

# **POLICY: Whistleblower**

Effective: November 2013

Revised: March 2024

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## **1.0 PURPOSE**

- 1.1. This Whistleblower policy is to establish a formal and structured framework within SAMRU that encourages individuals to report serious matters of wrongdoing such as instances of misconduct; non-compliance with SAMRU policies, bylaws, codes and agreements; illegal activities; health & safety violations; or unethical behavior, without fear of reprisal.
- 1.2. By providing a clear and confidential channel for employees, stakeholders, or interested parties to voice their concerns, this Whistleblower policy aims to uncover potential wrongdoing that may otherwise go unnoticed. This proactive approach helps SAMRU identify and address issues at an early stage, preventing them from escalating into more significant problems that could cause harm to individuals, or the organization's reputation, stability, financial position, or legal standing.
- 1.3. Nothing in this policy shall prevent any reasonable conduct of SAMRU and SAMRU employees related to the normal management of workers or a work site.
- 1.4. Nothing in this policy shall limit the ability of SAMRU to terminate employment in alignment with the provisions of the individual employment agreement.

## **2.0 DEFINITION OF WHISTLEBLOWING**

- 2.1. Whistleblowing is the act of disclosing information by an individual who believes in good faith that there is evidence of wrongdoing, illegal activities, fraud, corruption, unethical behavior, or other form of misconduct. Within the context of SAMRU, other forms of misconduct may include:
  - 2.1.1. A serious breach of SAMRU's bylaws
  - 2.1.2. Persistent or serious non-compliance with SAMRU policies or procedures
  - 2.1.3. Violation of SAMRU's Code of Ethics, confidentiality agreements, or intellectual property agreements

- 2.1.4. Dereliction of responsibilities or duties as outlined in SAMRU's bylaws, policies, employment contracts, or resolutions of the Student Governing Board
- 2.1.5. Failure to perform the duties of an elected position
- 2.1.6. Breach of a fiduciary duty, applicable to those entrusted with the legal and ethical obligation to act in the best interest of SAMRU, including
  - 2.1.6.1. Governors
  - 2.1.6.2. Officers (i.e. Executive Director, Representation Executives, and the Speaker of the Student Governing Board)
  - 2.1.6.3. SAMRU employees in senior management roles, or those responsible for financial controls, including the Finance Manager
- 2.2. The person making the disclosure, commonly known as a Whistleblower, brings forth these concerns with the genuine and good-faith intention of alerting those with the appropriate authority to address potentially harmful actions
  - 2.2.1. The reporting process and appropriate authority to address disclosures in specific circumstances are outlined in this policy
- 2.3. Given the potential seriousness of a disclosure, the organization will seek to maintain confidentiality of the information and anonymity of the Whistleblower wherever possible
- 2.4. Disclosures made in good faith are investigated and reviewed by appropriate parties
- 2.5. Based on the findings of the investigation, a resolution or corrective action may be implemented

### 3.0 CONFIDENTIALITY AND INDIVIDUAL PROTECTION

- 3.1. All matters related to a Whistleblower disclosure will be considered confidential, unless the Student Governing Board explicitly decides that it is in SAMRU's best interests to make specific information accessible to the public
  - 3.1.1. The Student Governing Board will seek a legal opinion prior to releasing confidential information if there are potential legal consequences from making the information accessible to the public
- 3.2. Individuals who submit a Whistleblower disclosure in good faith will have their confidentiality protected and may request anonymity
  - 3.2.1. SAMRU will attempt to uphold the anonymity request of a Whistleblower as much as is reasonably possible
  - 3.2.2. In certain circumstances, Whistleblower anonymity may restrict the feasibility of a thorough investigation. In these circumstances, those with

appropriate authority will address the situation with the Whistleblower as necessary to determine an appropriate resolution.

- 3.3. SAMRU commits to protecting Whistleblowers against retaliation for making a disclosure in good faith
  - 3.3.1. This may include protection from termination, demotion, harassment, or any adverse employment action
  - 3.3.2. Anyone alleged to be perpetuating or participating in a retaliatory action against a Whistleblower may be reported to an appropriate authority within SAMRU and potentially face disciplinary actions
- 3.4. In the event that a Whistleblower disclosure is determined to have been submitted with malicious intent rather than in genuine good faith, the individual who submitted the disclosure may become the subject of an investigation and potentially face disciplinary actions

## 4.0 DISCLOSURES REGARDING SAMRU STAFF, SERVICE VOLUNTEERS, OR ORGANIZATIONAL PRACTICES

For the purposes of this section, "SAMRU staff" excludes those staff members who are also Officers (i.e. the Executive Director, the Representation Executives, and the Speaker of the Student Governing Board)

### REPORTING:

- 4.1. All Whistleblower disclosures regarding SAMRU staff, service volunteers, or organizational practices (excluding Student Governing Board practices), must:
  - 4.1.1. Be communicated in writing
  - 4.1.2. Clearly describe the details of the alleged wrongdoing
  - 4.1.3. Identify the parties involved, if known or applicable
  - 4.1.4. Include the identity of the Whistleblower and their contact information
  - 4.1.5. Be delivered to the Executive Director directly or via email

### INVESTIGATION:

- 4.2. The Executive Director will review all Whistleblower disclosures regarding SAMRU staff, service volunteers, or organizational practices and determine the best method of investigation, seeking legal counsel as appropriate.
- 4.3. Methods of investigation may include, but are not limited to:
  - 4.3.1. Contacting the Whistleblower for additional information or clarification
  - 4.3.2. Contacting the supervisor or others connected to the person(s) named in the disclosure
  - 4.3.3. Gathering information from various sources, including witnesses, and documenting findings

- 4.3.4. Interviewing the person(s) named in the disclosure
- 4.3.5. Engaging the professional services of an external agency to carry out the investigation in part or in whole
- 4.4. Person(s) named in the disclosure will be informed of the investigation and receive a concise statement of the allegations
  - 4.4.1.1. The person(s) named in the disclosure will have the opportunity to respond to the allegations and provide additional information to be considered
- 4.5. If the disclosure involves an organizational practice and not an individual, the staff member(s) most closely involved in the organizational practice will be informed of the investigation and have the opportunity to respond and provide additional information to be considered

REVIEW:

- 4.6. The information gathered during investigation will be reviewed by the Executive Director and others who may include, but are not limited to:
  - 4.6.1. The Associate Executive Director
  - 4.6.2. The supervisor of the person named in the disclosure
  - 4.6.3. Legal counsel
- 4.7. The initial review of information will be to:
  - 4.7.1. Determine whether the allegations in the disclosure have merit
    - 4.7.1.1. If the initial review determines that the allegations do not have merit, the Executive Director will deliver a concise report to the Whistleblower and named parties involved stating the findings and close the review
  - 4.7.2. Evaluate whether the alleged actions are in violation of any of the criteria identified in Section 2.1 and assess the seriousness and gravity of the alleged wrongdoing
    - 4.7.2.1. If it is determined that the allegations are not in violation of the criteria identified in Section 2.1, or the seriousness of the wrongdoing is found to be low, the Executive Director:
      - 4.7.2.1.1. Will deliver a concise report to the Whistleblower and named parties involved stating the findings and close the review; and
      - 4.7.2.1.2. May refer the issue to the person's supervisor for performance management or other purposes

RESOLUTION AND CORRECTIVE ACTIONS:

- 4.8. If the disclosure allegations are found through investigation and review to have merit and are in violation of criteria outlined in Section 2.1, the Executive Director and others as appropriate will consider all information and formulate next steps

regarding performance management, professional development, disciplinary actions, or other appropriate measures to be taken.

- 4.9. In all instances of Whistleblower disclosures received regarding SAMRU staff, service volunteers, or organizational practices, the Executive Director will:
  - 4.9.1. Prepare and submit a confidential report to the Student Governing Board outlining the allegations, and summarizing the findings, resolution and any corrective actions taken.
  - 4.9.2. Communicate with the Whistleblower regarding the steps taken to address the disclosure, without violating any confidentiality obligations that may exist.

## 5.0 DISCLOSURES REGARDING SAMRU GOVERNORS, OFFICERS, OR BOARD PRACTICES

### REPORTING:

- 5.1. All Whistleblower disclosures regarding SAMRU Governors, Officers, or Student Governing Board practices, must:
  - 5.1.1. Be communicated in writing
  - 5.1.2. Clearly describe the details of the alleged wrongdoing
  - 5.1.3. Identify the parties involved, if known or applicable
  - 5.1.4. Include the identity of the Whistleblower and their contact information
  - 5.1.5. Be delivered to the Speaker of the Student Governing Board directly or via email at [board.speaker@samru.ca](mailto:board.speaker@samru.ca)
    - 5.1.5.1. If the disclosure involves the Speaker then the disclosure may be delivered to the Executive Director who will act upon the duties of the Speaker in accordance with this section
- 5.2. The Speaker will act on all disclosures received by first evaluating whether the alleged actions are in violation of any of the criteria identified in Section 2.1 and by assessing the seriousness and gravity of the alleged wrongdoing.
  - 5.2.1. If, in the opinion of the Speaker, the disclosures are not obviously in violation of any of the criteria identified in Section 2.1 and the seriousness of the wrongdoing is assessed as low, the Speaker will either add an agenda item to the:
    - 5.2.1.1. Next meeting of the Accountability Committee to address disclosures regarding SAMRU Officers; or
    - 5.2.1.2. Next meeting of the Board to address disclosures regarding Governors or Student Governing Board Practices
  - 5.2.2. If, in the opinion of the Speaker, the disclosure is in clear violation of any of the criteria identified in Section 2.1 and the seriousness of the wrongdoing is not assessed as low, the Speaker will either call a Special

Meeting of the Board within 7 days for the Board to address the matter, or add an agenda item to the:

- 5.2.2.1. Next meeting of the Accountability Committee if it is within the next 7 days, to address disclosures regarding SAMRU Officers; or
- 5.2.2.2. Next meeting of the Board if it is within the next 7 days, to address disclosures regarding Governors or Student Governing Board Practices

#### INVESTIGATION:

- 5.3. The Board, or Accountability Committee as appropriate, will conduct an initial review of all Whistleblower disclosures regarding SAMRU Governors, Officers, or Student Governing Board practices.
  - 5.3.1. The purpose of the initial review will be to determine if other Governors, not specifically named in the disclosure, may have a direct involvement in the alleged misconduct or other conflict of interest that should preclude them from participating in an investigation or review role
  - 5.3.2. The initial review of the disclosure must take place in an in-camera session to protect confidentiality, and individuals named in the disclosure may be identified by the Speaker before the review and be asked to leave the in-camera session.
  - 5.3.3. The Whistleblower's identity and contact information may be redacted by the Speaker prior to presenting the disclosure to the Board for initial review.
- 5.4. Following an initial review of the disclosure, the Board, or Accountability Committee as appropriate, will pass a motion to approve the creation of an ad hoc committee to investigate the disclosure, review the findings and report to the Board, or Accountability Committee as appropriate, on its findings and recommendations
- 5.5. The investigation and review committee will be provided with background information regarding the principles of natural justice and may access legal support and other resources to assist in its duties
  - 5.5.1. For disclosures involving serious legal consequences or of significant complexity it is advisable for the committee to engage the professional services of an external agency to carry out the investigation in part or in whole
  - 5.5.2. The committee may access legal advice or other resources through the Executive Director or, in the instance of disclosures regarding the Executive Director, through the Associate Executive Director or Governor Coach.
- 5.6. Person(s) named in the disclosure will be informed of the investigation and receive a concise statement of the allegations

5.6.1.1. The person(s) named in the disclosure will have the opportunity to respond to the allegations and provide additional information to be considered

5.7. Methods of investigation for the committee may include, but are not limited to:

5.7.1. Contacting the Whistleblower for additional information or clarification

5.7.2. Contacting others connected to the person(s) named in the disclosure

5.7.3. Gathering information from various sources, including witnesses, and documenting findings

5.7.4. Interviewing the person(s) named in the disclosure

5.7.5. Engaging the professional services of an external agency to carry out the investigation in part or in whole

5.8. If the disclosure involves a Student Governing Board practice and not an individual, the Board may determine and appoint representative respondents familiar with the practice who would have the opportunity to respond and provide additional information to be considered.

#### REVIEW:

5.9. The information gathered during investigation will be reviewed in its entirety by the investigation and review committee in order to:

5.9.1. Determine whether the allegations in the disclosure have merit

5.9.2. Evaluate whether the alleged actions are in violation of any of the criteria identified in Section 2.1

5.9.3. Assess the seriousness and gravity of the alleged wrongdoing

5.9.4. Formulate recommendations to the Board of any follow up actions

5.10. Based on the review, the committee will prepare a confidential report to be submitted to the Student Governing Board outlining in general terms the nature of the allegations in the disclosure and the disciplinary committee's findings and recommendations.

5.10.1. Specifically, the report will indicate whether the committee determined that the misconduct allegation had merit and if there are recommendations for action such as performance management, professional development, disciplinary actions, or other appropriate measures to be taken.

#### RESOLUTION AND CORRECTIVE ACTIONS:

5.11. If the committee determines that the disclosure allegations are found to have merit and are in violation of the criteria outlined in Section 2.1, the Chair of the committee will make a motion at the Student Governing Board regarding the committee's recommended follow up actions.

- 5.12. If the committee determines that the disclosure allegations are found to not have merit and are not in violation of the criteria outlined in Section 2.1, the Chair of the committee will make a motion at the Student Governing Board stating the committee's findings and closing the review.
- 5.13. Once resolved, the committee will deliver a concise report to the Whistleblower and named parties involved stating the committee's findings, without violating any confidentiality obligations that may exist, and that the investigation and review is closed.

## 6.0 APPROVAL AND INTERPRETATION

- 6.1. This policy is approved by the Student Governing Board.
- 6.2. This policy is interpreted by the Student Governing Board for all matters and content related to disclosures regarding SAMRU Governors, Officers, or Board Practices.
- 6.3. This policy is interpreted by the Executive Director for all matters and content related to disclosures regarding SAMRU Staff, Service Volunteers, or Organizational Practices, and specifically excluding those matters related to disclosures regarding SAMRU Governors, Officers, or Board Practices.