



# Whistleblower

Category:	Governance
Number:	
Audience:	All University Employees and Board of Governors
Issued:	February 10, 2014
Owner:	President
Approved by:	Board of Governors
Contact:	Secretary to the Board (ext. 2100)

## Introduction

This policy applies to the following members of the University:

- Students
- Employees (faculty, staff, student employees)
- All people who teach and conduct research at the First Nations University of Canada, and
- All members of University committees and Board of Governors

The University is committed to upholding standards of conduct that reflect accountability, integrity, respect, fairness, and transparency in its day-to-day decisions, actions, and interactions. The University is also committed to protecting its revenue, property, information, and other assets and will immediately act on any reported violations of the law or University policy.

This policy offers members a mechanism for reporting allegations of wrongdoing and describes how the University will investigate all such reports.

This policy does not replace other University policies and processes that allow members to report allegations of wrongdoing, nor does it replace or modify a supervisor's responsibility in existing University policies.

This policy offers members an avenue for reporting allegations of wrongdoing when other University policies and processes prove ineffective.

## Definitions

**Employee:** a person who receives a salary from the University for full-time or part-time work or services normally performed by an employee. This includes a person currently on an employment leave.

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**Allegation:** an unproven but formal, written assertion or claim that someone has done something wrong.

**Wrongdoing:** any violation of federal, provincial, or municipal law and regulations, any violation of University policy, including the University's Code of Conduct; unethical conduct.

**Disclosure:** the act of making something evident; revealing information; any revelation concerning an actual or perceived wrongdoing.

**Anonymous:** of unknown authorship; not named or identified

**Accused:** a person against whom the allegation of wrongdoing is made

**Investigator:** any person appointed to conduct an investigation of potential wrongdoing

**Complainant:** person who makes an allegation or complaint against another person

**Fraud:** Theft, misappropriation or misuse of funds or property or any illegal act to deceive others resulting in the victim suffering a loss and/or the perpetrator achieving personal or business gain.

Examples of fraud include but are not limited to:

- A financial system accounting entry intentionally made to represent what is not true or does not exist,
- Unauthorized alteration or use of financial documents and systems,
- Forgery of a signature, cheque, bank draft, or any other financial transaction document,
- Misappropriation of funds, supplies, or assets,
- Theft of property and identity,
- Misrepresentation of identity,
- Disclosure of confidential information to external entities for personal gain, and
- Unauthorized destruction, removal, or use of records for personal gain.

**Retaliation:** any negative or adverse action to a person in response to an action, e.g., his or her allegation, disclosure, or investigation of an alleged wrongdoing

## Policy

Any member who has reasonable grounds to believe that another member has violated the law or a University policy or procedure may report the allegation to:

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- Their supervisor
- The President
- The Chair of the Board of Governors' Audit, Finance and Risk Committee (in the case of the President).

All reports must be in writing, but they may be anonymous.

The University will objectively and independently consider all reported allegations. Allegations will be considered regardless of the accused's position, title, and length of service or relationship with the University.

The President, or the Chair of the Audit, Finance and Risk Committee (in the case of the President) will decide if and how an investigation shall proceed, including the appointment of an investigator or an investigation team. The President will inform the Chair of the Audit, Finance and Risk Committee when an allegation is received. In the case of the President, the Chair of the Audit, Finance and Risk Committee will inform the Chair of the Board of Governors.

Members of the University community, including the accused and complainant (if known), are expected to cooperate fully with the investigator (or team) to ensure that any suspected wrongdoing is investigated thoroughly and to the satisfaction of the Board of Governors.

The results of the investigation will be reported to the President or the Chair of the Audit, Finance and Risk Committee (in the case of the President).

If an investigation indicated that fraud might have occurred, the Board of Governors (or designate) will contact the University's insurance company, the External Auditor, the University of Regina, and the police (as required and if appropriate).

The University will assess on a case by case basis whether to pursue, up to and including using a court-ordered restitution, to recover any losses it incurs as a result of a member's wrongdoing.

### **Confidentiality and Protection for Complainants**

Members are not to take it upon themselves to investigate a suspected wrongdoing, and they should not discuss a wrongdoing or allegation they have reported with anyone other than as authorized by the University.

All information about the report and investigation will be shared only with those who have a legitimate need for it. Consistent with the principle of being innocent until proven guilty, all reasonable steps will be taken to protect the identity (if known) of the person who reported the allegation and the person who is suspected of a wrongdoing.

The University will not tolerate retaliation against anyone who reports an allegation, regardless of the result of the investigation.

Members are asked to immediately report any kind of retaliation to the President or Campus Security (if there is a concern or threat to a person's safety).

## Consequences for Noncompliance

### Malicious Reports

An allegation of wrongdoing is a serious matter. Any member who knowingly makes an unsubstantiated or malicious report may be subject to disciplinary action up to and including dismissal.

Where wrongdoing is proven to have occurred, the University will apply remedies consistent with the seriousness of the wrongdoing, up to and including termination of the member's position with the University and referral to a law enforcement agency.

## Processes

### Reporting an Allegation of Wrongdoing

- 1) A member reports his or her suspicions or knowledge of a violation of the law or a University policy or procedure in writing to:
  - a. Their supervisor
  - b. The President
  - c. The Chair of the Audit, Finance and Risk Committee (in the case of the President).
- 2) The report should provide clear and detailed information about the wrongdoing, including places, person(s) involved, witnesses, and dates (if known) so that a reasonable investigation can be conducted.
- 3) The person who received the report forwards it to the President or the Chair of the Audit, Finance and Risk Committee (in the case of the President).
- 4) As urgently as possible and not later than seven (7) business days of the report, the President or Chair of the Audit, Finance and Risk Committee (in the case of the President) reviews the complaint and determines if an investigation is warranted.
- 5) If an investigation is warranted, the President or the Chair of the Audit, Finance, and Risk Committee (in the case of the President) appoints a lead investigator or investigating team.
- 6) If an investigation is warranted, the allegation is reported to the Board of Governors.

### **Investigating Allegations of Wrongdoing**

- 1) The lead investigator will do an initial assessment and determine if an investigation team is necessary. If necessary, an external investigation team will be contracted to perform the investigation.
- 2) The President or Chair of the Audit, Finance and Risk Committee (in the case of the President) ensures the investigator is provided with the resources necessary to conduct a thorough investigation.
- 3) The investigator coordinates the investigation with legal counsel and the police (if/as necessary). The investigation timeframe will depend on the situation and the complexity of the allegation. Once an investigation begins, all inquiries about the allegation should be directed to the investigator.
- 4) The investigator reports his or her investigation procedures, findings, conclusions, and recommendations to the President or the Chair of the Audit, Finance and Risk Committee (in the case of the President).
- 5) The President or the Chair of the Audit, Finance, and Risk Committee (in the case of the President) determines whether disciplinary action is warranted.
- 6) The Vice-President responsible for the area where the allegation was deemed to have occurred files all electronic and hardcopy files and documents related to the investigation according to the established record retention and archiving schedule.

### **Reporting the Results of Investigations to the Board of Governors**

Cases of wrongdoing that involve loss of money or assets are reported to the Audit, Finance and Risk Committee at the next regular meeting.

- 1) The President submits the investigator's report to the Audit, Finance and Risk Committee.
- 2) The Audit, Finance and Risk Committee reviews the investigator's report and makes its recommendation to the Board of Governors.
- 3) In the case of the President, the Chair of the Audit, Finance and Risk Committee submits the investigator's report directly to the Board of Governors.

## **Related Information**

- Code of Conduct Policy (under development)
- Records Retention and Management Policy