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## Protected Disclosure (Whistleblower) Policy

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| <b>Policy Sponsor:</b> | Vice President, Finance & Administration                       |
| <b>Policy Contact:</b> | Director, Strategic Initiatives                                |
| <b>Policy Number:</b>  | N/A  |
| <b>Effective Date:</b> | January 22, 2015   |
| <b>Approval Group:</b> | Governors of Athabasca University                              |
| <b>Approval Date:</b>  | January 22, 2015, Motion # 194-11                              |
| <b>Review Date:</b>    | To be reviewed biennially                                      |
| <b>Procedure:</b>      | <a href="#">Protected Disclosure (Whistleblower) Procedure</a> |

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### Purpose

Athabasca University (the University) is committed to maintaining the highest standards of ethical conduct in all of its activities and to acting immediately on any reported Wrongdoing.

Because of their involvement in Athabasca 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. Through this policy, the University aims to protect Representatives of the University community who act to expose Wrongdoing within Athabasca University.

The purpose of this policy is to:

- reflect Athabasca University's commitment to ensuring the transparency, accountability and ethical conduct of Representatives of the University;
- provide a mechanism through which individuals can confidentially disclose Wrongdoing;
- protect those who, in Good Faith, make Disclosures, by prohibiting subsequent Reprisals against them;



- provide a mechanism for appropriate investigation of and response to Disclosures;
- enable Athabasca University to take prompt corrective action in response to reports of Wrongdoing; and
- protect public confidence in the administration of Athabasca University.

This Policy is not intended to replace other related policies and procedures already in place at Athabasca University. The intent, as noted above, is to provide a mechanism for confidential reporting and the protection of persons who report Wrongdoing in this manner. In the event that this Policy conflicts with another Athabasca University policy, this policy will have precedence to the extent of the conflict, with respect to any Protected Disclosure made under this Policy.

## **Definitions**

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| <b>Chief Internal Auditor</b> | An employee who directs the delivery of internal audit services for Athabasca University under the terms of the Internal Audit Charter.  |
| <b>Chief Officer</b>          | As prescribed in Alberta's Public Interest Disclosure (Whistleblower Protection) Act, the President of Athabasca University is designated to be the Chief Officer.   |
| <b>Commissioner</b>           | The Public Interest Commissioner appointed under section 38 of Alberta's Public Interest Disclosure (Whistleblower Protection) Act.  |
| <b>Designated Officer</b>     | A senior official, designated by the Chief Officer to manage and investigate a Protected Disclosure, as prescribed in Alberta's Public Interest Disclosure (Whistleblower Protection) Act.   |
| <b>Disclosure</b>             | A report which is made in relation to a Wrongdoing.  |
| <b>Employee</b>               | An individual who performs services for Athabasca University under a contract of services, as defined by the Canada Revenue Agency (CRA) and the Income Tax Act. Departing Employees or Retiring Employees are included in the definition of Employee for the purposes of this policy. |
| <b>Ethical Conduct</b>        | Conduct that is fair, free from deception and impropriety and consistent with accepted standards as identified in Athabasca University's policies and procedures.  |
| <b>Executive Officers</b>     | Includes the University President and Vice-Presidents.   |



## **Fraud**

A deliberate and/or unlawful deception or misrepresentation or concealment of facts, practiced to secure advantage, benefit or gain and/or to cause loss to another.

Fraud includes, but is not limited to:

- misappropriation, misapplication, destruction, removal or concealment of Athabasca University property;
- alteration or falsification of paper or electronic documents (cheques, reference letters, grant applications, time sheets, requisitions, budgets etc.) including the inappropriate destruction of paper or electronic documents;
- authorizing or receiving payments for goods not delivered or services not performed;
- altering or deliberately reporting incorrect financial or personal information for either a personal advantage or for a benefit to Athabasca University;
- unauthorized use of Athabasca University property and resources for personal advantage or gain;
- any claim for reimbursement of unincurred or ineligible expenses or unearned payment of fees or wages;
- bribery, kickbacks or rebates;
- identity theft; and
- misrepresentation by an Employee of professional or academic credentials or employment status with Athabasca University.

## **Good Faith**

Honestly intended action based on reasonable belief and not malicious, frivolous or vexatious in nature.

## **Gross Mismanagement**

An action or inaction that shows a reckless or willful disregard for the efficient management of Athabasca University resources.

## **Interference**

Direct or indirect action or use of authority to obstruct a person's right to make a Protected Disclosure.

## **Partners**

Includes, but is not limited to:

1. suppliers of goods and services,



2. other educational institutions and affiliates,
3. industries,
4. foundations,
5. government bodies.

## **Procedural Fairness and Natural Justice**

The right of a person to be heard in a fair and unbiased manner prior to a decision being made that may have a negative impact on their rights or interests. This includes being informed of the facts alleged and given a full opportunity to respond. However this does not include being informed of the identity of person(s) who have made Protected Disclosures.

## **Protected Disclosure**

A report of a Wrongdoing, made in Good Faith, in accordance with this Policy, which is to be addressed as outlined in this Policy and its related Procedure.

## **Representatives of the University**

Executive officers, managers, supervisors, faculty, staff, post-doctoral fellows, professors emeriti, visiting academics, students, alumni, volunteers, contractors when specified in the terms of the contract, members of the Board of Governors, partners and others, when acting on behalf of the University.

## **Reprisal**

To take or direct, or to counsel or direct another person to take or direct, any of the following measures against anyone who has, in Good Faith, sought advice about making a Disclosure, made a Protected Disclosure, co-operated in an investigation under this Policy, declined to participate in a Wrongdoing or done anything in accordance with this Policy:

1. any measure such as:
  - a. dismissal,
  - b. disciplinary action or reprimand,
  - c. demotion or withholding of due promotion,
  - d. discontinuation or elimination of a job,
  - e. change of job location,
  - f. reduction in wages,
  - g. changes in hours worked,
  - h. termination of employment,
  - i. suspension,
  - j. imposition of any penalty,
  - k. harassment, or
  - l. discrimination;



2. any measures, other than those mentioned in clause (1), that adversely affects the person's employment or working conditions or learning conditions; or

3. a threat to take any measures mentioned in clause (1) or (2).

**Senior Officers**

Any Executive Officer, Associate Vice-President, Director, Dean, Centre Chair, Registrar, or the University Secretary.

**Service Provider**

An independent external organization contracted by Athabasca University to provide a confidential process that enables people to make Protected Disclosures.

**Whistleblower**

A person making a Protected Disclosure.

**Wrongdoing**

A known or suspected act which has occurred, suspected to have occurred or is anticipated to occur, which includes, but is not limited to:

1. a serious contravention of Athabasca University policies or regulations;
2. acts which are in a contravention of relevant local, provincial or federal acts or regulations;
3. acts of fraud or financial irregularity;
4. a misuse of funds, assets or resources;
5. a gross mismanagement of Athabasca University funds or assets;
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. an interference;
9. a reprisal;
10. a serious misrepresentation;
11. an act that is not ethical; or
12. directing or counselling a person to commit a Wrongdoing.

**Policy Statements**

**1. General:**

This policy applies to all Representatives of the University.

The Chief Officer will appoint a Designated Officer.

All Representatives of the University shall maintain the highest standards of ethical conduct, such that their actions and behaviours uphold the principles of integrity, respect and accountability,



supported by awareness of, and compliance with, relevant Athabasca University policies and procedures, collective agreements, government legislation and relevant professional standards.

## **2. Disclosure**

It is important to Athabasca University that all Wrongdoing is reported in a timely manner.

Representatives of the University have an obligation to report any Wrongdoing. The University's ability to take prompt corrective action in relation to Wrongdoing depends on such reporting. Failure to report Wrongdoing may result in disciplinary action.

All Protected Disclosures must meet the definition of Good Faith. Any Protected Disclosure found not to be made in Good Faith shall be subject to appropriate disciplinary action, up to and including termination.

## **3. Protection of Persons Making a Protected Disclosure**

The University is committed to maintaining a safe environment, free from Reprisal, with respect to the reporting or investigation of Wrongdoing.

The University will not tolerate any type of Reprisal and will ensure that any allegation of Reprisal is investigated and that appropriate action is taken.

## **4. Investigations**

The University is committed to the thorough investigation of all reported cases of Wrongdoing.

All Protected Disclosures made under this Policy will be investigated in accordance with this Policy and its related Procedure.

In carrying out an investigation, the University has the right to access Employees' offices and electronic files.

## **5. Fair Treatment and Confidentiality**

The review and investigation of all alleged Wrongdoing will be carried out in accordance with the principles of Procedural Fairness and Natural Justice.

All persons involved in allegations of Wrongdoing are to be treated fairly and impartially and will maintain the rights, privileges and protection afforded to them through federal and provincial legislation, Athabasca University policies and collective agreements in effect at the time of the alleged Wrongdoing, regardless of their position or the length of their involvement with the University.

All Protected Disclosures made under this policy and all investigations will be handled in a confidential and sensitive manner and will not be disclosed or discussed with anyone other than those who have a legitimate need to know. All persons involved in a Protected Disclosure



or an investigation shall keep the details and results confidential and not disclose any information without authorization.

A breach of confidentiality may result in discipline, up to and including termination.

## **6. Reporting**

The Designated Officer must provide a report to the Chief Officer, in writing, following his or her investigation.

## **7. Awareness of Policy**

The Chief Officer will ensure that information about this Policy and its related Procedure are widely communicated to Representatives of the University.

## **8. Sanctions**

Failure to comply with this Policy may result in disciplinary action, up to and including termination of employment and prosecution if appropriate. Contractors, vendors and partners who commit Wrongdoing may have their contracts terminated.

## **Applicable Legislation and Regulations**

[Post-Secondary Learning Act](#)

[Alberta Public Interest Disclosure \(Whistleblower Protection\) Act](#)

[Freedom of Information and Protection of Privacy Act](#)

[Athabasca University Regulation](#)

[AUFA Terms and Conditions](#)

[AUPE Collective Agreement](#)

[CUPE Collective Agreement](#)

## **Related References, Policies, Procedures and Forms**

[Protected Disclosure \(Whistleblower\) Procedure](#)

[Addressing Concerns of Harassment by University Employees and Representatives Policy](#)

[Code of Conduct and Ethics for Members of the Board of Governors of Athabasca University](#)

[Conflict of Interest Policy](#)

[Conflict of Interest in Research Policy](#)

[Fraud and Financial Irregularity Policy](#)

[Information Technology Electronic Data Security Policy](#)

[Prevention of Workplace Violence Policy](#)

[Protection of Privacy Policy](#)

[Non-Academic Misconduct Policy](#)

[Research Integrity Policy](#)

[Student Academic Misconduct Policy](#)



## **History**

The Governors of Athabasca University, January 22, 2015, Motion # 194-11 (revised)  
Executive Group, December 13, 2007 Motion # 160-4 (approved)