

# WHISTLEBLOWER



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<b>POLICY NUMBER</b>	<b>BRD 18-0</b>
<b>APPROVAL DATE</b>	October 4, 2024
<b>AUTHORITY</b>	Board of Governors
<b>CATEGORY</b>	Board
<b>PRIMARY CONTACTS</b>	AVP, People and Culture; Director, Internal Audit
<b>ADMINISTRATIVE CONTACT</b>	President

## POLICY

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The University encourages members of the University community, acting in good faith, to responsibly report Wrongdoing on the part of the University or its employees without fear of retaliation.

The University is committed to protecting individuals from interference with making a Disclosure and from Retaliation for having made a Disclosure.

## REGULATIONS

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1. **Definitions.** For the purpose of this Policy:
  - a. **“Designated Official”** means
    - i. the AVP, People and Culture; or
    - ii. if a Disclosure relates to alleged Fraud or Irregularity under the *Fraud Risk Management Policy*, the Director, Internal Audit.
  - b. **“Disclosure”** means a communication to a responsible University employee about actual or suspected Wrongdoing based on a good faith and reasonable belief that the activity has both occurred and amounts to Wrongdoing.
  - c. **“Retaliation”** means adverse action by the University against an individual because they have made a Disclosure.
  - d. **“Wrongdoing”** means any one of the following:
    - i. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
    - ii. an act or omission that creates a substantial and specific danger to the life,

health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an Employee's duties or functions;

- iii. a serious misuse of public funds or public assets;
  - iv. gross or systemic mismanagement, including breaches of the University's policies and associated regulations; and
  - v. knowingly directing or counselling a person to commit any act or omission described in paragraphs (i) to (iv) above.
2. **Who may make a Disclosure.** Students, volunteers, or other members of the University community (other than employees) may make a disclosure under this Policy. Employees may make a Disclosure under the Public Interest Disclosure Policy. For the purposes of this section, the term "employees" has the same meaning as in the Public Interest Disclosure Policy.
3. **False or Reckless Allegations.** Any person who knowingly, or with reckless disregard for the truth, makes a false report of Wrongdoing is liable to disciplinary action, up to and including termination of appointment or suspension. Allegations that are not substantiated but which are made in good faith are not subject to discipline by the University.
4. **Retaliation.** No individual who makes a Disclosure will suffer Retaliation. Any person who imposes Retaliation against any individual who makes a Disclosure is subject to discipline, up to and including suspension or termination. Individuals who report their own misconduct are not protected by this Policy.

Separately, a person might face other legal actions, including civil remedies sought by the impacted individual(s) (for example, seeking damages for defamation).

5. **Reporting and Action by the University.** Members of the University community should make a Disclosure using the following procedure.

The Disclosure must be made to the appropriate Designated Official.

A member of the University community who reasonably knows or has reason to believe that the University, or a member of the University community is engaged in Wrongdoing should describe their concern in writing and should include sufficient information to allow the Designated Official to understand and review the written concern. If the individual making the Disclosure wishes to remain anonymous, the written communication should clearly indicate this wish for anonymity. All concerns should be forwarded to the Designated Official in a sealed envelope labeled as follows:

**"To be opened by the [insert title of the relevant Designated Official] only."**

A Disclosure can be sent via email to: [ntd: add appropriate email address]

If the individual making the Disclosure wishes to discuss the Disclosure, this request should be indicated in the submission. In order to facilitate such a discussion, the applicable individual may include a telephone number at which they can be contacted.

Promptly following receipt of any Disclosure submitted to it, the Designated Official will review the Disclosure.

- If the Designated Official determines that the Disclosure concerns alleged Wrongdoing by the President or a member of the Board of Governors (other than the Chair of the Audit Committee of the Board), then the Disclosure shall be referred to the Chair of the Audit Committee of the Board, who shall fulfil the functions of the Designated Officer.
- If the Disclosure concerns Wrongdoing by the Chair of the Audit Committee of the Board, then the Disclosure shall be referred to the BC Ombudsperson.

The Designated Officer may then initiate an investigation and retain at the University's expense, legal counsel, accounting and other advisors, consultants or experts it deems necessary in the performance of their duties.

6. **Outcomes.** Members of the University community found to have participated in Wrongdoing may be subject to disciplinary action, which may include suspension or termination of employment, and/or referral to law enforcement.
7. **Confidentiality.** Everyone must protect all confidential information and all personal information collected, used or shared as part of a report of Wrongdoing, Disclosure, complaint about Retaliation or Investigation to the extent possible under applicable legislation, University policies, and applicable collective and employment agreements.
8. Employees must take reasonable precautions to ensure that personal information is not disclosed in a report of Wrongdoing, Disclosure, complaint about Retaliation or Investigation beyond what is reasonably necessary.
9. Employees must maintain strict confidentiality with respect to all personal information – including the identity of those involved – related to a report of Wrongdoing, Disclosure, complaint about Retaliation or Investigation under this Policy and Regulations and must not disclose such information. If Employees have any questions about their confidentiality obligations, they are encouraged to ask the Designated Officer.
10. The Designated Officer must advise Employees who make a report of Wrongdoing, Disclosure, complaint about Retaliation or participate in an Investigation about these privacy and confidentiality obligations.
11. The Designated Officer must only collect, use and disclose personal information, particularly if it may reveal the identity of a person disclosing or alleged to have committed Wrongdoing, necessary to fulfill their responsibilities under this Policy or as otherwise permitted by this Policy and FIPPA, including to comply with other applicable laws and agreement and ensure a fair and appropriate Investigation.
12. **Reporting.** The AVP, People and Culture will retain as part of their records all Disclosures received for a period of no less than seven years. The AVP, People and Culture will keep

a written record of all such reports or inquiries and make quarterly reports to the Audit Committee of the Board.