

Public Interest Disclosure (Whistleblower Protection) Framework

Revised: November 2023

TABLE OF CONTENTS

PART I	INTRODUCTION	2
	• Purpose	2
	• Scope and Applicability	2
	• Review	3
PART II	DEFINITIONS	4
PART III	PUBLIC INTEREST DISCLOSURE PROCEDURES	6
	A. Designations	6
	B. Making a Disclosure	6
	• Criteria for Disclosures	7
	• Anonymous Disclosures	7
	C. Request for Advice or Information	8
	D. Receiving and Reviewing Disclosures	8
	• Receipt of Disclosure	8
	• Analysis of Disclosure	8
	• When an Investigation will NOT be Conducted	10
	E. Referring Disclosure to External Entity or Commissioner	10
	• Imminent Risk and Breaches of Statute or Regulation	11
	F. Investigations	12
	• Investigation Team Composition	12
	• Conflict of Interest	13
	• Conduct of Investigations	13
	• Investigation Report	15
	• Timelines	15
	G. Recommendations, Corrective Action and Offences	16
	• Recommendations and Corrective Action	16
	• Outcomes	16
	• Offences	17
	H. Information Handling and Management	18
	• Confidentiality	18
	I. Reporting by the Chief Officer and the Designated Officer	19
PART IV	REPRISALS	20
PART V	GUIDANCE FOR KEY INDIVIDUALS INVOLVED IN THE DISCLOSURE PROCESS	21
PART VI	ROLES AND REPOSIBILITIES	22
	APPENDIX “A” – Procedure Flowchart	25
	APPENDIX “B” – Procedure Timeline	26
	APPENDIX “C” – Public Interest Disclosure Investigation Accountabilities	27
	APPENDIX “D” – Public Interest Disclosure Report Form	29

PART I – INTRODUCTION

MacEwan University (the “University”) is committed to the highest standards of legal, fiscal, ethical and accountable conduct. The University maintains those standards by encouraging Members of the University Community to report Wrongdoing, taking appropriate action to investigate such reports and protecting Employees from Reprisal for making such reports.

The University provides a positive, supportive environment whereby Employees can seek advice and make a disclosure of Wrongdoing without fear of Reprisal. A commitment to preserving the confidentiality of Employees and all records or information involved throughout the process is of primary importance to the University.

With its stated commitments and values in mind, the University has developed this Public Interest Disclosure Framework (“Framework”). The Framework has been developed in compliance with the *Public Interest Disclosure (Whistleblower Protection) Act* (Alberta), and includes the University’s Safe Disclosure Policy and Safe Disclosure Reporting Procedure.

Purpose

The purposes of the Act and this Framework are to:

- Facilitate the disclosure and investigation of significant and serious matters in relation to the University that an Employee believes may be unlawful, dangerous to the public or injurious to the public interest;
- Protect Employees who make those disclosures from Reprisal;
- Manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals; and
- Promote public confidence in the administration of the University.

The Framework promotes compliance with legislation and applicable University policy, consistency and a best-practices approach through standardized policy, processes and tools.

Scope and Applicability

This Framework applies solely to the Disclosure by Employees of Wrongdoings concerning the University. All other complaints or allegations made by persons other than Employees, or made by Employees but concerning matters not considered to be “Wrongdoing” fall outside the scope of the Framework, but will be addressed by the University using other reporting or complaint mechanisms. For example, a personal complaint about the Employee’s own

employment situation or performance management issue is not considered Wrongdoing and does not fall within the scope of this Framework.

The contents of this Framework do not supersede other existing processes related to legal, regulatory or policy violations that are not considered Wrongdoing.

Review

The Chief Officer will ensure that a comprehensive review of the Framework, including the Procedures and the Safe Disclosure Policy, is conducted every two years, making any amendments required in order to ensure that the intent and purposes of the Act are maintained.

PART II – DEFINITIONS

Within this Framework the following definitions apply:

“Accountable Department/Program Lead” means the individual designated in a collective agreement, or assigned by the Designated Officer, to lead an investigation and determine appropriate corrective action;

“Act” means the *Public Interest Disclosure (Whistleblower Protection) Act* (Alberta) as may be amended from time to time, and any regulations thereunder;

“Business Day” means a day other than a Saturday, Sunday, statutory holiday in Alberta or any other day on which the University is not open;

“Chief Officer” has the same meaning as set out in the Act, and for the purposes of the University specifically, means the President;

“Commissioner” means the Public Interest Commissioner appointed by the Lieutenant Governor in Council in accordance with the Act;

“Designated Officer” means the senior official designated by the Chief Officer to manage and investigate disclosures under the Act, and for the purposes of the University specifically, means the General Counsel;

“Disclosure(s)” means a disclosure of Wrongdoing made in good faith to the University or through the Commissioner in accordance with the Act or the Public Interest Disclosure Procedures;

“Employee” means an individual employed by, or an individual who has suffered a Reprisal and has been terminated by, the University;

“Procedures” or **“Public Interest Disclosure Procedures”** means the procedures for the handling and management of Disclosures by the University as outlined in Part II of this Framework;

“Reporter” means an Employee who makes a Disclosure;

“Reprisal” means any of the following measures taken or directed against an Employee because the Employee has, in good faith, sought advice about making a Disclosure, made a Disclosure, co-operated in an investigation under the Act or the Procedures, declined to participate in a Wrongdoing or done anything in accordance with the Act or the Procedures:

- (i) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand,

- (ii) any measure, other than one mentioned in (i) above, that adversely affects the Employee's employment or working conditions (e.g. bullying); or
- (iii) a threat to take any of the measures mentioned in (i) or (ii) above;

"Supervisor" means the direct supervisor of an Employee.

"Wrongdoing" is defined as follows:

- (a) a contravention of an act or a regulation of Alberta or Canada;
- (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 wilful 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, 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 behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; or
- (d) knowingly directing or counseling an individual to commit a wrongdoing mentioned in clauses (a) to (c).

and includes an alleged Wrongdoing.

PART III – PUBLIC INTEREST DISCLOSURE PROCEDURES

These Public Interest Disclosure Procedures govern how Disclosures will be managed and investigated at the University. The Procedures specify which Disclosures will be reviewed and the information each must contain, and define roles and responsibilities for all aspects of the Procedures.

The nature and seriousness of each Disclosure will impact the manner in which the Disclosure will be handled, who will be responsible for leading any investigation, and who will be accountable for resolution, including the development and implementation of any required recommendations and corrective action. Accordingly, Disclosures shall be handled with all relevant factors in mind.

The Procedures are visually represented in the flow chart attached as Appendix “A”. The procedural elements will be met in accordance with the timelines specified below and as represented in Appendix “B”.

A. Designations

The Chief Officer has designated the Designated Officer as being responsible for the management and investigation of Disclosures under the Act. The Chief Officer may appoint designates for the purposes of receiving and responding to Disclosures to ensure that Disclosures are responded to in accordance with this Framework in a timely fashion when the Designated Officer is unable to respond, or to avoid any potential, perceived or real conflict of interest where it has been alleged that the Designated Officer has been involved in a Wrongdoing.

B. Making a Disclosure

Subject to the Act and to the exceptions noted below and elsewhere in this Framework, Disclosures with respect to the University can be made by an Employee to the Designated Officer in writing through ConfidenceLine, the University’s third party safe disclosure reporting system (<http://www.macewan.confidenceline.net> or 1-800-661-9675), by mail or by email at safedisclosure@macewan.ca using the Public Interest Disclosure Report Form attached as Appendix “D”, or to the Commissioner.

If the Chief Officer is the individual alleged to have committed a Wrongdoing, the Disclosure regarding that Wrongdoing should be made to the Commissioner. If the Designated Officer is the individual alleged to have committed a Wrongdoing, the Disclosure regarding that Wrongdoing should be made either to the Chief Officer or to the Commissioner.

Disclosures made directly to the Commissioner should be made using the online web-form available at www.yourvoiceprotected.ca. Employees who are unable or do not wish to use the web-form may contact the office of the Commissioner at 1-855-641-8659.

Criteria for Disclosures

The content of any Disclosure must include, at a minimum, the following information:

- (a) a description of the alleged Wrongdoing;
- (b) the name of the individual or individuals alleged:
 - (i) to have committed the Wrongdoing, or
 - (ii) to be about to commit the Wrongdoing;
- (c) the date(s) of the alleged Wrongdoing;
- (d) whether the Reporter has knowledge of a related Disclosure that has previously been made pursuant to the Procedures established by the University or to any other person or entity, and whether a response has been received by the University or such other person or entity, and if so, provide a copy of the response;
- (e) any evidence or documentation supporting the alleged Wrongdoing; and
- (f) any additional information that the Designated Officer (or designate) may reasonably require in order to investigate the matters set out in the Disclosure.

Anonymous Disclosures

Anonymous Disclosures may be made either to the Commissioner or the Designated Officer. Anonymity of these Disclosures is protected throughout the process. However, it should be noted that anonymous reports often do not contain the required detail with respect to an allegation in order to enable a full and thorough investigation. Given the anonymity of the Reporter, the Designated Officer, the Accountable Department/Program Lead, and the investigatory team will be prevented from seeking clarification or further information to rectify any deficiencies in the Disclosure in order to ensure a fulsome review and investigation. Additionally, an Employee who makes an anonymous Disclosure cannot be advised of whether an investigation will be conducted, or the progress or results of an investigation if conducted.

Anonymity will also be protected in circumstances where the personal safety and/or well being of the Reporter may be at risk, whether the Disclosure was made anonymously or not.

C. Request for Advice or Information

Any Employee who is considering making a Disclosure may, prior to submitting a Disclosure, request information or advice from their Supervisor, the Designated Officer, the Chief Officer or the Commissioner with respect to the alleged Wrongdoing. The Supervisor, Designated Officer or Chief Officer may, in their discretion, require that such request for information or advice be made in writing.

The Designated Officer can be contacted for advice by email at safedisclosure@macewan.ca or through ConfidenceLine, the University's third party safe disclosure reporting system, at <http://www.macewan.confidenceline.net> or 1-800-661-9675.

The office of the Public Interest Commissioner can be contacted Monday to Friday 08:15-12:00 / 13:00-16:00 at toll-free province-wide: 1-855-641-8659 or via email at info@pic.alberta.ca.

D. Receiving and Reviewing Disclosures

Receipt of Disclosure

Any supervisor or manager receiving a Disclosure must forward all information received to the Designated Officer immediately. The Designated Officer, upon receiving such information, will handle the matter in accordance with these Procedures.

Within Five (5) Business Days of actual receipt by the Designated Officer of a Disclosure the Designated Officer will acknowledge receipt of the Disclosure to the Reporter.

Analysis of Disclosure

Within Twenty (20) Business Days of actual receipt by the Designated Officer of a Disclosure the Designated Officer will:

- a) Advise the Chief Officer of the Disclosure;
- b) Determine whether the form and content of the Disclosure meet the criteria in Section B;
- c) Determine whether the Disclosure falls within the scope of this Framework;
- d) Determine whether the Disclosure includes sufficient information;
- e) Consult with the Accountable Department/Program Lead to determine whether a formal investigation is appropriate; and
- f) Notify the Employee who made the Disclosure whether or not the matter will be investigated.

In making the determination about whether or not to proceed with a formal investigation, the Accountable Department/Program Lead, in consultation with the Designated Officer, will

conduct a preliminary assessment of the validity and credibility of the information provided and will consider all relevant factors, including the following:

- The person(s) who appear(s) to be involved in the events giving rise to the allegation;
- Whether the complaint is trivial, frivolous or vexatious;
- Type of Wrongdoing alleged, including the existence of an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment;
- The laws and/or policies that may be impacted;
- The seriousness of the allegation and the significance it has for the Reporter and for the University, and whether it indicates the existence of a systemic problem;
- The impact (or potential impact) on the public, students, faculty, Employees and the University's operations;
- Key stakeholders involved;
- The timing of the alleged Wrongdoing (and how much time has elapsed between the event and the complaint);
- Whether criminal or other regulatory prosecution is likely;
- Any critical issues that may require immediate attention, such as on-going concerns, urgent safety or security matters, or potentially criminal acts;
- Whether alternative and satisfactory means of redress are available (for example, whether the parties are agreeable to informal resolution of the complaint);
- Any other subject matter that should be addressed by another process or authorities;
and
- Possible sources of information that would provide sufficient evidence to prove or disprove the disclosure.

All aspects of a Disclosure will also be assessed for the level of Reprisal risk and will be monitored throughout the process. In determining whether or not a Disclosure will be investigated and when assessing the Reprisal risk, the Accountable Department/Program Lead, in consultation with the Designated Officer, will consider each situation individually.

If the Designated Officer determines that a report does not fall within the scope of this Framework or has not met the criteria specified in Section B above, the Designated Officer will

advise the Reporter of such position and provide the Reporter with an opportunity to rectify any insufficiency (if possible). If insufficient information continues to exist or if the Reporter cannot be contacted to provide required information, any investigation into the matter may not proceed or may be discontinued (subject to the obligation of the Designated Officer to report an alleged offence) and the Designated Officer will close the matter.

When an Investigation will NOT be Conducted

An investigation will not be conducted into an allegation reported in a Disclosure or that otherwise comes to the knowledge of the Designated Officer if:

- a) The Disclosure was made in bad faith;
- b) The Disclosure does not deal with a Wrongdoing;
- c) The Disclosure is frivolous or vexatious;
- d) The Disclosure does not provide sufficient information to permit an investigation;
- e) More than two years have elapsed since the Employee making the Disclosure discovered the Wrongdoing; or
- f) After consideration of all other relevant factors and criteria the Accountable Department/Program Lead, in consultation with the Designated Officer, determines that an investigation is not required.

Where an investigation into an allegation is not commenced pursuant to these Procedures due to the fact that the Disclosure does not deal with a Wrongdoing or was not made by an Employee, but the allegation relates to misconduct by an Employee, the Designated Officer may provide the reported information to a University Officer for consideration and investigation, if necessary.

If, after assessing the information with respect to a particular Disclosure, it is determined that a formal investigation will not be pursued, the rationale for not initiating an investigation will be clearly documented by the Accountable Department/Program Lead, and the Reporter will be advised of the reasons for not pursuing an investigation.

E. Referring Disclosure to External Entity or Commissioner

Where a Disclosure received by the Designated Officer would, in the view of the Designated Officer, be more appropriately dealt with by the Commissioner or by another department, public entity or office of the Legislature, the Designated Officer shall refer such Disclosure to the Commissioner or the chief officer or designated officer of such department, entity or office

within Fifteen (15) Business Days of receipt. The Employee or other person making the Disclosure will be advised by the Designated Officer about the referral.

Imminent Risk

Matters require immediate attention if they could pose an imminent risk of a substantial or specific danger to a person's life, health or safety, or to the environment. Employees who disclose Wrongdoing on matters that involve an imminent risk are required to disclose the matter immediately to the Designated Officer. The Designated Officer will then report the matter to:

- the Commissioner;
- the appropriate law enforcement agency;
- in the case of a health-related matter, to the Chief Medical Officer of Health; and
- to the department, public entity or office responsible for managing, controlling or containing the risk, if any.

An example of a matter which would constitute an imminent risk is a health-related outbreak (eg. Meningitis).

Breaches of Statute or Regulation

If the Designated Officer or Chief Officer has reason to believe that an offence has been committed under a statute or regulation, the offence will be reported immediately to a law enforcement agency and to the Minister of Justice and Solicitor General.

Any internal investigation into a matter which constitutes an imminent risk or a criminal or regulatory offence will be suspended until the matter has been fully dealt with by a law enforcement agency or the Minister of Justice and Solicitor General.

F. Investigations

Investigation Team Composition

In the event an investigation of a Disclosure is required, it will be assigned within Twenty-Five (25) Business Days of receipt of the Disclosure by the Designated Officer to the Accountable Department/Program Lead in accordance with the accountabilities set out in Appendix "C". The Designated Officer, in consultation with the Chief Officer, may appoint an external investigator in appropriate circumstances.

Where multiple Disclosures are received relating to the same Wrongdoing, a single investigation into the Wrongdoing may be conducted.

The Accountable Department/Program Lead will consider the following factors (in addition to any other factors appropriate given the circumstances of a particular allegation) when determining the composition and size of an investigation team:

- the nature and seriousness of the allegation/violation;
- the ability for objectivity and lack of bias in the investigation (i.e. no team members with real, potential or perceived conflicts of interest or biases);
- the ability to maintain the confidentiality of all information;
- knowledge of legal and compliance requirements of the core nature/subject matter of the allegation;
- potential team member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner; and
- the need to retain external investigators or experts in highly sensitive, specialized or confidential matters.

Based on the needs of the investigation, Accountable Department/Program Leads will make adjustments to the team composition in order to balance the functional skills, operations knowledge, and seniority of the individuals.

Conflict of Interest

Members of the investigation team will not include any individuals who have a potential, perceived or real conflict of interest to the matter being investigated. The Chief Officer or Designated Officer (as appropriate), will appoint appropriate persons to lead and conduct the investigation in order to avoid a conflict of interest. The direct Supervisors and Managers of either the Reporter or any Employee alleged to have committed the Wrongdoing will take no part in the assessment or investigation of a Disclosure. A Disclosure will be referred for management by an alternate person whom the Chief Officer considers appropriate if the Designated Officer is in a potential, perceived or real conflict of interest with respect to the nature of the Disclosure or a person involved in the alleged Wrongdoing.

Conduct of Investigations

Upon assignment by the Designated Officer, the Accountable Department/Program Lead, working with the investigation team, will:

- clarify any matters which are still unclear and ask for any additional material the Reporter possesses;
- ensure all notes faithfully reflect any testimony given, and that they are signed and dated by each witness;
- ensure all information prepared by a witness is turned over to the investigation such that it will become part of the record of the investigation;
- as much as possible, conduct interviews in person; and
- authenticate all information obtained (both electronically and hard copy), and ensure that when possible, original copies of documents are made part of the investigation file.

Investigations will be conducted in a systematic, orderly and discrete manner and confidentiality will be maintained wherever possible. The objectives of an investigation will be to:

- compile information relating to the Disclosure as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment);
- consider the information collected and draw conclusions objectively and impartially;
- maintain procedural fairness in the treatment of witnesses and the person who is the subject of the Disclosure; and
- make recommendations arising from the conclusions drawn concerning corrective action.

Terms of Reference will be established for each investigation which will address the following questions:

What is being alleged?

What legislation or policy may have been breached?

What are the possible findings or offences?

What are the facts of issue?

How is the investigation to be conducted?

Who will be interviewed as part of the investigation?

What resources are needed to conduct the investigation?

The Terms of Reference will include:

- the scope of the investigation;
- the projected timeline of completion of the investigation;
- preliminary lists of the witnesses to be interviewed and the documentary evidence required; and
- the investigators' responsibility to inform witnesses of their rights and obligations.

The Terms of Reference may be amended if, during the course of the investigation, information is uncovered which requires a change to the scope or any other aspect of the investigation.

Investigations will be conducted in accordance with the principles of procedural fairness and natural justice, which includes the following principles:

- a) Investigators shall act without bias in an investigation and will ensure there is no conflict of interest which would make it inappropriate for any person to conduct the investigation;
- b) Investigators will not base their decisions on mere speculation or suspicions, but rather rely on evidence in making a determination. Investigators will take into account only relevant considerations;
- c) If an investigator is contemplating making an investigation report adverse to the interests of any person, that person will be given the opportunity to respond to the criticisms and to put forward further material that may influence the outcome of the report, and that person's defence will be fairly set out in the report;
- d) All relevant parties to a matter will be heard and their submissions considered;
- e) The investigator will be impartial in assessing the credibility of the Employee making the Disclosure and any witnesses. Where appropriate, conclusions as to credibility will be included in the investigation report; and
- f) At an appropriate time, as determined by the investigator, the person being investigated will be advised of the nature of the allegations in as much detail as possible and given a fair opportunity to respond to the allegations.

If during the course of an investigation into a Disclosure, the Accountable Department/Program Lead has reason to believe that another Wrongdoing has been committed or may be committed, that Accountable Department/Program Lead will report such additional allegation of Wrongdoing to the Designated Officer. The Accountable Department/Program Lead will

consult with the Designated Officer and may conduct an investigation into the additional allegation in accordance with the Procedures.

The Reporter will be notified when the investigation is complete and what (if any) recommendations are made based on the finding of the investigation.

Investigation Report

Upon the conclusion of the investigation, the Accountable Department/Program Lead will provide the Designated Officer with a report summarizing the matter. The report will include:

- All relevant facts and accompanying analysis;
- Witness statements;
- Investigation findings and conclusions with supporting evidence.

The investigation report will enable the Accountable Department/Program Lead, in consultation with the Designated Officer, to make a final determination as to whether or not corrective action should be taken. The investigation report will not be disclosed to any other person unless required by law or for reporting purpose to the Audit Committee of the Board of Governors.

Timelines

Any investigation required to be conducted will be completed and the investigation report submitted to the Designated Officer and Chief Officer as soon as practicable and, in any event, within One Hundred Ten (110) Business Days from the date of Disclosure. If the Accountable Department/Program Lead is of the opinion that more time is required to either conduct the investigation or complete the investigation report, he/she will request further time from the Designated Officer who will discuss the request with the Chief Officer. The Chief Officer may grant an extension of up to Thirty (30) Business Days in the event the investigation process cannot be completed within the prescribed time limits. If a further extension beyond the 30 days referred to above is requested and the Chief Officer believes a further extension is required in the interests of a fair and efficient outcome, the Chief Officer will make the request for a further extension to the Commissioner. The Reporter will be advised if an extension is provided and when he or she may expect the next procedural step to occur or be completed.

Where a Disclosure relates to the conduct of an Employee who is a member of the Grant MacEwan University Faculty Association or the MacEwan Staff Association, the more restrictive timelines related to investigation or other actions provided in the collective agreements will apply.

G. Recommendations, Corrective Action and Offences

Recommendations and Corrective Action

The final investigation report may include recommendations for any corrective measures that should be taken by the University. Any recommendations made by the Accountable Department/Program Lead for corrective action arising from an investigation must be reviewed by the Chief Officer and the Designated Officer. Once reviewed, the Accountable Department/Program Lead must initiate steps to take the corrective measures within Ten (10) Business Days of the date of the review. All corrective action must be completed within Ninety (90) Business Days of the date of review by the Chief Officer and the Designated Officer of the recommendations unless extenuating circumstances require further time, as determined and approved by the Chief Officer. Once all corrective actions have been completed, the Accountable Department/Program Lead must provide a briefing to the Designated Officer which sets out all corrective actions taken along with supporting evidence.

The Designated Officer will, within Six (6) months of completion of an investigation, follow up with the Accountable Department/Program Lead to ensure recommended corrective measures and/or disciplinary action have been taken or directed. If no actions or insufficient actions have been taken, the matter will be escalated to the Chief Officer.

The AVP Human Resources will be contacted in all cases where there may be an impact upon an employee's employment or there is, or may be, an allegation of Reprisal, whether it be prior to the commencement of an investigation or through the outcome of the investigation.

Outcomes

Outcomes will be fair and reasonable for all persons involved. Following complete investigation of a Disclosure, outcomes which may result include:

- an explanation;
- an apology;
- mediation;
- an admission of fault;
- a change in decision;
- a change to policy, procedure or practice;
- a change to the relevant law;
- a correction of misleading records;
- financial compensation, including a refund of any fees;
- the waiving of a debt;
- the remission of a penalty;
- protection to the employee making the disclosure;
- disciplinary action; or

- referral of a matter to an external agency for further investigation or prosecution.

In the event the Commissioner determines a Reprisal has occurred, the matter will be referred to the Labour Relations Board for a determination as to the appropriate remedy, which may include reinstatement, compensation, or another order.

Offences

The Act outlines offences and associated fines. Offences include:

False Statements: in seeking advice about making a Disclosure, in making a Disclosure, or during an investigation, knowingly withhold material information or make a false or misleading statement, orally or in writing, nor shall any person advise or direct another person to wilfully and knowingly withhold material information or make a false or misleading statement, orally or in writing;

Obstruction: wilfully obstruct, or counsel or direct another person to wilfully obstruct, the Designated Officer, Chief Officer or their designates, in the performance of their duties and functions under these Procedures;

Destruction, Falsification or Concealment: knowing that a document or other information is likely to be relevant to an investigation:

- i. destroy, mutilate or alter the document or other information;
- ii. falsify the document or make a false document;
- iii. conceal the document; or
- iv. direct, advise or in any manner cause a person to do anything mentioned in (i) to (iii) above;

Reprisals: taking or directing, or counseling or directing a person to take or direct, any of the measures specified in the Act against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, co-operated in an investigation under the Act, declined to participate in a Wrongdoing or done anything in accordance with the Act.

Penalties under the Act include a fine of no more than \$25,000.00 (for a first offence) to \$100,000.00 (subsequent offences). In addition to potentially being subject to a fine under the Act, any Employee who is found to have knowingly made a malicious, misleading or false Disclosure will be subject to appropriate disciplinary action up to and including termination of employment.

H. Information Handling and Management

Confidentiality

Maintaining confidentiality is paramount to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a Disclosure being received through to the end of the investigation and report release. In order to enhance confidentiality, as few people as are required will handle Disclosures. Employees must not share information or evidence regarding Disclosures or Wrongdoings with fellow Employees who do not have a need to know such information and who are not authorized to address Disclosures.

All participants in an investigation shall keep confidential:

- the identity of individuals involved in the Disclosure process;
- the identity of individuals alleged to have committed the Wrongdoings;
- the identity of witnesses;
- the information collected in relation to a Disclosure; and
- the details and results of the investigation,

provided however such confidentiality may not be maintained for matters which pose an imminent risk of a substantial and specific danger to life, health or safety of individuals, or to the environment. Confidentiality is also subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (Alberta), which includes specific protections relating to parties seeking advice on a Disclosure or making a Disclosure, other legislation, and University policy.

The Chief Officer and Designated Officer are authorized to collect, directly or indirectly, use and disclose personal information, individually identifying information and any other information that is considered necessary to manage and investigate Disclosures.

The details and results of investigations will not be disclosed or discussed with any person other than those University staff members, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Chief Officer, the Designated Officer and investigators of Wrongdoings may at any time disclose information in relation to any Disclosure, investigation or investigation outcome with senior management, the Board of Governors Audit Committee, the Board of Governors, University solicitors and/or law enforcement agencies, as deemed appropriate.

I. Reporting by the Chief Officer and the Designated Officer

The Designated Officer will prepare a report annually in relation to Disclosures which have been received in the previous year. The report will include the following information:

- a) The number of Disclosures received by the Designated Officer or referred to the Designated Officer by the Commissioner;
- b) The number of Disclosures acted on by the Designated Officer;
- c) The number of Disclosures not acted on by the Designated Officer;
- d) The number of investigations commenced by the Designated Officer as a result of Disclosures;
- e) In the case of an investigation that results in a finding of Wrongdoing, a description of the Wrongdoing and any recommendations made or corrective measures taken in relation to the Wrongdoing or the reasons why no corrective measure was taken; and
- f) Confirmation about whether recommended corrective measures and/or disciplinary actions have been taken.

The report will not contain any identifying information with respect to the Employee who made a disclosure.

The report prepared by the Designated Officer will be approved by the Chief Officer prior to inclusion in the annual report of the University.

The Designated Officer will provide a report to the Audit Committee of the Board of Governors on a quarterly basis regarding status and results of investigations, recommendations and corrective actions.

Reporting requirements under other laws, policy or procedures for cases outside of the scope of this Framework will not be impacted by this Framework.

PART IV – REPRISALS

Protection from Reprisal

The University prohibits Reprisal and expressly protects against Reprisal any Employee who discloses a Wrongdoing or who participates in an investigation related to a Disclosure. All Disclosures received will be initially assessed by the Designated Officer for the level of Reprisal risk and the level of risk will be routinely monitored throughout the investigative process. Any Employee who undertakes, participates in or directs a Reprisal will be subject to disciplinary action by the University up to and including termination of employment or termination of contractual relationship.

The University is unable to accept complaints related to Reprisal, but will provide information on how to report such allegations to the Commissioner directly. An Employee who wishes to report an allegation of Reprisal must make the complaint directly to the Commissioner using the Complaint of Reprisal Form prescribed in Schedule 3 of the *Public Interest Disclosure (Whistleblower Protection) Regulation*, which is available on the Commissioner’s website at www.yourvoiceprotected.ca. Upon receipt of a complaint of Reprisal, the Commissioner will investigate and make recommendations to the University. Any person found by the Commissioner to have taken, directed or counseled or directed another person to take or direct a Reprisal against an employee is guilty of an offence under the Act and may be subject to a fine as specified in the Act (see “Offences” section of this Framework).

In addition to the protection offered by the University and the Commissioner, the *Criminal Code* (Canada) protects individuals from adverse employment action if they disclose any type of criminal activity undertaken by their employer and the *Freedom of Information and Protection of Privacy Act* (Alberta) protects individuals from adverse employment action if they disclose any information in accordance with that act. This Framework is intended to enhance those protections and will not supersede the ability of Employees to report matters to other appropriate University areas or government agencies.

The provisions of this Framework do not apply to prohibit any disciplinary action which is a part of normal performance management practices.

PART V – GUIDANCE FOR KEY INDIVIDUALS INVOLVED IN THE DISCLOSURE PROCESS

This section provides summary guidance and information for Reporters, Employees who are the subject of an allegation of Wrongdoing, and their Supervisors or Managers.

If you are making an allegation of Wrongdoing...

- Contact your Supervisor/Manager or the Designated Officer for advice regarding a possible Wrongdoing as required
- Complete the Public Interest Disclosure Report Form with as much information as possible and forward it to the Designated Officer
- Assist in maintaining confidentiality by not discussing the Disclosure with anyone, other than your Supervisor/Manager, outside of the investigative process
- Contact the Designated Officer for information relating to the process and/or status of the Disclosure
- Contact your Supervisor/Manager for support as required
- The University will keep you informed of the steps it takes throughout the process
- The University will maintain confidentiality throughout the process

If an allegation has been made against you...

- Cooperate with the investigation and ensure all relevant information is provided in response to the allegation
- Assist in maintaining confidentiality by not discussing the allegation with anyone, other than your Supervisor/Manager, outside of the investigative process
- Contact your Supervisor/Manager for support as required
- The University will maintain confidentiality throughout the process

If you are the Supervisor or Manager of someone who has made an allegation or of someone against whom an allegation has been made...

- Ensure you are aware of the definition of, and what constitutes, a Wrongdoing
- Treat any information received by an Employee relating to a potential Disclosure as a Disclosure under this Framework
- Have the Public Interest Disclosure Report Form completed and forwarded to the Designated Officer
- Ensure strict confidentiality is maintained
- Support and encourage the relevant Employee throughout the investigative process

PART VI - ROLES AND RESPONSIBILITIES

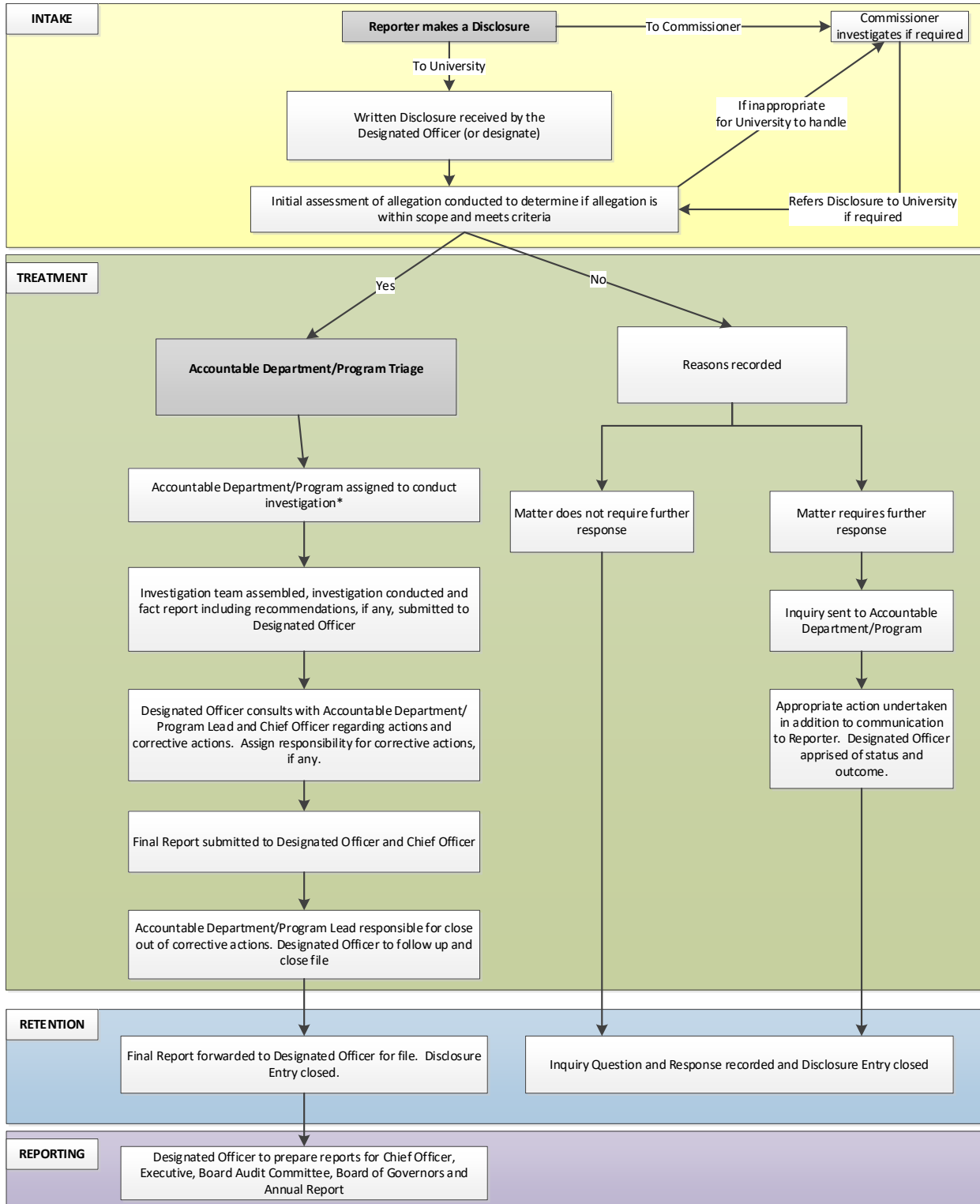
This section provides an overview of the key roles and responsibilities of teams and individuals involved in the Public Interest Disclosure process.

Function	Roles and Responsibilities
Public Interest Commissioner	<ul style="list-style-type: none"> • Carries out the purposes of the Act in relation to Wrongdoings within public entities; • Reviews and investigates disclosures and complaints of Reprisal made to the Office of the Public Interest Commissioner.
Chief Officer	<ul style="list-style-type: none"> • Establishes and maintains a working environment that encourages Employees to report Wrongdoing; • Ensures that Employees are aware of the protections afforded by the Act and the Procedures through effective communication and training; • Establishes internal reporting procedures to support Employees who report Wrongdoing, to appropriately deal with reports of Wrongdoing and Reprisals taken against Employees and to support Employees who report Wrongdoing; • Ensures that an experienced senior official is appointed as Designated Officer; • Ensures adequate financial and human resources are dedicated towards achieving the purposes of this Framework; • Assesses all Disclosures of Wrongdoing according to established policies and procedures. • As applicable, ensures confidentiality of the Employee making the Disclosure, the Employee who is the subject of the Disclosure, and any witnesses involved; • Provides adequate resources to those investigating a Disclosure; • Is advised on decisions made in investigation reports, and ensures follow-up on recommendations or actions are completed according to established timeframes; • Takes appropriate remedial action in response to any findings that substantiate the allegations of wrongdoing; • Implements any organizational reform that is necessary to address any identified systemic issues; • Ensures systems and strategies are established to mitigate the risk of Reprisals; • Ensures that the workplace situation is effectively managed; particularly if there is conflict or Reprisal is threatened or takes place; • Takes appropriate action against anyone who threatens or takes Reprisal against a person disclosing a Wrongdoing; • Receives from the Designated Officer statistical summaries of investigation status and results; • Receives and approves annual report on Disclosures presented by the Designated Officer.
Designated Officer	<ul style="list-style-type: none"> • Appointed by the Chief Officer to ensure the University carries out its responsibilities under the Act; • Acts as a point of contact for general advice and guidance about the operation of the Act and the University's Procedures; • Liaises with the Office of the Public Interest Commissioner and the Chief Officer; • Conducts screening of Disclosures;

Function	Roles and Responsibilities
	<ul style="list-style-type: none"> • Conducts preliminary analysis of Disclosures in accordance with the Procedures • Consults with the Accountable Department/Program Lead on preliminary analysis of Disclosures in accordance with the Procedures; • Impartially assesses each report to determine whether it is a Disclosure under this Framework; • Coordinates the disclosure process; • Receives updates from Accountable Department/Program Leads on investigations into Disclosures; • Responsible for tracking and reporting of investigations, recommendations and corrective actions arising out of Disclosures; • Ensures appropriate stakeholders are apprised of status of investigation; • Receives interim and final report(s) from Accountable Department/Program Leads and provides the findings and makes recommendations to the Chief Officer; • Coordinates dissemination of final report to key stakeholders; • Follows up on status of corrective actions; • Advises the Reporter of the progress of an investigation and informs the Reporter of the outcome; • Establishes and manages a confidential filing system; • Develops a tracking system to manage Disclosures and investigations; • Collates and prepares statistical summaries of Disclosures for Chief Officer, Executive Management, Board Audit Committee, Board of Governors and for Annual Report; • Takes all necessary steps to ensure the identity of the Reporter and the identity of the person who is the subject of the disclosure are kept confidential; • Protects Employees involved in a Disclosure of Wrongdoing from possible Reprisal.
Investigation Team/Resources	<ul style="list-style-type: none"> • Conducts investigation in accordance with the Procedures; • Identifies and coordinates key individuals from Accountable Department/Program and assigns tasks as required; • Prepares final investigation report including recommendations, if any, and submits to Accountable Department/Program Lead.
Accountable Department/Program Lead	<ul style="list-style-type: none"> • Carries out or appoints an investigator to carry out the investigation; • Approves the composition of investigation teams prior to the commencement of an investigation; • Oversees, manages and coordinates the investigation of Disclosures and the investigation team; • Provides expert advice, support and guidance to Designated Officer as a subject matter expert; • Delegates information and evidence gathering or interviewing to appropriate investigation team members; • Designated point of contact for investigation team; • Receives and approves final draft of the investigation report from the investigation team prior to submission of the report to the Designated Officer; • Reports back to Designated Officer on the investigation; • Coordinates final recommendations on outcome of investigation; • Consults with Designated Officer regarding any corrective actions; • Follows up and confirms corrective actions, if any;

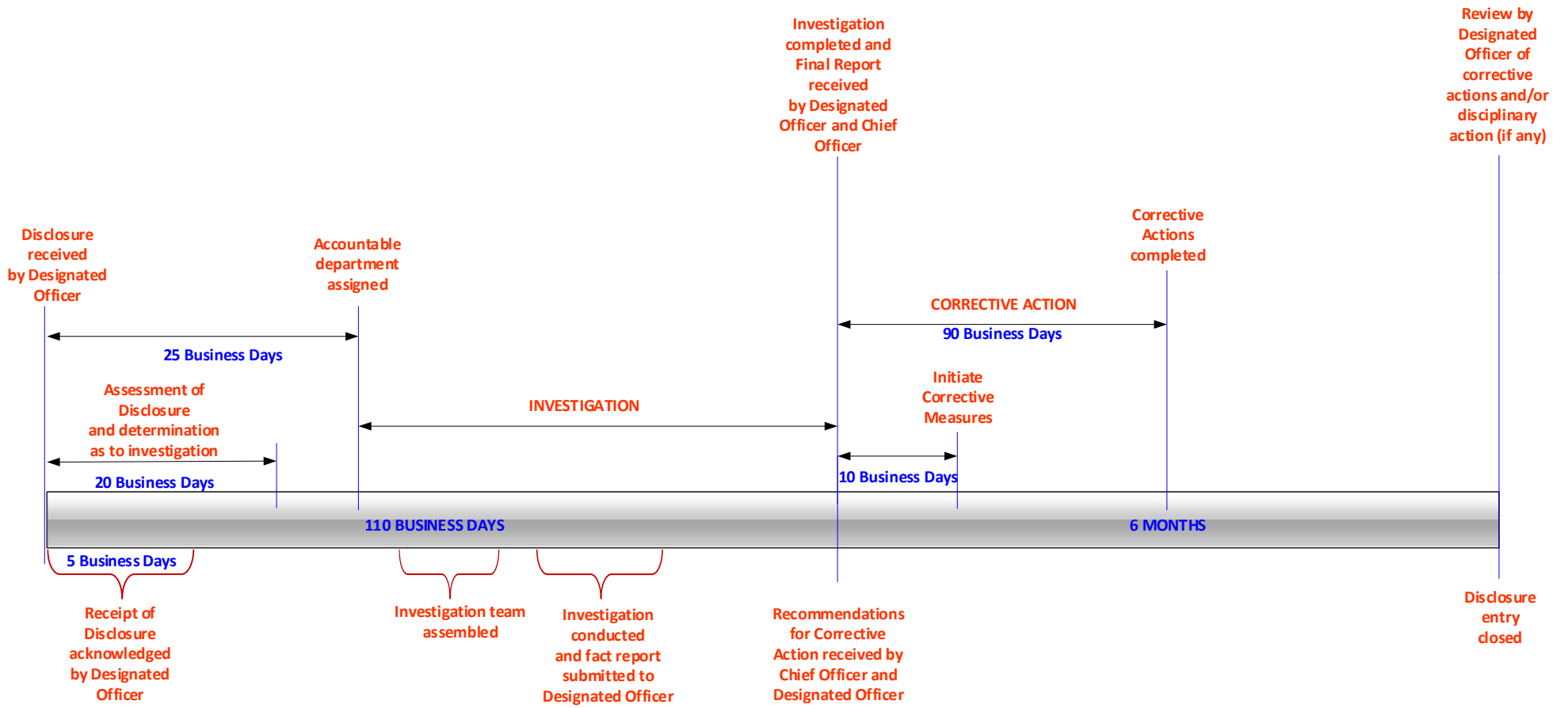
Function	Roles and Responsibilities
	<ul style="list-style-type: none"> • Provides assurance to Designated Officer that all necessary corrective actions have been taken; • Provides briefing to Designated Officer setting out corrective actions taken along with supporting evidence.
Board of Governors	<ul style="list-style-type: none"> • Receives from Designated Officer statistical summaries of investigations and corrective actions.
Audit Committee of the Board of Governors	<ul style="list-style-type: none"> • Exercises oversight of Procedures including associated reporting; • Receives report from the Designated Officer on a quarterly basis regarding status and results of investigations, recommendations and corrective actions.
Executive Management (President and Vice Presidents)	<ul style="list-style-type: none"> • Receives consolidated reporting of investigation status and results from the Designated Officer; • Receives reporting on the results of high-risk investigations from the Designated Officer; • May be consulted by the Designated Officer and may provide advice or direction on the resolution of investigations, recommendations and/or corrective action.
Supervisor/Manager	<ul style="list-style-type: none"> • May participate in investigations as required; • Assists Accountable Department/Program Lead to make recommendations and implement corrective actions, if any, following investigations of Disclosures. • Maintains awareness regarding the definition of Wrongdoing under the Act and the identity and role of the Designated Officer; • Provides advice and information to Employees with respect to making a Disclosure when requested; • Receives information relating to possible Wrongdoing from Employees and treats such information as a Disclosure under the Act; • Reports any Disclosure received to the Designated Officer; • Supports Employees throughout the investigative process.
Employee	<ul style="list-style-type: none"> • Maintain confidentiality of information related to or arising out of a Disclosure.
Employee who is the subject of a Disclosure	<ul style="list-style-type: none"> • Maintain confidentiality of information related to or arising out of a Disclosure.
Reporter	<ul style="list-style-type: none"> • Maintain confidentiality of information related to or arising out of a Disclosure.

APPENDIX “A” Procedure Flowchart



*Investigation assignments made in accordance with Appendix “C” of the Framework

APPENDIX "B" Procedure Timeline



APPENDIX “C”

Public Interest Disclosure Investigation Accountabilities

This Appendix categorizes allegations by the definition of Wrongdoing and provides information about Accountable Department/Program Leads and investigation team members and resources. Investigation team composition will be determined on a case by case basis and, unless otherwise determined by the Designated Officer, Accountable Department/Program Leads are normally those identified below. Notwithstanding the list below, where a Disclosure relates to the conduct of an Employee who is a member of the Grant MacEwan University Faculty Association, the Accountable Department/Program Lead will be the Dean of the relevant faculty or school.

Wrongdoing: A contravention of an act or a regulation of Alberta or Canada		
Subject Matter	Accountable Department/Program Lead	Possible Investigation Team Members or Resources
Contracting - Illegal acts concerning vendors or RFP Practices	VP Finance and Administration or University Auditor	Human Resources Office of General Counsel Internal Audit Services Risk Assurance Services
University Information and Intellectual Property - Illegal use of university financial, strategic or other information; logos; breach of intellectual property rights, including copyright	CIO or Director, Office of Communications and Marketing or Dean of Libraries	Communications Human Resources Office of General Counsel Privacy Officer Research
Crimes Against Persons - Workplace Violence - Physical assault or abuse - Threats - Sexual Violence	Director, Security and Dispatch Services or AVP, Students (if student related) or Sexual Violence Response Team	Human Resources Office of General Counsel
Crimes Against Property - Theft - Vandalism	Director, Security and Dispatch Services	Human Resources Risk Assurance Services Office of General Counsel Student Affairs (if student related)
Employment Practices - Non-compliance with employment laws, including the Criminal Code	AVP Human Resources	Office of General Counsel Security Services CIO
Health & Safety Violations - Non-compliance with health and safety legislation	Director, Health, Safety and Environment	Facilities Security Services Office of General Counsel
Privacy - Breaches of privacy legislation	Lead, Privacy and Information Management	Human Resources IT Security/CIO Office of General Counsel
Social Media - Illegal content on social media, etc. on matters related to University	CIO	Communications Human Resources Office of General Counsel

Wrongdoing: A substantial and specific danger to the environment or to the life, health or safety of individuals

Subject Matter	Accountable Department/Program Lead	Possible Investigation Team Members or Resources
Crimes Against Persons <ul style="list-style-type: none"> - Workplace Violence - Physical assault or abuse - Threats - Sexual Violence 	Director, Security and Dispatch Services or AVP, Students (if student related) or AVP Human Resources (if employee related) or Sexual Violence Response Team	Human Resources Office of General Counsel
Employment Practices <ul style="list-style-type: none"> - Non-compliance with employment laws, including the Criminal Code 	AVP Human Resources	Office of General Counsel Security Services CIO
Health, Safety & Environment Violations <ul style="list-style-type: none"> - Non-compliance with health and safety legislation 	Director, Health, Safety & Environment	Facilities Security Services Office of General Counsel Risk and Assurance Services

Wrongdoing: Gross mismanagement of public funds or a public asset

Subject Matter	Accountable Department/Program Lead	Possible Investigation Team Members or Resources
Accounting/Auditing <ul style="list-style-type: none"> - Fraud (e.g. Payroll, expenses, payments) - Asset Misappropriation - Violation of Internal Accounting Controls - Gross mismanagement of University funds or assets 	University Auditor	Human Resources Internal Audit Services Risk Assurance Services Office of General Counsel
Information Systems <ul style="list-style-type: none"> - Unauthorized access - Hacking - Gross misuse of assets 	CIO	Office of General Counsel Internal Audit Services
Contracting <ul style="list-style-type: none"> - Fraudulent acts concerning vendors or RFP Practices 	VP Finance and Administration or University Auditor	Human Resources Office of General Counsel Internal Audit Services Risk Assurance Services Expense Procurement and Contract Services

Public Interest Disclosure Report Form

Reporting Form for public interest disclosure of wrongdoing under the Public Interest Disclosure (Whistleblower Protection) Act (Alberta)

Guidelines

What is the purpose of the Public Interest Disclosure Report Form?

The Public Interest Disclosure Report Form is to be used for reporting wrongdoings which include **only those matters** where there is an allegation of significant or serious **wrongdoing** defined as:

- *A contravention of an act or a regulation of Alberta or Canada;*
- *An act or mission that creates 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 a substantial and specific danger to the environment;*
- *gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful 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, 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 behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.*
- *Knowingly directing or counseling an individual to commit a wrongdoing mentioned above.*

Why would you use the Public Interest Disclosure Report Form?

You may use this Public Interest Disclosure Report Form and procedure if you want to **report an allegation of wrongdoing** as defined above.

Who can report a wrongdoing?

Any employee of the University can report a wrongdoing.

When do you report a wrongdoing?

You report an allegation of wrongdoing **as soon as you become aware of a matter that should be reported** according to the Public Interest Disclosure Framework. Any employee who is considering making a Disclosure may request information or advice from the Supervisor, the Designated Officer, or the Chief Officer prior to submitting a Disclosure.

How do you report a wrongdoing?

To report a wrongdoing, please follow these **two steps**:

1. Complete the attached Public Interest Disclosure Report Form; and
2. Send the fully completed Form along with all supporting documentation (if available):
 - *Either* as an email attachment to safedisclosure@macewan.ca, a dedicated email address only accessed by the Designated Officer or Chief Officer (or designate) for the University;
 - *Or* as a printed copy in a sealed envelope addressed to the Designated Officer, Public Interest Disclosure, MacEwan University, City Centre Campus, 7-217C, 10700-104 Avenue, Edmonton, AB T5J 4S2
 - *Or* submitted through ConfidenceLine, the University's third party safe disclosure reporting system, at <http://www.macewan.confidenceline.net> or 1-800-661-9675

PUBLIC INTEREST DISCLOSURE REPORT FORM

Date of this Public Interest Disclosure Report <i>Please use the following format: YYYY/MM/DD.</i>	
Your Name <i>Please note: If you do not provide your name you will receive no updates on the status of your reports and it may not be possible to pursue an investigation into your report.</i>	Name: Phone: Email: <input type="checkbox"/> I wish to remain anonymous
Are you an employee of MacEwan University?	<input type="checkbox"/> Yes <input type="checkbox"/> No: Relationship to University:
Is this urgent? <i>Is there an imminent risk of specific or substantial danger to life, health or safety of a person or to the environment, or is the wrongdoing expected to occur in the very near future? If so, please describe.</i>	<input type="checkbox"/> No <input type="checkbox"/> Yes: please briefly explain hereafter.
Have you previously reported this wrongdoing? <i>Please identify the date(s) and person(s) / department(s) you contacted and the results of that action (i.e. why you feel that nothing or not enough is being done). Provide particulars.</i>	<input type="checkbox"/> No <input type="checkbox"/> Yes: please briefly explain hereafter and attach a copy of report and response (if any).
Are you concerned of a reprisal being made against yourself or others?	<input type="checkbox"/> No <input type="checkbox"/> Yes: please briefly explain hereafter.
ALLEGED WRONGDOING(S)	
Type <i>Please check the appropriate type(s) of wrongdoing(s) which apply to the allegation you are reporting.</i>	<input type="checkbox"/> A contravention of an act or regulation of Alberta or Canada; <input type="checkbox"/> An act or omission that creates: <input type="checkbox"/> 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 <input type="checkbox"/> A substantial and specific danger to the environment; <input type="checkbox"/> gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful 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, 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 behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; or <input type="checkbox"/> Knowingly directing or counseling an individual to commit a wrongdoing mentioned above.
Description <i>Please describe what the alleged wrongdoing(s) is(are) about. Detailed information is required to enable a full review of the matter. Attach a separate page if more space is required and attach all supporting documentation (if available).</i>	
Status <i>Please check the appropriate status. If both apply, please explain in the Additional Information section, below.</i>	Already Committed: <input type="checkbox"/> and/or Continuing: <input type="checkbox"/> and/or About to be Committed: <input type="checkbox"/>
Date <i>Please provide the date the wrongdoing(s) was committed and/or is(are) about to be committed (YYYY/MM/DD).</i>	

ALLEGED INDIVIDUAL(S)	
Name <i>Please provide the name(s) of the main individual(s) alleged to have committed the wrongdoing.</i>	
Additional Name(s) <i>Please provide the name(s) of any other individual(s) who may have information about the alleged wrongdoing.</i>	
ADDITIONAL INFORMATION	
<i>Please provide any additional information which may be useful for reviewing the allegation. Attach a separate page if required.</i>	
List of Evidence and Relevant Documentation Attached <i>Please provide any evidence or documentation which may be useful for reviewing the allegation. Please provide a brief description of each attachment.</i>	

What will happen next?

When you send the completed Form, the following two steps will occur:

1. Within five business days the Designated Officer for public interest disclosure will send you an email to acknowledge receipt of the Form; and
2. If sufficient information exists within the Disclosure, the public interest disclosure procedures will commence, as outlined in the Public Interest Disclosure Framework.

Please note the following:

- If there is insufficient information provided, the investigation may not proceed or may be discontinued;
- By sending this report, you implicitly agree that the Designated Officer may contact you for further information, unless you have indicated that you wish to remain anonymous;
- Unless this report is made anonymously, you may be contacted by the Designated Officer for further information regarding the report, or by an investigator assigned by the Designated Officer to investigate the report; and
- If you make an anonymous Disclosure, you will *not* be apprised of the progress or outcome of the investigation.