

# **Principal's Ad Hoc Committee to Draft a Safe Disclosure Policy**

**Report to Senate – November 25, 2010**

## **Introduction**

A Principal's Ad Hoc Committee was established to draft a Safe Disclosure Policy for Queen's University. The following sequence of events lead to the creation of the Ad Hoc Committee:

1. In November 2008, Senator J. Welsh, SGPS President, submitted for the Senate Agenda, a Motion to establish a committee to draft a policy on the protection of Whistleblowers;
2. The Senate Agenda Committee deemed that such a policy was broader than the function of the Senate and perhaps could be better dealt with through another mechanism. The Motion was referred to the Senate Operations Review Committee (SORC) for its recommendation;
3. In February 2009, Senate approved SORC's recommendation that the Principal should establish an Ad Hoc Committee is draft a "Safe Disclosure Policy".

The Ad Hoc Committee met seven times between June 2009 and February 2010. Guests and resource persons were invited to attend the me

- The Policy aims to achieve fairness for all parties involved and is consistent with other University policies;
- The Policy is not intended to be used as a second avenue for “Disclosers” who first access another University process/procedure but are dissatisfied with the outcome.

## **C o n c l u s i o n s / R e c o m m e n d a t i o n**

Recommendation:

**that Senate approve the “Queen’s University Policy and Procedures for Safe Disclosure Reporting and Investigation” and forward it to the Board of Trustees for ratification.**

Respectfully submitted,



Bob Silverman  
Provost and Vice-Principal (Academic)

### **Committee Members June 2009 – February 2010:**

- B. Bryck, Vice-Principal Operations and Finance (Acting)
- I. Bujara, Director, Human Rights Office
- S. Crawley, Department of Biochemistry
- S. Forsberg, President, QUSA
- K. Hart, Audit Manager
- A. Manson, Faculty of Law
- S. Marlin, Associate Vice-Principal (Research)
- P. McNeill, Human Resources
- L. Monkman, Principal’s Delegate (Chair)
- B. Silverman, Director of Special Projects, Office of the Vice-Principal (Academic)
- A. Stevens, SGPS Delegate and Senator
- A. Zabrodski, AMS Vice-President (University Affairs)
- P. Watkin (Secretary)

### **Committee Observers June 2009 – February 2010:**

- D. Kelly, Legal Counsel
- H. Smith, Coordinator of Dispute Resolution Mechanisms

# *Queen's University Policy and Procedures for Safe Disclosure Reporting and Investigation*

## **1. Rationale**

Queen's University seeks to promote a culture of honesty, transparency, and accountability, maintaining high ethical standards in all of its activities. The University recognizes that the good-faith reporting of alleged Improper Acts is a necessary and valuable service to the University and all of its members and must not be cause for Reprisals.

The purpose of this policy is:

- a. To protect members of the Queen's community who make good-faith disclosures of alleged Improper Acts
- b. To provide an effective procedure for making such disclosures except where existing University policies or collective agreements govern the issue
- c. To prescribe procedures for the reporting, investigation, and response to such disclosures, using existing mechanisms wherever possible.

## **2. Definitions**

**“Discloser”** refers to anyone who reports an alleged Improper Act as defined within this policy.

**“Improper Act”** includes but is not limited to:

- a. The contravention of University policies or regulations
- b. The contravention of standards and values identified in University policies or regulations
- c. The contravention of relevant local, provincial or federal laws,
- d. Theft, embezzlement, misappropriation, misapplication, destruction, damage, removal, concealment or misuse of University property, assets, resources or funds, including funds administered by the University
- e. Creating a danger to the life, health or safety of persons or to the environment
- f. Interference through direct or indirect action or use of authority to obstruct a person's right to make a report of an alleged Improper Act
- g. Reprisals for reporting an alleged Improper Act

Note: Acts of both commission and omission are included in the term “Improper Act.”

**“Innocent Violation”** refers to an Improper Act c1 0 Td [(C)cn5r[.i by302( )-10(a)4((R)-3(e)4(s)-1]

**“Member(s) of the University Community,”** refers to full-time, part-time, and exchange students including those attending Queen’s Bader International Study Centre and Queen’s School of English; full-time, part-time, casual, contract and temporary staff; grant-paid employees as well as those who work to gain experience or for benefits, such as volunteers, co-op students, interns and apprentices; librarians, archivists and faculty members; visiting fellows, research and post-doctoral fellows; and members of the Board of Trustees and its committees.

A former Member of the University Community may report an alleged Improper Act that occurred while he or she still was a Member of the University Community.

**“Reprisal”** refers to any action arising from this policy taken by the University or a Member of the University Community against a Member of the University Community that adversely affects the status or well-being of the latter.

**“Respondent”** refers to the subject of a report of an alleged Improper Act under this policy.

**“Responsible Officer”** refers to the appropriate Dean, Provost, Vice-Principal, or Associate Vice-Principal. In the event that an alleged Improper Act involves the Responsible Officer, the report will be directed to the Responsible Officer.

Director of the University of Toronto

2( th)2(e)6((e)6xD)-8tea64(n)2t pvssbpe(a64(n)2dv)2(wc42( th)2(in)2 (th)2(e)6(limit(r)6(io)-2(n)2(s)1 o128(f)5 (th)2(e)6(l(r)6

TJ 0 Tc 0 Tw-325.21 -1.16 Td [(i)-2nv(e)4(s)-1(t)-2higt (a)4(d un(t)-2hi)-2(l)-2 ciDilt(o(f)3d)-4(ciDi)-2pproes(s)-1(outi)-2oli

## **5. Procedure for Reporting and Investigating a Report of an Alleged Improper Act**

### Stage 1

A Discloser should contact the Safe Disclosure Officer in

- b. Ascertain whether a relevant University policy or collective agreement governs the issue, then that process shall be used to deal with the allegation of the Improper Act;
- c. Determine whether an Investigator should be appointed to proceed with an initial investigation of the report of an alleged Improper Act. The Responsible Officer shall take into account the following : the credibility of the report including any available corroborating evidence, the likelihood of confirming the report from alternative credible sources, the apparent seriousness of the issue(s) raised and the vulnerability to Reprisal of the Discloser, whether anonymous or named.

The Responsible Officer shall inform the Safe Disclosure Officer of the determined course of action, in writing, within fifteen (15) days of receipt of the written report from the Safe Disclosure Officer. The Safe Disclosure Officer shall inform the Discloser (unless anonymous).

#### Stage 4

If an initial investigation is to be conducted, the Responsible Officer, within twenty (20) days of receiving the written report from the Safe Disclosure Officer, shall appoint an Investigator who has no conflicting interests with the Respondent or the Discloser.

The Investigator shall, within fifteen (15) days of being appointed, review the report submitted by the Safe Disclosure Officer and advise the Respondent in writing of the nature and substance of the report, the scope of the investigation and the need to retain all materials possibly relevant to the allegation of an Improper Act until further notice.

The Respondent shall be invited to respond by meeting with the Investigator or by making a written submission or both within twenty (20) days of the date of notification by the Investigator. The Respondent may contact the Responsible Officer if the Respondent believes that the Investigator may have a conflict of interest. The Respondent may seek advice from the Investigator regarding information to be submitted and issues to be addressed which may expedite or simplify the investigation or render further investigation unnecessary. The Investigator may consult with the University Legal Counsel throughout this process.

Based on the information and response provided by the Respondent, the Investigator will make a written recommendation to the Responsible Officer within forty (40) days of being appointed that either:

- a. There is insufficient evidence of an Improper Act to warrant proceeding with further investigation;
- b. There is sufficient evidence of an Improper Act to indicate that further investigation is necessary.

The Responsible Officer shall decide and inform the Safe Disclosure Officer, the Investigator and the Respondent in writing within seven (7) days of receipt of the Investigator's recommendation on whether further investigation is warranted. If it is decided that no further investigation is necessary, the Safe Disclosure Officer shall, without compromising the privacy of the Respondent, meet with and advise the Discloser (unless anonymous) that the investigation has been concluded and inform the Discloser (unless anonymous) of any proposed changes to ( a)4(n)-20(y)20(1

no further investigation is necessary, all documents related to the investigation shall be destroyed.

Stage 5

If the Responsible Officer determines that the Investigator should be asked to investigate further:

- a. The Investigator shall identify

- i. If any of the timelines defined above cannot be met, the Responsible Officer must be informed and approve a revised timeline.
- j. Records concerning reports and investigation of alleged Improper Acts shall be kept by the University Secretariat.

## **6. Protection from Reprisal**

All reasonable steps consistent with the law and the rights of the Respondent shall be taken by the Safe Disclosure Officer, the Responsible Officer, the Investigator, or other officer or body charged with investigation of a good-faith report of an alleged Improper Act to protect the position, reputation, privacy and confidentiality of a Discloser who has made a report of an alleged Improper Act. Any breaches of confidentiality shall be reported to the Responsible Officer who will in turn inform the Discloser (if not anonymous) through the Safe Disclosure Officer if confidentiality can no longer be maintained.

No person shall take any Reprisal against a Discloser who reports an alleged Improper Act. Acts of Reprisal will be subject to disciplinary action. The disciplinary authority of the University extends, however, only to members of the University Community.

The filing of a report of an alleged Improper Act shall not constitute harassment within the terms of the Queen's Harassment/Discrimination Complaint Policy and Procedures.

Any Discloser who believes that he or she has experienced a Reprisal as a result of making a disclosure of an alleged Improper Act pursuant to this policy and these procedures should document the details and immediately inform the Responsible Officer. The Responsible Officer shall ensure that the allegation of Reprisal is investigated and, if justified, that the appropriate corrective steps are taken.

## **7. Protection of Innocent Respondents**

All reasonable steps shall be taken by the University to protect the position, reputation, privacy and confidentiality of an innocent Respondent or a Respondent who commits an Innocent Violation.

An innocent Respondent or a Respondent who commits an Innocent Violation shall not be subject to Reprisal or discipline. An innocent Respondent or a respondent who commits an Innocent Violation who believes that he or she has been the subject of Reprisal by the University or a Member of the University Community whether or not acting on the University's behalf may exercise the recourse available under relevant University regulations, policies, or collective agreements.

## **8. Reports**

Records relating to reports of an alleged Improper Act and investigations which have been conducted under this policy shall be kept by the University Secretariat. As appropriate, the Safe Disclosure Officer shall provide the Provost with an oral summary report of any disclosures of



alleged Improper Acts. At the end of each academic year, the Safe Disclosure Officer shall provide the Provost, the Senate and the Board of Trustees with an annual written report of:

- a. The number of reports made by Disclosers
- b. The number of reports investigated under this policy;
- c. The findings of investigations conducted pursuant to a report
- d. Any action taken pursuant to an investigation

This report shall respect the privacy of Disclosers and Respondents. The Report and all material collected during the investigation shall be held in the office of the Safe Discloser Officer and destroyed after a period of five years.

## 9. Related Policies

### Employment Agreements

- [CUPE local 1302 collective agreement](#) (to June 30, 2010)
- [CUPE local 229 collective agreement](#) (to June 30, 2010)
- [CUPE local 254 collective agreement](#) (to June 30, 2010)
- [QUFA collective agreement](#) (to April 30, 2011)
- [QUSA Memorandum of Agreement](#) (expired) and [Memorandum of Understanding](#)

*Related Senate and Board of Trustees Policies and Procedures (i.e. those that include report of wrongdoing, grievance or complaint procedures)*

[Academic Integrity Procedures – Requirements of Faculties & Schools](#)

[Code of Conduct](#)

[Computer User Code of Ethics](#)

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

[Harassment/Discrimination Complaint Policy and Procedure](#)

[Information Systems Security Policy](#)

[Integrity in Research](#)

13(n H) [(2(i)1)le 4(n)1, 8(n)1, 11(n)1, 14(n)1, 15(n)1, 16(n)1, 17(n)1, 18(n)1, 19(n)1, 20(n)1, 21(n)1, 22(n)1, 23(n)1, 24(n)1, 25(n)1, 26(n)1, 27(n)1, 28(n)1, 29(n)1, 30(n)1, 31(n)1, 32(n)1, 33(n)1, 34(n)1, 35(n)1, 36(n)1, 37(n)1, 38(n)1, 39(n)1, 40(n)1, 41(n)1, 42(n)1, 43(n)1, 44(n)1, 45(n)1, 46(n)1, 47(n)1, 48(n)1, 49(n)1, 50(n)1, 51(n)1, 52(n)1, 53(n)1, 54(n)1, 55(n)1, 56(n)1, 57(n)1, 58(n)1, 59(n)1, 60(n)1, 61(n)1, 62(n)1, 63(n)1, 64(n)1, 65(n)1, 66(n)1, 67(n)1, 68(n)1, 69(n)1, 70(n)1, 71(n)1, 72(n)1, 73(n)1, 74(n)1, 75(n)1, 76(n)1, 77(n)1, 78(n)1, 79(n)1, 80(n)1, 81(n)1, 82(n)1, 83(n)1, 84(n)1, 85(n)1, 86(n)1, 87(n)1, 88(n)1, 89(n)1, 90(n)1, 91(n)1, 92(n)1, 93(n)1, 94(n)1, 95(n)1, 96(n)1, 97(n)1, 98(n)1, 99(n)1, 100(n)1]

