

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

1. PURPOSE

- 1.1 In all its activities Capilano 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. 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 and protection of the individuals involved.
- 1.3 This Policy provides a procedure for the making of such good-faith disclosures, protection of those who make such disclosures from reprisals, and a mechanism for appropriate investigation of and response to such disclosures. Suspected wrongdoing should be reported in accordance with the Protected Disclosure (Whistleblower) Procedure (B.310.1).
- 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. Moreover, it is also the expectation that members of the University community will continue to use existing channels to report wrongdoing and only resort to this Policy if such existing channels prove ineffective or are inappropriate in the circumstances. A member of the University community who is unsure of what channel is appropriate in a particular instance may seek advice from the Vice President, Finance and Administration or the Director, Human Resources.

2. SCOPE

- 2.1 This Policy applies to all Members of the University Community (as defined below) and deals with acts of Wrongdoing (as defined below) that are committed by employees, students, contractors, agents or volunteers.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

- 2.2 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.
- 2.3 Nothing in this Policy shall limit or amend the provisions of collective agreements entered into by the University and its employee groups.
- 2.4 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.
- 2.5 This Policy is intended to encourage and enable Members of the University Community to raise serious concerns regarding Wrongdoing (as defined below) within the University rather than seeking resolution outside the University.

3. DEFINITIONS

3.1 For the purposes of this Policy and the Protected Disclosure (Whistleblower) Procedure (B.310.1), the following definitions apply:

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

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

“Board” means the University Board of Governors.

“Contractor” means a person 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 a person employed for wages or salary by the University and includes faculty and staff.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

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

“Innocent Respondent” means a Member of the University Community who is named in a Disclosure as having committed some Wrongdoing and is found, on investigation, to be innocent of the charges, or who did not know or could not reasonably be expected to know that his/her activity constituted Wrongdoing (an innocent violation).

“Members of the University Community” means employees, students, contractors, agents, Board members or any volunteer engaged in a sanctioned University activity.

“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 act of commission or omission in the context of University activities that is dishonest, unethical, irregular, or appears to involve conflict of interest, abuse of public trust, or is potentially unlawful, dangerous to any person or the environment, or injurious to Capilano University’s interests. Wrongdoing includes, but is not limited to, any gross financial misconduct or mismanagement; breach of University policy and/or violation of legal or regulatory requirement including theft, fraud or misappropriation of University assets; destruction, removal or concealment of University records or property, forgery, falsification of University documents; and/or making false claims or statements. Wrongdoing includes knowingly directing or counselling a person to commit a Wrongdoing. Wrongdoing also includes obstructing a person’s right to disclose Wrongdoing as outlined in this Policy and any Reprisals for reporting Wrongdoing as outlined in this Policy.

“Volunteer” means a person who provides a service to the University without being paid.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

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 Director, Human Resources. The Vice President, Finance and Administrator or the Director, Human Resources may require the request for advice to be in writing.

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, constitutes Wrongdoing, including being asked to commit a Wrongdoing, should make a Protected Disclosure immediately in writing to the Vice President, Finance and Administration and copied to the President. Protected Disclosures may also be made by email (whistleblower@capilanou.ca), which will be received by the Audit Committee Chair and the Board Chair.

4.2.2 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 to the Audit Committee Chair and copied to the Board Chair.

4.2.3 Members of the University Community making a Protected Disclosure must be acting in Good Faith and have reasonable grounds for believing the information disclosed.

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.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

4.3.3 Investigations will be conducted with an appropriated 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.

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 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:

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

- 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 is 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.

4.7.2 An Innocent Respondent or a respondent who commits an innocent violation 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.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

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 Director, Human Resources. Should that not be the appropriate body, then the Audit 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 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 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.
- 5.2 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.
- 5.3 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 Committee Chair;

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

- 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.

5.4 It is the responsibility of the President to ensure that Members of the University Community are made aware of procedures, processes and resources in place to implement this Policy.

6. ANNUAL REPORT OF WRONGDOING

6.1 Once per academic year, the Vice President, Finance and Administration will report to the Audit Committee, which report shall include:

- (i) the number of requests for advice about disclosing information;
- (ii) the number of Disclosures filed by Disclosers and the number acted on and not acted on;
- (iii) the number of Protected Disclosures investigated;
- (iv) the findings and recommendations of investigations conducted pursuant to a Protected Disclosure; and
- (v) 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 Committee will receive actions taken, and will determine whether changes to University policies, procedures or controls are required.

7. GENERAL PROVISIONS

7.1 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 improper activity in accordance with good management practices and existing policies, guidelines and procedures.

7.2 Nothing in this Policy shall in any way preclude any person from exercising at any time any internal or external recourse available.

	Policy No.	Officer Responsible		
	B.310	Vice President, Finance and Administration		
	Policy Name	Protected Disclosure (Whistleblower) Policy		
Approved by	Replaces	Category	Next Review	
Board	Memo 55 Protected Disclosure	A	February 2019	
Date Issued	Date Revised	Related Policies, Reference		
Feb. 16, 2016		B.310.1 Protected Disclosure (Whistleblower) Procedure E.501 Harassment Policy B.506 Standards of Conduct Policy E.703 Student Behaviour Policy		

7.3 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.