

POLICY ON SAFE DISCLOSURE OF WRONGDOINGS (“WHISTLEBLOWING”)

Approved by the Board of Governors: November 8, 2019

PREAMBLE

This Policy is to be interpreted in a manner that is consistent with the *Act to Facilitate the Disclosure of Wrongdoings Related to Public Bodies (RLRQ, c. D-11.1)*, and it is intended to provide an impartial mechanism to facilitate disclosure of wrongdoings committed by Members of the Bishop’s University Community in the exercise of their functions and to protect whistleblowers.

The University recognizes that the good faith reporting of wrongdoings is a necessary and valuable service to all its stakeholders.

Nothing in this Policy prevents Members of the Bishop’s University Community from using existing channels to report wrongdoings within the University.

The University’s *Policy on Responsible Conduct of Research* (<https://www.ubishops.ca/wp-content/uploads/Policy-on-Research-Conduct-2018.pdf>) provides principles, regulations and procedures for the disclosure of wrongdoing in research.

Nothing in this Policy shall replace or supersede any procedure set out in any collective agreement to which the University is a party.

1. SCOPE AND APPLICATION

Any Member of the Bishop’s University Community who feels that wrongdoing, as defined in the Policy, has occurred or is occurring, can file a confidential disclosure.

2. POLICY OBJECTIVES AND FUNDAMENTAL PRINCIPLES

This Policy seeks to:

- Establish procedures and guidelines for filing a disclosure.
- Establish procedures and guidelines for investigations of a disclosure.

The fundamental principles on which this Policy is based include the following:

- All reasonable steps shall be taken to protect the position, reputation, privacy and confidentiality of the Discloser.
- Investigations shall be conducted in a manner that ensures fair treatment for and, to the extent possible, the privacy of the Discloser and the Respondent.
- There shall be no retaliation against a Discloser who files a disclosure in good faith.
- There shall be no retaliation or discipline against an innocent Respondent.

3. DEFINITIONS

3.1 “Wrongdoings” committed by a Member of the Bishop’s Community in the exercise of his or her functions include:

- i. A contravention of a law or regulation applicable in Quebec;
- ii. A serious breach of standards of ethics and professional conduct;
- iii. A misuse of funds or property belonging to a public body, including the funds or property it manages or holds for others;
- iv. Gross mismanagement within a public body, including an abuse of authority;
- v. An act or omission that seriously compromises a person's health or safety or the environment;
- vi. Directing or counselling a person to commit a wrongdoing.¹

Wrongdoings do not fall under this Policy if they are disclosed for personal gain or purposes other than public interest (for instance, when the subject-matter pertains solely to a condition of employment of the Discloser). Similarly, the Policy will not apply to Disclosures where the purpose is to question the merit of the policies, programs/and/or objectives of the University.

3.2 “Member of the Bishop’s University Community” includes:

- i. all employees (full-time and part-time, including any individual engaged by the University on a consulting basis or any other contractual agreement) or appointees (including volunteers) of the University;
- ii. anyone (including students) holding office under the Statutes of Bishop’s University or who serves on any body or committee of the University or affiliated with the University.

3.3 “Disclosure” means a confidential, written report alleging Wrongdoing.

3.4 “Discloser” means a Member of the Bishop’s University Community who makes a written report alleging Wrongdoing.

3.5 “Respondent” means a Member of the Bishop’s Community against whom an allegation of Wrongdoing has been made.

3.6 “Good Faith” reporting means a Disclosure that is not malicious or frivolous made by a Discloser.

4. DESIGNATION

The Principal designates the Secretary General as the Responsible Officer for the implementation and application of this Policy.

¹The list of admissible wrongdoings (i-vi) is provided by the *Direction des enquêtes sur les divulgations en matière d'intégrité publique*, which is a branch of the Québec Ombudsman:
<https://divulgation.protecteurducitoyen.qc.ca/en/disclosure/wrongdoing>.

5. PROCEDURES

5.1 Reporting of Wrongdoing

A Discloser may file a confidential, written report alleging Wrongdoing to the Responsible Officer at: Disclosure.wrongdoings@UBishops.ca

If the Responsible Officer is engaged in the alleged Wrongdoing, the Disclosure shall be filed with the Principal.

The Disclosure should be as detailed as possible and include description of the conduct, dates, places, person(s) involved/witnesses and any other information that would be useful to an investigation of the allegation.

Members of the Bishop's University Community also have the option of making a Disclosure directly to the Public Protector (the Quebec Ombudsman):

Direction des enquêtes sur les divulgations en matière d'intégrité publique
Protecteur du citoyen 800, place D'Youville, 18e étage
Québec, Québec
G1R 3P4
Phone: 1-844-580-7993 (toll-free within Québec)
Fax: 1-844-375-5758 (toll-free within Québec)

Secured forms available at: www.divulgation.protecteurducitoyen.qc.ca

In the event of an anonymous Disclosure, the Responsible Officer will investigate in light of the available information.

5.2 Admissibility and Treatment of Disclosure

The Responsible Officer will determine the admissibility and treatment of the Disclosure and may:

- i. Forward the Disclosure to the Public Protector if the Responsible Officer judges that the Public Protector is better suited to deal with the Disclosure. In this case, the Responsible Officer will notify the Discloser accordingly;
- ii. Conduct an investigation;
- iii. Assign an external investigator who would be bound by the same obligation to maintain confidentiality, or
- iv. Put an end to the examination of the Disclosure if the alleged Wrongdoings do not fall under this Policy and meet the requirements of section 3.1. When putting an end to the processing, the Responsible Officer shall send a notice, with reasons, to the Discloser.

Allegations of wrongdoing in research can be directed to the Vice-Principal Academic in accordance with the University's *Policy on Responsible Conduct of Research*.

Where there are multiple internal recourses to report alleged Wrongdoing, the Discloser will have to choose one in order to avoid duplication.

At any time during the process, if the Responsible Officer has reason to believe that a crime has been, or may be, committed, he or she may forward the pertinent information to a body responsible for the prevention, detection or repression of crimes or statutory offences, including a police force or a professional order. If the Disclosure reveals information that should be reported to the Anti-Corruption Commissioner, the Responsible Officer will provide information pursuant to the Anti-Corruption Act (CQLR c L-6.1).

5.3 Timeline

The Disclosure will be processed in accordance with the following deadlines:

- Written notice of receipt of the Disclosure to the Discloser issued within five (5) working days from the date the Responsible Officer receives the written disclosure;
- A decision on the admissibility of a Disclosure rendered within fifteen (15) working days from the date of the Disclosure;
- Conduct and conclude the investigation, normally within six (6) months of the date of the Disclosure.

5.4 Investigation of Wrongdoing

If admissible, and if the Disclosure has not been transferred to the Public Protector, the Responsible Officer will investigate and collect relevant documentation pertaining to the allegations of wrongdoing.

When appropriate in the course of the investigation, the Responsible Officer may direct the Disclosure to be treated by the appropriate University unit and/or with the relevant policy or agreement.

The Responsible Officer shall use such investigative procedures as deemed appropriate to the nature of the allegation(s).

The Responsible Officer must, throughout the investigation process and beyond, take all necessary measures to protect the confidentiality of the information communicated and the identity of the Discloser and anyone who cooperates in the investigation.

The Responsible Officer will share with the Respondent any information necessary to allow the person to understand the nature of, and respond to, the allegations made. However, such sharing of information shall not reveal the identity of the Discloser.

The Responsible Officer will also take all necessary measures to protect the identity of the Respondent while the investigation is in progress.

The Respondent may be accompanied by a member of the Bishop's University Community during any meeting or any interview with the Responsible Officer.

Over the course of the investigation, the Discloser may freely share with the Responsible Officer any information about the Wrongdoing, including information that would normally be subject to restrictions.

The Responsible Officer will keep the Principal informed about the steps taken following the receipt of the Disclosure, without revealing the names of the individuals concerned, unless the Principal is engaged in the alleged Wrongdoing.

5.5 Decision of the Responsible Officer

Following the investigation, the Responsible Officer will determine the next steps based upon the findings:

- i. If a Wrongdoing has occurred, the Responsible Officer:
 - Will inform the Principal and, as necessary, the appropriate unit so that corrective measures and disciplinary measures may be taken;
 - Will inform the Discloser that the investigation has been completed and, if deemed appropriate, inform the Discloser of follow-up given to the Disclosure;
 - May transfer the relevant information to the appropriate external bodies such as a police force or the Anti-Corruption Commissioner
- ii. If no Wrongdoing has occurred, the Responsible Officer shall:
 - Terminate the processing of the Disclosure and send a notice, with reasons, to the Discloser.
- iii. A Discloser who makes a report that is not in Good Faith may be subject to disciplinary measures.

5.6 Protection from Reprisals

No Discloser who makes a Good Faith Report shall be subject to reprisals, regardless of the results of the investigation.

Reprisals or threat of reprisals in connection with a Disclosure of Wrongdoing or collaboration in an investigation conducted as a result of such Disclosure, constitutes a prohibited practice within the meaning of article 122 of the *Act Respecting Labour Standards*.

Any person who is perceived to be the victim of a reprisal must file a complaint with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) within 45 days of the reprisal of which he/she complains.