
Protected Disclosure (Whistleblower) Policy

Department Policy Number

Effective Date

December 13, 2007

Purpose

Athabasca University is committed to maintaining the highest ethical standards in all of its activities and to acting immediately on any reported Wrongdoing. Through this policy, the University aims to protect any member of the University community who acts to expose Wrongdoing within the University.

Because of their involvement in the University's day-to-day operations, employees, students, volunteers and other Stakeholders are often in the best position to observe and report unethical conduct or abuse of the public trust. In keeping with the University's commitment to accountability and transparency, this policy provides protection for such WhistleBlowers by prohibiting reprisals against them.

The purpose of this policy is fourfold:

- a. To protect persons who, in good faith, make such disclosures by prohibiting subsequent reprisals against them;
- b. To provide a mechanism through which Stakeholders in the University can confidentially disclose Wrongdoing, unethical conduct, fraud or abuse of public trust that they observe in the context of performing their University duties or activities;
- c. To prescribe procedures for making such disclosures; and
- d. To provide a mechanism for appropriate investigation of and response to such disclosures.

This policy:

- a. Applies to the University and all of its Stakeholders;
- b. Affirms that it is in the public's best interest to maintain and enhance public confidence in the integrity of the University;



- c. Reflects the University's commitment to ensuring the transparency, accountability and ethical conduct of its Governing Council and employees;
- d. Provide a mechanism by which anyone can make a Protected Disclosure of any perceived Wrongdoing within the University;
- e. Provides protection for a prohibits reprisals against anyone who, in good faith, takes steps to expose Wrongdoing within the University;
- f. Allows the University to take prompt corrective action in response to reports of Wrongdoing;
- g. Is supported by the procedures documented in Appendix 1, which is an attachment to this policy; and
- h. Does not apply to matters relating to employee performance or discipline, which are covered in collective agreements or performance management policies.

Definitions

In this policy and the attached procedures, these terms are to be interpreted as follows:

AUGC or Governing Council - means the Athabasca University Governing Council as defined in the Post-Secondary Learning Act and the Athabasca University Regulation.

Athabasca University Regulation - means the Athabasca University Regulation, Alta. Reg. 50/2004 (proclaimed March 18, 2004).

Audit Committee - means the AUGC Audit Committee

Complainant - means a person making a disclosure of a Wrongdoing.

Ethical Conduct - means conduct that is fair, free from deception and impropriety and consistent with accepted standards as identified in the University's policies and procedures.

Executive Officers - include the University President, Vice-Presidents and Chief Information Officer.

Fraud - is used as defined in the University's fraud policy ("[Fraud: Reporting and Responding to Incidents of Fraud or Dishonesty Policy](#)")

Gross mismanagement - means management action or inaction in reckless disregard of the consequences to Stakeholders; examples include but are not limited to physical violence, theft or fraud, deliberate falsification of records, deliberate damage to University property and serious incapability through being under the influence of alcohol or drugs at work.

Interference - means direct or indirect action or use of authority to obstruct a person's right to make Protected Disclosure.

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Partners - refers to but is not limited to:

1. suppliers of goods and services,
2. other educational institutions and affiliates,
3. industries,
4. foundations,
5. government bodies

Post-Secondary Learning Act - means the Post-Secondary Learning Act, S.A. 2003, c. P-19.5 (as amended).

President - means the president of Athabasca University

Protected disclosure - means any disclosure, which is not frivolous or made in bad faith, made by a Stakeholder concerning an actual or perceived Wrongdoing.

Reprisal - means retaliatory actions or measures that could be taken against a Stakeholder reporting a Wrongdoing, including but not being limited to:

1. dismissal or threat of dismissal,
2. disciplinary action,
3. demotion or withholding of due promotion,
4. termination of employment,
5. intimidation, coercion or threats,
6. suspension or threat of suspension,
7. imposition of any penalty,
8. harassment,
9. discrimination,
10. any act that adversely affects the employment or learning conditions of the person.

Senior Officers - include any Associate Vice-President, Executive Director, Director, Dean, Centre Chair, Registrar, or the University Secretary.

Service provider - means any independent external organization contracted to provide a confidential communication program which allows Stakeholders to report Wrongdoings.

Stakeholders - includes the AUGC, all employees, contractors, students, prospective students, alumni, volunteers, partners and concerned external parties.

University - means Athabasca University.

Vice-President - means a Vice-President of the University or the Chief Information Officer, and if accompanied by additional descriptive words, means the Vice-President identified by those descriptive words.

Whistleblower - means any person making a Protected Disclosure.



Wrongdoing - refers to but is not limited to:

1. the serious contravention of University policies or regulations,
2. acts which are in contravention of relevant local, provincial or federal laws,
3. acts of fraud or misappropriation,
4. misuse of funds, assets or resources,
5. gross mismanagement,
6. an act or omission that creates a substantial or specific danger to the life, health or safety of persons or to the environment,
7. a serious breach of ethics or code of conduct,
8. interference
9. reprisals for reporting a Wrongdoing
10. serious misrepresentation.

Policy

1. Disclosure

It is important to the University that all employees and other Stakeholders disclose their knowledge or suspicion of Wrongdoing in the context of University activities in a timely manner. The University's ability to take prompt corrective action in these situations depends on such reporting. Disclosures may be made through any of the channels identified in this policy and its related procedures.

2. Protection of Complainants

This policy will ensure that any complainant, who in good faith makes a disclosure pursuant to this policy and who has acted in accordance with the requirements of this policy and the related procedure, is protected against reprisal.

3. Investigations

All disclosures made under this policy will be investigated in accordance with this policy and the related procedure. The Chair of the Audit Committee (or his or her designate) will identify the lead investigator for all disclosures, with due concern for protection of individual rights, and will be guided by the principles of fairness, confidentiality and expeditiousness. Disclosures which are determined by the Chair of the Audit Committee (or his or her designate) to be outside the scope of this policy will be resolved with reference to the University policies or guidelines which appropriately address them (e.g., those on harassment, fraud or academic misconduct).

4. Fair Treatment and Confidentiality

All persons involved in allegations of Wrongdoing are to be treated fairly and impartially regardless of their position or the length of their involvement with the University. All disclosures made under this policy and all investigations will be handled in a confidential and sensitive manner. The details of individual disclosures and the results of investigations



will be disclosed, discussed or reported only to those parties who have a legitimate need to know.

5. Reporting

To maintain confidentiality, the results of individual investigations will be reported only to those parties with a need to know as determined by the Chair of the Audit Committee (or his or her designate), the President (or his or her designate), or the Director, Risk Management Services.

6. Awareness of Policy

This policy and the procedures for disclosing Wrongdoing will be identified on the University website. All members of AUGC, University employees and students should be made aware of this policy and the related procedures.

7. Precedent

The protection offered by this policy is in addition to, but does not replace or modify the individual rights guaranteed by law, contract or codes of professional ethics. Nothing in this policy limits or amends the provisions of collective agreements entered into by the University and its employee groups.

Approved by

Athabasca University Governing Council, Motion No. 160-4, December 13, 2007

Amended Date/Motion No.

Related Policies and Procedures

[Appendix 1 - Protected Disclosures \(Whistleblower\) Procedures](#)

[Academic Misconduct Policy](#)

[Anti-Harassment Policy for Employees](#)

[Code of Conduct and Ethics for Members of Athabasca University Governing Council](#)

[Conflict of Interest Policy](#)

[Conflict of Interest in Research Policy](#)

[Fraud: Reporting and Responding to Incidents of Fraud or Dishonesty Policy](#)

[Information Technology Electronic Data Security Policy](#)

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[Non-Academic Misconduct Policy](#)

[Policy on Fraud and Misconduct in Academic Research and Scholarly Activity](#)

[Prevention of Workplace Violence Policy](#) [Protection of Privacy Policy](#)

Applicable Legislation/Regulation

[Post-Secondary Learning Act](#) (proclaimed in force March 18, 2004) Statutes of Alberta, 2003, Chapter P-19.5

[Athabasca University Regulation](#) (proclaimed in force March 18, 2004), Alberta Regulation 50/2004

AUFA Terms and Conditions

AUPE Collective Agreement

CUPE Collective Agreement

[Freedom of Information and Protection of Privacy Act](#), Revised Statutes of Alberta 200, Chapter F-25

Related References

[From Rhetoric to Reality: Protecting Whistleblowers in Alberta](#)

Royal Roads University: Whistleblowing Policy (November 2005)

University of Calgary: Disclosure Protection Policy (Draft #4, December 2005)

University of Lethbridge: Safe Disclosure Policy (December 2004)

Responsible Position/Department

This policy is owned by the Chair of the Audit Committee, administered by the President and is maintained on his or her behalf by the Director, Risk Management Services.

For further information on this policy or the supporting procedures, please contact the Director, Risk Management Services at (780) 675-6928.

Keywords

protected disclosures, safe disclosures, whistleblower

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