

1.0 POLICY STATEMENT

- 1.1 MacEwan University (the “University”) maintains high standards of legal, fiscal and ethical behaviour and fosters a culture of ethics and compliance by encouraging Members of the University Community to report suspected or actual Wrongful Conduct, taking appropriate action to investigate reports of Wrongful Conduct, and protecting Members of the University Community from Reprisal for making such reports.

2.0 PURPOSE

- 2.1 The purpose of this policy is to:
- 2.1.1 Describe the expectations concerning legal and ethical conduct for representatives of the University with regards to the safe disclosure of alleged Wrongful Conduct;
 - 2.1.2 Facilitate the disclosure and investigation of matters in relation to the University that a Member of the University Community believes in good faith to be unlawful, unethical, fiscally irresponsible, contrary to policy, dangerous to the public or injurious to the public interest;
 - 2.1.3 Provide guidance for the safe disclosure of alleged Wrongful Conduct concerning the University;
 - 2.1.4 Confirm the University’s commitment to maintaining confidentiality and its obligation to protect from Reprisal those Employees who make good faith disclosures in relation to the University;
 - 2.1.5 Confirm the University’s obligation to protect the rights of the person(s) against whom allegations are made; and
 - 2.1.6 Deter and detect Wrongful Conduct within the University in order to protect the health and safety of Members of the University Community, protect the reputation, effectiveness and financial integrity of the University and promote public confidence in the administration of the University.

3.0 APPLICABILITY

- 3.1 This policy applies to all Members of the University Community in all of its operations.
- 3.2 Allegations of Wrongful Conduct will be handled in accordance with this policy.

4.0 DEFINITIONS

Employee

A current employee of the University.

Good Faith Disclosure

An allegation made by a Member of the University Community of Wrongful Conduct that is based on an objective and reasonable belief that such conduct has occurred or is about to occur, and is not malicious, frivolous or vexatious or made with reckless disregard for facts that would disprove the allegation.

Members of the University Community

Those persons involved in conducting University affairs or using University property (all students, employees, contractors, volunteers and all visitors while they are on University property or are using University property).

Reprisal

Any adverse action, or threat of an adverse action, taken against a Member of the University Community because that person has made a Good Faith Disclosure, supported the filing of a Good Faith Disclosure, participated in an investigation of a Good Faith Disclosure, declined to participate in Wrongful Conduct, or doing anything in accordance with this policy, which may include:

- (a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination/abolishment of a job, change of job location, reduction in wages, change in hours of work or other terms of employment, or reprimand;
- (b) any measure, other than one mentioned in (a) above, that adversely affects the Employee's employment or working conditions (eg. bullying or intimidation); or
- (c) a threat to take any of the measures mentioned in (a) or (b) above.

Legitimate and reasonable efforts to address performance or behavioural issues do not constitute Reprisal.

Safe Disclosure

Persons are not subject to Reprisal for making Good Faith Disclosures.

Serious Misconduct

A subset of Wrongful Conduct governed by the *Public Interest Disclosure (Whistleblower Protection) Act*, which means the following acts or conduct engaged in by an Employee:

- (a) a violation of a provincial or federal act or regulation;
- (b) an act or omission that creates:
 - i. A substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an Employee, or
 - ii. A substantial and specific danger to the environment;
- (c) gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - i. public funds or a public asset;
 - ii. the delivery of a public service, including the management or performance of:
 - (A) a contract or arrangement identified or described in the regulations to the *Public Interest Disclosure (Whistleblower Protection) Act*, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - (B) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment,
 - iii. employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization related to bullying, harassment or intimidation.

- (d) knowingly directing or counseling an individual to commit Serious Misconduct; or
- (e) conduct which is considered a Reprisal.

Wrongful Conduct

The following acts or conduct engaged in by a Member of the University Community:

- (a) conduct which does not meet and comply with the University's legal, fiscal and ethical behaviour standards;
- (b) conduct which is considered a Reprisal;
- (c) a violation of a provincial or federal act or regulation;
- (d) a serious violation of University policy;
- (e) an act or omission that creates:
 - i. A substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an Employee, or
 - ii. A substantial and specific danger to the environment;
- (f) gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - i. public funds or a public asset;
 - ii. the delivery of a public service, including the management or performance of:
 - (A) a contract or arrangement identified or described in the regulations to the *Public Interest Disclosure (Whistleblower Protection) Act*, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - (B) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment,
 - iii. employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.
- (g) the use of University property, resources or authority for personal gain or other non-University purpose, except as provided for under University policy; or
- (h) knowingly directing or counseling an individual to commit Wrongful Conduct

and includes Serious Misconduct.

5.0 POLICY ELEMENTS

5.1 Responsibilities

- 5.1.1 Members of the University Community are expected to exhibit the highest standards of ethical, legal and fiscal behavior, in which their actions and behaviours are in compliance with University policies, government legislation, and relevant professional standards.
- 5.1.2 Members of the University Community are expected to:

- 5.1.2.1 learn and adhere to all applicable laws and regulations, contracts, policies and procedures applicable to their University duties and responsibilities;
- 5.1.2.2 be proactive to prevent and detect any Wrongful Conduct;
- 5.1.2.3 report allegations of Wrongful Conduct in accordance with the Safe Disclosure Reporting Procedure and related University policies and procedures, with the assurance that the University prohibits Reprisal against anyone who does so in good faith; and
- 5.1.2.4 follow up to ensure that any Good Faith Disclosures made or received within their area of responsibility are resolved, including reporting to external authorities as appropriate.

- 5.1.3 The General Counsel is responsible for executive oversight of this policy and will maintain procedures for the handling and reporting of complaints of Wrongful Conduct.
- 5.1.4 Responsibility for compliance with University policies and procedures extends to all Members of the University Community. Failure to comply with this policy may create risk for the University and may result in disciplinary action, up to and including termination of employment and prosecution.

5.2 **Safe Disclosure**

- 5.2.1 The University will not tolerate Reprisal and will maintain an environment that encourages Safe Disclosure.
- 5.2.2 Any Member of the University Community who undertakes, participates in or directs a Reprisal, or who makes a complaint of Reprisal which is proven to be made in bad faith, may be subject to disciplinary action or responsive action, up to and including termination of employment, expulsion, or termination of contract.

5.3 **Good Faith Disclosure**

- 5.3.1 Good Faith Disclosures shall be reported, reviewed and investigated in accordance with University procedures and the principles of natural justice and procedural fairness.
- 5.3.2 Notwithstanding section 5.3.1 above, any Good Faith Disclosure relating to an allegation of Serious Misconduct shall be reported, reviewed and investigated in accordance with the procedures outlined in the University's Public Interest Disclosure (Whistleblower Protection) Framework.
- 5.3.3 Individuals against whom allegations of Wrongful Conduct are made will maintain the rights, privileges and protections afforded to them through the *Freedom of Information and Protection of Privacy Act* (FOIPP) and other applicable legislation, University policies, and collective agreements in effect at the time of the alleged Wrongful Conduct.

5.4 **Conflicting Documents**

- 5.4.1 In the event of a conflict or inconsistency between this policy and a provision in the relevant laws or collective agreements, the provisions of the laws and collective agreements shall apply.

6.0 ASSOCIATED PROCEDURES

- Safe Disclosure Reporting Procedure

7.0 RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- Board of Governors Bylaws and Code of Conduct
- Employee Code of Conduct
- Public Interest Disclosure (Whistleblower Protection) Framework

8.0 ACCOUNTABILITY

Policy Sponsor
President

Responsible Office
Office of General Counsel

9.0 HISTORY

Relevant Dates

Approved: **23.11.08**
Effective: **23.11.08**
Next Review: **28.11**

Modification History

09.12.10	New Policy approved by Board Motion 01-12-10- 2009/10.
13.09.26	Revised to align and comply with the Public Interest Disclosure (Whistleblower Protection) Act. Approved by Board Motion 01-09-26-2013/14.
14.10.29	Revised to include all reports of non-compliance with policy, legislation and University standards and ethics. Approved by Board Motion 01-10-29-2014/15.
18.09.27	Revised to account for amendments to applicable legislation. Approved by Board Motion 01-09-27-2018/19.
21.10.27	Minor revision to update position titles. Approved by Policy Sponsor.
23.11.08	Periodic review resulted in minor revisions. Approved by Policy Sponsor.