



Policy:	SAFE DISCLOSURE (WHISTLEBLOWER)
Issue Date:	September 2021
Next Review Date:	September 2023
Approved by:	President, Huron University College

1. OVERVIEW AND PURPOSE

1.1 Huron University College (“Huron”) is committed to integrity and ethical behaviour in our community, and will foster and maintain an environment where staff, faculty, and students can work and study safely and appropriately, without fear of retaliation. Huron recognizes that its members, in carrying out their daily activities, are often in the best position to identify activities which could potentially cause harm to other members of the Huron community, Huron’s reputation, or cause financial or other harm.

1.2 The purpose of this Policy is:

- To offer Huron members a mechanism for reporting good faith allegations of Wrongdoing (such allegations are sometimes referred to as “whistleblower” reports), where no other process exists under an alternate Huron policy;
- To prescribe procedures for the reporting, investigation, and response to good faith allegations; and
- To protect those who make good faith allegations by prohibiting reprisal.

2. DEFINITIONS

2.1 **Complainant** – The person(s) who discloses/reports the Wrongdoing.

2.2 **Designated Authority** – The person(s) to whom a Good Faith Disclosure is made as designated in this Policy under [Section 5.1.1](#).

2.3 **Good Faith Disclosure** – Any disclosure made under this Policy concerning an actual or perceived Wrongdoing that is based on reasonable belief and is not malicious, frivolous, vexatious or made in bad faith.

2.4 **Reprisal** – Any adverse action taken against a person for making a Good Faith Disclosure.

2.5 **Respondent** – Defined as the person(s) who allegedly engaged in Wrongdoing;

2.6 **Wrongdoing** – any behavior that constitutes unethical conduct, serious misconduct, illegal activity, improper financial activity, or misuse of Huron’s assets, including but not limited to:

- Breaches of any Huron policy;

- Violation of any law and/or other legal or regulatory responsibilities, duties or obligations;
- Discrimination based on protected grounds as defined under the Ontario Human Rights Code;
- Theft, fraud and misappropriation of Huron assets;
- Destruction, removal or concealment of Huron records or property for the purpose of personal gain;
- Forgery, falsification or alteration of documents;
- Making false claims or statements;
- Interference through direct or indirect action or use of authority to obstruct a person's right to make a report of an alleged Wrongdoing; and
- Reprisals for making a disclosure of Wrongdoing.

Note: Acts of both commission and omission are included in the term "Wrongdoing."

3. SCOPE

- 3.1 Huron depends on its employees, students, and other members of the Huron community to report apparent Wrongdoing so that it may be investigated, and corrective action taken. This Policy is designed to enable employees, students, and other members of the Huron community to disclose information about suspected Wrongdoing and to ensure that the individual is protected from retaliation when making such a disclosure. Anyone who has reasonable grounds to suspect Wrongdoing, as defined herein, is encouraged and expected to bring forth the allegation in a timely manner. This policy has been adopted to ensure that all stakeholders understand that they may report any Wrongdoing that may adversely impact Huron, Huron's staff, faculty, students, Board of Governors, donors, or the public at large, without fear of retaliation or a negative impact on their status at Huron.
- 3.2 This Policy applies to all employees, students, volunteers, contractors and suppliers of Huron.
- 3.3 This Policy does not modify or supersede the terms of any collective agreement or terms of employment binding upon Huron. This Policy shall be read and interpreted in harmony with the terms of any such collective agreement or employment agreement. Where this Policy directly conflicts with a term or terms of an applicable collective agreement or employment agreement, that term or those terms of that applicable collective agreement or employment agreement shall prevail.
- 3.4 This Policy does not modify or supersede existing Huron policies. Where this Policy directly conflicts with a term or terms of an existing Huron policy, that other policy and its terms shall prevail. It is Huron's expectation that members of the Huron community will continue to use existing channels to report improper activity and only resort to this Policy if such channels prove ineffective or inappropriate in the circumstances.
- 3.5 This Policy is in addition to and does not replace the rights and responsibilities of an individual under law, employment contract or professional ethics.
- 3.6 Investigations will only be undertaken under this Policy when other means to address the allegation are exhausted, unavailable, or unacceptable at Huron's discretion.

- 3.7 For clarity, this Policy is not intended to limit, amend or replace the terms of any existing Huron policy, employment agreement, collective agreement, or any other agreement that has been established for purposes including but not limited to:
- Individual complaints, appeals, grievances, management of employee performance or provisions in a collective agreement or employment agreement;
 - Discrimination, violence or harassment, sexual violence, health and safety or human rights; or
 - Appeals, complaints, grievances or issues associated with academic misconduct, research, and intellectual property.

4. POLICY

- 4.1 Any employee, contractor, student, volunteer, or member of a Huron governing body who becomes aware of, observes or encounters evidence of Wrongdoing or who has information and reasonable grounds to believe there has been Wrongdoing is encouraged to make a Good Faith Disclosure to the Designated Authority as defined herein.
- 4.2 Huron shall take all necessary and appropriate action to carefully and fairly investigate and respond to disclosures of Wrongdoing, including legal action as appropriate.
- 4.3 Huron will make all reasonable efforts to keep the details of a Good Faith Disclosure confidential, and shall protect the identity of the person making the Good Faith Disclosure to the extent possible under the applicable legislation, regulations, Huron policies, employment agreements, and collective agreements in effect at the time of the disclosure.
- 4.4 All persons involved in allegations of Wrongdoing are to be treated fairly and impartially and maintain the rights, privileges and protections afforded to them under the applicable legislation, regulations, Huron policies, employment agreements, and collective agreements in effect at the time of the disclosure.
- 4.5 No person who makes a Good Faith Disclosure will be subject to reprisal, either direct or indirect, and Huron will investigate and take all appropriate action to address all allegations of reprisal.
- 4.6 Any person who knowingly makes an allegation of Wrongdoing which is false, frivolous, vexatious or made in bad faith will be subject to disciplinary action, up to and including termination, as appropriate.

5. PROCEDURES

5.1 Reporting Allegations of Wrongdoing

- 5.1.1 A Good Faith Disclosure should be made to the Director, Human Resources by completing the [Safe Disclosure \(Whistleblower\) Report](#). If the Wrongdoing may involve the Director, Human Resources, then the disclosure will be sent to a member of Huron's Senior Leadership Team (either of Huron's Vice-Presidents or Provost). If the Wrongdoing may involve a Senior Leadership Team member, the disclosure should be made to the Chair of Huron's Board of Governors. Those people identified above to whom a disclosure shall be addressed are the Designated Authorities.

The report may be anonymous, however, a complainant's decision to remain anonymous may impact the ability of Huron to address the allegation.

- 5.1.2 A disclosure should include, if possible, a description of the nature of the suspected activity, relevant dates, names of each individual involved in the activity, and any additional information or documentation that would assist in conducting an investigation into the suspected activity.
- 5.1.3 After receiving the report, the Designated Authority will make a record of its receipt and shall review it and decide within 10 working days if an investigation is warranted. Legal counsel or others may be consulted to assist in this determination. If the matter should be dealt with under a different Huron policy, the individual making the disclosure will be advised and offered assistance regarding the appropriate steps to take.
- 5.1.4 If the Designated Authority determines that an investigation is warranted, Huron will appoint a qualified, professionally trained, internal or external investigator(s) to investigate the complaint which may include legal counsel.
- 5.1.5 If the Designated Authority determines that the allegation is without substance or merit, or that the report is not a good faith allegation, the allegation may be dismissed without investigation. In such instances, the complainant will be so informed, and may be given opportunity to re-submit the allegation with additional evidence at the discretion of the Designated Authority.
- 5.1.6 All reports and records pertaining to disclosures and investigations conducted under this policy shall be securely retained by the Office of the Vice President, Finance & Administration or the President's Office and confidentially destroyed after a period of five years.

5.2 Investigating Allegations of Wrongdoing

- 5.2.1 The investigator has the discretion to determine if an investigation team is necessary. If necessary, the investigator will contract others (i.e. legal counsel, forensic or IT experts) with the required expertise, or an external investigation team may be contracted to perform some or all of the investigation.
- 5.2.2 The Designated Authority will ensure that the investigator is provided with the resources necessary to conduct a thorough investigation.
- 5.2.3 The investigation timeframe will be subject to the investigator's discretion, depending on the situation and the complexity of the allegation. Once an investigation begins, all inquiries about the allegation should be directed to the investigator.
- 5.2.4 The investigator shall report the investigation procedures, findings, conclusions, and recommendations to the Designated Authority.
- 5.2.5 All Huron members, including the complainant, respondent, and witnesses shall have the opportunity to participate in the investigation process.

- 5.2.6 To maintain the integrity of an investigation process, Huron will take reasonable steps to maintain confidentiality to the extent possible during the investigation. Confidentiality may not be possible where identification is required to conduct a thorough investigation or otherwise where required by law.
- 5.2.7 Where a report of Wrongdoing is substantiated, there will be a formal record of the action taken on the Respondent(s)'s personnel or student file, if applicable. All other records will be maintained in a secure file kept by the Vice President, Finance & Administration or President's Office.

5.3 Protection from Retaliation for Reporting Acts of Wrongdoing

- 5.3.1 In order to protect an individual who makes a Good Faith Disclosure in accordance with this policy, Huron will take all reasonable steps to ensure that such an individual is protected from reprisals as a consequence of such disclosure, which could include but is not limited to:
- Dismissal or threats to dismiss the individual;
 - Discipline, suspension, or threats to discipline or suspend the individual;
 - Any penalties imposed upon that individual; or
 - Intimidation or coercion of that individual.
- 5.3.2 Huron will not tolerate any retaliation directly or indirectly against any member who submits a Good Faith Disclosure. Any such retaliation or reprisal shall constitute independent Wrongdoing under this Policy and shall be investigated pursuant to this Policy.
- 5.3.3 Huron members who experience harassment, threats, retaliation or discrimination as a result of reporting evidence of a Wrongdoing or participating in any investigation of Wrongdoing should immediately report it to the Designated Authority (or Director, Community Safety if there is an imminent concern or threat to a person's safety).

5.4 Disclosures Not in Good Faith

- 5.4.1 Where the Designated Authority has reasonable grounds for suspecting that a disclosure is not a Good Faith Disclosure, the Designated Authority shall assign an investigator to conduct an investigation and make a recommendation as to whether or not the disclosure was in good faith.
- 5.4.2 The investigation shall be conducted in the same manner as an investigation into Wrongdoing in accordance with this Policy.
- 5.4.3 Where a Designated Authority, on the basis of an investigator's report, determines that a disclosure is not based on a reasonable belief, is malicious, frivolous, vexatious, or is made in bad faith, then the Designated Authority may, where appropriate, recommend disciplinary proceedings against the complainant in accordance with the relevant regulations, Huron policies, employment agreements, collective agreements, or other agreements.