KPU | KWANTLEN POLYTECHNIC UNIVERSITY

HR24 Protected Disclosure Policy

Category: HR (Human Resources)
Effective Date: November 22, 2022
Approving Jurisdiction: Board of Governors
Administrative Responsibility: President

A. Context and Purpose

1. Kwantlen Polytechnic University seeks to promote a culture of honesty, transparency and accountability, maintaining high ethical standards in all of its activities. All members of the University community are expected to conduct the activities of the University honestly, free from any conflict of interest or commitment, and to be accountable for their actions.

2. So that the University can take prompt corrective action, members of the University community are encouraged to disclose any conduct they observe or encounter in the context of University activities that they reasonably believe to be dishonest, unethical, irregular, or appear to involve conflict of interest or commitment, abuse of public trust, or that are potentially unlawful, dangerous to any person, or injurious to KPU's interests.

3. Good-faith disclosure of such conduct is a valuable service to the University community, consistent with members' duty of loyalty to the University, and must not be cause for reprisal of any kind against the person making the disclosure. Members of the KPU community can expect that such disclosures will be treated with due confidentiality and protection of the individuals involved.

4. Members of the University community are encouraged to continue to use existing channels to disclose suspected wrongdoing or irregularity and resort to the special provisions of this policy only if such existing channels prove ineffective or are inappropriate in the circumstances. An employee who is unsure what channel is appropriate in a particular instance may seek advice from any senior University official. Whatever channel is used for disclosure, the processes for impartial investigation and reporting outlined in this policy will apply.

5. The purpose of this policy is to:

    5.1. Provide disclosure mechanisms through which members of the University community can confidentially disclose any perceived wrongdoing or irregularity that they observe in the context of performing their KPU duties or activities;

5.2. Confirm KPU's obligation to protect from reprisals members of the KPU community who in good faith disclose suspected wrongdoing or irregularity;

5.3. Set out KPU's requirements for investigation and reporting of such disclosures; and

5.4. Confirm KPU's obligation to protect the rights of the persons against whom allegations of wrongdoing or irregularity are made.

B. Scope and Limits

1. This policy applies to all current and former members of the University community. It deals with protected disclosure of wrongdoing or irregularities that occur at the University or in connection with activities conducted under the auspices of the University involving University employees, agents, contractors, or volunteers.
2. Nothing in this policy relieves those responsible for the administration and management of KPU academic, administrative or service units from the responsibility of addressing situations of improper activity in accordance with good management practices and existing policies, guidelines, and procedures. Nothing in this policy shall in any way preclude anybody from exercising at any time any internal or external recourse available.
3. This policy is in addition to, and does not replace, the rights an individual may have under law, contract, or professional code of ethics. For greater certainty, nothing in this Policy and its related Procedures limits the applicable rights, protections, and obligations of KPU and the university community under the Public Interest Disclosure Act (British Columbia) ("PIDA"). If there is an inconsistency between the applicable provisions of PIDA and this Policy (or its Procedures), PIDA will prevail.

C. Statement of Policy Principles

1. **Disclosure of suspected wrongdoing or irregularity**

1.1. KPU expects that all disclosures will be made in good faith: i.e., they will be based on the discloser's best understanding of the situation and be made in the best interests of the University.

1.2. Employees, students and other persons connected to KPU are encouraged to make a good faith disclosure to the appropriate supervisor or any University official. If the alleged wrongdoing or irregularity should involve the next level

supervisor, the disclosure may be made to a vice-president or to the Office of the President. Should the alleged wrongdoing or irregularity involve the President or vice presidents, the disclosure may be made to the Chair of the Audit Committee of the Board of Governors. Disclosures may also be made to the confidential external service retained by KPU to receive such disclosures.

1.3. Where a University official receives a disclosure of alleged wrongdoing or irregularity, which meets the criteria of this policy, the related information is to be provided to the Director, Business Performance and Advisory Services. The Director, Business Performance and Advisory Services will also receive details of any allegations disclosed to the Audit Committee, or disclosed through the confidential external service.

1.4. Good faith disclosures of suspected wrongdoing or irregularity should be made in writing as soon as possible after the discloser becomes aware of the situation, and contain as much detail as possible to facilitate thorough investigation and remediation.

1.5. Information provided anonymously will not be acted upon unless sufficient detail is provided by the discloser and the information is independently substantiated.

1.6. Any supervisor, manager, or other University official who does not respond appropriately to disclosures of alleged wrongdoing or irregularity will be subject to disciplinary action as appropriate.

1.7. All disclosures made under this policy will be logged as soon as they are received on a single tracking system and will be reported by the Director, Business Performance and Advisory Services to the Audit Committee of the Board of Governors during all Committee meetings.

2. **Investigation of reported wrongdoing or irregularity**

2.1. The University will take all appropriate action in a timely manner to carefully, fully, and fairly investigate disclosures of alleged wrongdoing or irregularity, including legal action as appropriate.

2.2. Investigations of disclosures of alleged wrongdoing or irregularity will be overseen and coordinated by the Director, Business Performance and Advisory Services. Investigations will be conducted with an appropriate level of confidentiality, and with respect to the requirements of any legislation or

applicable collective or other agreements in effect at the time of the alleged wrongdoing.

3. **Commitment to protection of those who make a good faith disclosure of wrongdoing or irregularity**

    3.1. KPU will make all reasonable efforts to keep the details of a good faith disclosure confidential, and shall protect the identity of the person making the good faith disclosure to the extent possible under legislation, regulation, University policy, and collective agreements in effect at the time of the disclosure.

    3.2. KPU will not tolerate any reprisal, either direct or indirect, against anyone who, in good faith, discloses suspected wrongdoing or irregularity, and the University will investigate and take all appropriate steps to address all allegations of reprisal.

    3.3. Any person who knowingly makes an allegation of wrongdoing or irregularity which is false, frivolous, vexatious, or malicious will be subject to disciplinary action up to and including termination as appropriate.

4. **Commitment to protect the person being investigated**

    4.1. All persons involved in allegations of wrongdoing or irregularity will be treated fairly and impartially and will maintain the rights, privileges and protections afforded to them through applicable legislation, University policies, and collective agreements in effect at the time of the alleged wrongdoing.

    4.2. An innocent respondent or a respondent who commits an innocent violation shall not be subject to retaliation or discipline, and the University shall take all reasonable steps to protect the position, reputation, privacy, and confidentiality of such respondents.

    4.3. Where facts gathered during the investigation provide a reasonable indication that a wrongdoing or irregularity has occurred, the respondent(s) will be given an opportunity to respond to the allegations of wrongdoing or irregularity. The respondent(s) will subsequently be advised of the general outcome of the investigation.

5. **Confidentiality of information collected in relation to investigations of disclosures**

    5.1. Information collected during the course of an investigation of a disclosure of alleged wrongdoing will be kept confidential to the extent possible under legislation, regulation, University policy, and collective agreements in effect at the time of the disclosure.

6. **Results of investigation of disclosures of alleged wrongdoing or irregularity**

    6.1. The results of the investigation conducted under this Policy will be presented in a written report to senior University officials as appropriate, the President and the Chair of the Audit Committee of the Board of Governors.

    6.2. The individual making the disclosure will be advised of the general outcome of the investigation by the President, or appropriate vice-president, or associate vice-president of Human Resources. This is a confidential communication.

    6.3. If as a result of the investigation, there is sufficient evidence that a wrongdoing or irregularity may have occurred, any individual(s) named in the disclosure will be advised of the results of the investigation by the President, or appropriate vice-president, or associate vice-president of Human Resources.

    6.4. Any resulting actions will normally be determined by the President on the advice of senior University officials. Should that not be the appropriate body, then the Audit Committee of the Board of Governors will make the determination. Relevant information may be turned over to law enforcement authorities in circumstances where that action is deemed to be appropriate.

7. **Compliance with the Protected Disclosure Policy**

    7.1. The Director, Business Performance and Advisory Services is responsible for monitoring compliance with the Protected Disclosure Policy and reporting any breaches to the Chair of the Audit Committee of the Board of Governors.

D. Definitions

Refer to HR24 Protected Disclosure Procedure for a list of definitions in support of this policy.

E. Related Policies and Legislation

Public Interest Disclosure Act (British Columbia)
Freedom of Information and Protection of Privacy Act (British Columbia)

Employee Code of Conduct
BP5 Use of University Property Policy / Procedure
ER9 Political Fundraising Expenses Policy
HR1 Conflict of Interest Policy / Procedure
HR21 Respectful Workplace Policy / Procedure
IM2 Freedom of Information Policy
IM3 Information Technology Usage Policy / Procedure
IM4 Confidentiality Policy / Procedure
RS2 Integrity in Research and Scholarship Policy / Procedure

F. Related Procedure

HR24 Protected Disclosure Procedure