discloser of the decision not to investigate a disclosure or cease an investigation and give reasons for that decision.

#### **4 WHERE AN INVESTIGATION IS WARRANTED**

- 4.1 Where the Vice President, Finance and Administration concludes that further action is warranted, notification shall be sent to the Discloser in writing of the decision to investigate, the likely timeframe and if:
- a) there exists an established University mechanism or procedure for the investigation of the Wrongdoing in question, the Vice President, Finance and Administration shall direct the Protected Disclosure to the appropriate officer or body to be dealt with as required by the relevant University policy, procedure or collective agreement as they may exist from time to time; or
  - b) there is no established University mechanism or procedure for the investigation of the Wrongdoing in question, the Vice President, Finance and Administration shall assign an investigator to conduct an investigation in accordance with this Procedure.
- 4.2 If the Vice President, Finance and Administration determines an investigation in accordance with this Procedure is warranted, it will be initiated as soon as possible and no more than five (5) working days after the decision to investigate is made and the Discloser is notified.
- 4.3 Internal investigations will be conducted by an investigation team comprised of the Vice President, People, Diversity and Culture and one other University official appointed by the Vice President, Finance and Administration. If an external investigation is determined appropriate, external legal counsel and, where appropriate the University external auditor will be engaged.
- 4.4 In circumstances where either the Discloser or the person who is alleged to have committed the Wrongdoing involves both the University and any affiliated or associated entity, the Vice President, Finance and Administration will determine with directors of the affiliated or associated entity to determine how to proceed with any investigation if deemed necessary.

#### **5 INVESTIGATIONS OF WRONGDOING UNDER THIS PROCEDURE**

- 5.1 All investigations will be completed as quickly as possible, preferably within three (3) calendar months of the Protected Disclosure, and will be conducted in accordance with the requirements of any legislation, or applicable collective or other agreements in effect at the time of the investigation. The investigation team may bring in appropriate specialists to support the team should they deem it necessary and with the approval of the Vice President, Administration and Finance

- 5.2 All investigators will have access to all relevant University premises and records. Investigators are entitled to request a confidential meeting with any Member of the University Community who may have knowledge of the matter. All Members of the University Community will provide full cooperation with the investigators subject only to legal rights including those under relevant collective or other agreements in effect at the time of the investigation.
- 5.3 Any person named in or affected by a Protected Disclosure will be informed of the facts alleged and given a full opportunity to respond in writing to the allegations and to meet with the investigators.
- 5.4 The identity of the Discloser(s) 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 Discloser from the person about whom it is made.
- 5.5 Information collected during the course of an investigation of a Protected Disclosure will be kept confidential to the extent possible under legislation, regulation, University policy, and collective agreements in effect at the time of the Protected Disclosure.
- 5.6 Any person who knowingly impedes the investigation of a Protected Disclosure is subject to disciplinary action up to and including termination of employment or expulsion from the University as appropriate.

## **6 REPORTING THE RESULTS OF AN INVESTIGATION OF WRONGDOING**

- 6.1 The investigation team shall file a written report of their findings, conclusions and recommendations with the Vice President, Finance and Administration as soon as possible and no later than thirty (30) working days from the date of the investigating team's appointment. This time limit may be extended by a maximum of an additional thirty (30) working days by express authorization of the Vice President, Finance and Administration on the written request of the investigation team.
- 6.2 The Vice President, Finance and Administration will provide to the respondent(s) written notice of the results of the investigation. The respondent(s) have fifteen (15) working days to provide a written response to the report. This response will be sent to the Vice President, Finance and Administration.
- 6.3 If, on the basis of the investigation report, the Vice President, Finance and Administration and the Vice President, People, Culture and Diversity determine that disciplinary action is justified, the Vice President, People, Culture and Diversity shall ensure proceedings are instituted in accordance with the relevant regulations, policies or collective agreements. A hearing may not be required. In some circumstances the Audit and Risk Committee Chair will make this determination. Relevant information will be turned over to law enforcement authorities in circumstances where that action is deemed appropriate.

- 6.4 The Discloser 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 communication is confidential.
- 6.5 Detailed results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know.

## **7 PROTECTION FROM REPRISAL**

- 7.1 Any Discloser who experiences Reprisal or threats of Reprisal 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 shall immediately inform the Vice President, Finance and Administration, who shall ensure that the matter is investigated and appropriate action is taken.
- 7.2 Any Discloser who experiences Reprisal or threats of Reprisal from the Vice President, Finance and Administration or the President 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 shall immediately inform the Audit and Risk Committee Chair, who shall ensure that the matter is investigated and appropriate action is taken.