

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

Report to Senate, November 25, 2010 – Deferred to January 20, 2011

Introduction

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

1. In November 2008, Senator J. Welsh, SGPS President, submitted for the Senate Agenda, a Motion to establish a committee to draft a policy on the protection of Whistleblowers;
2. The Senate Agenda Committee deemed that such a policy was broader than the function of the Senate and perhaps could be better dealt with through another mechanism. The Motion was referred to the Senate Operations Review Committee (SORC) for its recommendation;
- 3.

The Policy aims to achieve fairness for all parties involved and is consistent with other University policies;

The Policy is not intended to be used as a second avenue for “Disclosers” who first access another University process/procedure but are dissatisfied with the outcome.

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

Recommendation:

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

Respectfully submitted,

Bob Silverman
Provost and Vice-Principal (Academic)

Committee Members June 2009 – February 2010:

B. Bryck, Vice-Principal Operations and Finance (Acting)

I. Bujara, Director, Human Rights Office

S. Crawley, Department of Biochemistry

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

1. Rationale

Queen's

“Member(s) of the University Community,” refers

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

Stage 1

A Discloser should contact the Safe Disclosure Officer in the University Secretariat to make a confidential report of an alleged Improper Act.

The Safe Disclosure Officer shall review the following with the Discloser:

- a. These procedures;
- b. Other existing procedures, if applicable, for dealing with this matter
- c. Confidentiality protections and required exceptions relating to the safety and/or security of the University Community;
- d. The commitment of the University to protect the Discloser from reprisal to the extent possible.

Anonymous reports will be accepted, but a Discloser's decision to remain anonymous or to request that his or her name not be disclosed by the Safe Disclosure Officer may influence the subsequent investigation of the alleged Improper Act

Stage 2

The Safe Disclosure Officer shall compile a written report which shall include:

- a. The date and time the disclosure was received;
- b. Name and contact information of the Discloser (unless the Discloser is anonymous or has requested that his or her name not be disclosed by the Safe Disclosure Officer);
- c. Name(s) of the person(s) involved in the alleged Improper Act (the "Respondent"); and
- d. Full details of the alleged Improper Act, including a description and dates if known; and
- e. Any other available information relevant to an assessment of the report

The Safe Disclosure Officer shall submit the written report to the appropriate Responsible Officer within ten (10) days of the receipt of the disclosure of an alleged Improper Act

Stage 3

The Responsible Officer shall decide on a course of action regarding the report within fifteen (15) days of receipt. If the Responsible Officer finds that the report has insufficient details to support a decision, the Responsible Officer may meet with the Safe Disclosure Officer to determine if further details are available from the Discloser within this time frame in order to seek clarification or to obtain further information. The Responsible Officer will:

- a. Determine whether any interim measures should be initiated to protect Members of the University Community or the public, or to protect or secure funds or property that belong to the University or for which the University is directly or indirectly responsible. The initiation of such measures shall be without prejudice to the rights of the Respondent;

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

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

Stage 4

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

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

The Respondent shall be invited to respond by meeting with the Investigator or by making a written submission or both within twenty (20) days of the date of notification by the Investigator. The Respondent may contact the Responsible Officer if the Respondent believes that the Investigator may have a conflict of interest. The Respondent may seek advice

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

Stage 5

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

- a. The Investigator shall identify and obtain any additional records needed in order to pursue further investigation. The Respondent shall be given access to all materials received from the Discloser and otherwise concerning the report. The Investigator shall ensure that a record is made of all documentation collected and reviewed.
- b. The Investigator shall interview the Discloser (if the Discloser neither is anonymous nor has requested that his or her name not be disclosed by the Safe Disclosure Officer and the Respondent. The Respondent and the Discloser be accompanied by an advisor of their choosing. The name and position of an advisor shall be provided to the Investigator at least three (3) days prior to any meeting. If the advisor is legal counsel, five (5) days notice shall be provided.
- c. The Investigator may interview individuals suggested by the Discloser or Respondent or Responsible Officer who may shed light on the nature and substance of the report of an alleged Improper Act
- d. The Investigator shall prepare a written report on the investigation based on a. b. and c. above, within twenty (20) days the Responsible Officer having requested further investigation, which shall be forwarded to the Respondent. The Respondent shall have the opportunity within ten (10) days to respond to the information in the report either orally or in writing. After receiving this response, the Investigator may pursue further investigation
- e. The Investigator shall prepare a final written report of the investigation and submit it to the Responsible Officer within forty (40) days of the Responsible Officer having requested that the Investigator pursue further investigation. The report will list the documents reviewed, summarize the content of interviews conducted, and include key considerations and a finding with regard to whether an Improper Act has been committed by the Respondent.
- f. The Responsible Officer will provide the Respondent and

alleged Improper Acts At the end of each academic year, the Safe Disclosure Office shall provide the Provost, the Senate and the Board of Trustees with an ~~annual~~ ^{written} report of:

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

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

9. Related Policies

Employment Agreements

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

Computer User Code of Ethics
Human Subjects, Ethical Conduct for Research Involving
Integrity in Research