



## OFFICIAL COLLEGE POLICY

## WHISTLEBLOWER POLICY

Approved by Management Executive Committee: May 14, 2019.

Approved by Vanier College Board of Directors: May 28, 2019

## **Article 1**

### **OBJECTIVES**

In accordance with the *Act to facilitate the disclosure of wrongdoings relating to public bodies*, CQLR c. D-11.1, the purpose of this policy is to facilitate the disclosure, in the public interest, of wrongdoings committed or about to be committed in relation to Vanier College and establish a general protection regime against reprisals.

## **Article 2**

### **SCOPE**

This policy applies to employees of Vanier College. Members of the public, students and former employees can report a wrongdoing to the Public Protector, as stated per Article 3.2 hereof.

In relation to this policy, a wrongdoing means any act that constitutes or consists in, as the case may be:

- (i) a contravention of a Québec law, of a federal law applicable in Québec or of a regulation made under such a law;
- (ii) a serious breach of the standards of ethics and professional conduct;
- (iii) a misuse of funds or property belonging to the College, including the funds or property it manages or holds for others;
- (iv) gross mismanagement within the College, including an abuse of authority, any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment; or
- (v) directing or counselling a person to commit an act described in any of paragraphs (i) to (v) above.

This policy does not apply to a disclosure made for personal purposes rather than in the public interest, such as when the subject-matter pertains solely to a condition of employment of the person making the disclosure, nor does it apply to a disclosure whose purpose is to question the merits of the policies and program objectives of Vanier College.

## **Article 3**

### **FILING OF A DISCLOSURE**

#### **3.1 Internal Disclosure**

Any employee who becomes aware of information that could show that a wrongdoing has been committed or is about to be committed in relation to Vanier College may disclose the matter to the Director of Communications and Corporate Affairs as provided for herein.

A disclosure is made using a secure electronic form, or a sealed envelope addressed to the Director of Communications and Corporate Affairs, with the mention "Strictly confidential". It shall contain as much information as possible, including, without limitation, a description of the conduct, dates, places, persons involved/witnesses, relevant documentation, etc., so that a reasonable investigation may be conducted.

A disclosure can be made anonymously. In such case, the information must be sufficient to establish that it is made by an employee of the College.

If the wrongdoing involves the Director of Communications and Corporate Affairs or if Director of Communications and Corporate Affairs is absent, the matter may be reported in writing to the Director General, except if the wrongdoing involves the Director General or if the Director General is absent, in which case, the matter may be reported in writing to the Chair of the Board of Directors.

### **3.2 Disclosure to the Public Protector**

Rather than reporting the wrongdoing internally, an employee or any other person may report it to the Public Protector, as follows:

Direction des enquêtes sur les divulgations en matière d'intégrité publique  
Protecteur du citoyen  
800, place D'Youville  
18e étage  
Québec (Québec) G1R 3P4  
Phone: 1-844-580-7993 (toll-free within Québec) or 418-692-1578 (in Québec City area)  
Fax: 1-844-375-5758 (toll-free within Québec) or 418-692-5758 (in Québec City area)

Secured forms available at: [www.divulgation.protecteurducitoyen.qc.ca](http://www.divulgation.protecteurducitoyen.qc.ca)

## **Article 4**

### **INVESTIGATION**

#### **4.1 Admissibility of disclosure**

On receipt of a disclosure by an employee, the Director of Communications and Corporate Affairs, the Director General or the Chair of the Board of Directors, as applicable (hereinafter "Investigator"):

- i) verifies whether a wrongdoing has been committed or is about to be committed;
- ii) forwards the disclosure to the Public Protector if, in the Investigator's opinion, the Public Protector, given the circumstances, is better suited to deal with it and notifies the employee accordingly; or
- iii) puts an end to the processing of the disclosure:
  - a. if the disclosure was made for personal purposes rather than in the public interest;

- b. if the disclosure purpose is to question the merits of the policies and program objectives of Vanier College;
- c. if the alleged wrongdoing is the subject of court proceedings or relates to a decision rendered by a court;
- d. if the subject-matter of the disclosure does not fall within the Investigator's mandate;
- e. if the disclosure is frivolous;
- f. if too much time has elapsed between the disclosure and the alleged wrongdoing.

For the application of Article 4.1 iii) f), the Investigator will process a disclosure if the wrongdoing occurred within the past year. However, it may consider wrongdoings that predate this in exceptional circumstances and if there is serious cause to do so. In all cases, the Investigator may cease examining a disclosure if too much time has elapsed for an audit or investigation to be effective.

When putting an end to the processing of a disclosure in accordance with Article 4.1 iii), the Investigator sends a notice with reasons, to the employee who made the disclosure, if the employee's identity is known.

#### **4.2 Processing Times**

The maximal processing times from the receipt of the disclosure are as follows:

- i) Five (5) working days to acknowledge reception of the disclosure to the person who made the disclosure, if that person's identity is known;
- ii) Fifteen (15) working days to determine the admissibility of the disclosure;
- iii) Six (6) months to conduct the investigation, if applicable.

The person who made the disclosure, if that person's identity is known, is notified that processing of the disclosure has been completed. Also, if a contact is provided with the disclosure, the employee may be contacted and updated as deemed appropriate throughout the process.

#### **4.3 Confidentiality of the investigation**

The investigation shall be conducted with due regard to the sensitivity of the complaint. The Investigator is bound to confidentiality in exercising his functions and must, among other things, take the measures necessary to ensure that any information communicated to him or her, including the identity of the person who made the disclosure or cooperates in an audit or investigation on the basis of a disclosure, remains confidential. These measures may include but are not limited to:

- i) Files held in a locked filing cabinet, not accessible to other employees;
- ii) Computer files protected by limited access rights;
- iii) Physical spaces protecting the identity of persons met and the confidentiality of exchanges.

Despite sections 9, 83 and 89 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR, c. A-2.1, no one may have access to or rectify information communicated to an Investigator.

#### **4.4. Conduct of the Investigation**

The person who is the object of the disclosure may be accompanied by a representative of his/her choice during any meeting or interview with the Investigator, provided such representative does not interfere with the meeting or interview. While the investigation is in progress, the Investigator will take the measures necessary to protect the confidentiality of the identity of the person who is the object of the disclosure.

#### **4.5 Anti-Corruption Act and Statutory Offenses**

If the Investigator considers that information disclosed to him or her may be disclosed under section 26 of the *Anti-Corruption Act*, c. L-6.1, he or she forwards the information, as soon as possible, to the Anti-Corruption Commissioner. The Investigator also forwards the information necessary to prosecute an offence under an Act to a body responsible for the prevention, detection or repression of crime or statutory offences, including a police force or a professional order.

The Investigation puts an end to the examination or processing of the disclosure, or continues it, according to the terms agreed to with the body to which he or she has forwarded the information. If the Investigator considers it appropriate, he or she notifies the employee who made the disclosure that the information has been forwarded, if the employee's identity is known.

#### **4.6 Protection Against Reprisals**

It is forbidden to take any reprisal against an employee on the ground that the employee has, in good faith, raised a wrongdoing in accordance with the terms hereof or against a person on the ground that the person has cooperated in an audit or investigation conducted on the basis of a disclosure hereunder. It is also forbidden to threaten to take a reprisal against an employee so that the employee will abstain from making a disclosure, or against a person so that the person will abstain from cooperating in an audit or investigation conducted on the basis of a disclosure.

The demotion, suspension, dismissal or transfer of a person or any other measure that adversely affects such a person's employment or conditions of employment is presumed to be a reprisal.

Any person who believes a reprisal has been taken against him or her may file a complaint with the Public Protector. However, if an employee believes that the reprisal taken against him or her constitutes a practice prohibited under section 122(1) (11) of the *Act respecting labour standards* (CQLR, c. N-1.1), the employee will be referred to the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (hereinafter "CNESST"). In this case, the employee must file a complaint with the CNESST within 45 days of the occurrence of the reprisal. A unionized employee may also contact his or her union.

## **Article 5**

### **ROLE AND RESPONSIBILITIES**

#### **5.1 Director of Communications and Corporate Affairs**

The Director of Communications and Corporate Affairs is responsible for the application of this policy, which includes receiving and processing disclosures, informing individuals of their rights and protections. The Director of Communications and Corporate Affairs also informs the Director General or the Chair of the Board of Directors, as appropriate, of the disclosures received.

#### **5.2 Board of Directors**

The Board of Directors adopts this policy. By the adoption of this policy, the Board of Governors hereby delegates all of the functions conferred to it to the Director General of the College

#### **5.3 Director General and Chair of The Board of Directors**

In cases listed in Article 3.1, the Director General or the Chair of the Board of Directors shall assume the responsibilities of the Director of Communications and Corporate Affairs.

In other cases, if necessary, the Director General takes the appropriate corrective measures when informed by the Director of Communications and Corporate Affairs that a wrongdoing has been committed or is about to be committed.

## **Article 6**

### **EFFECTIVE DATE**

This policy will come into force upon its adoption by the Board of Directors.