

Protected Disclosure (Whistleblower) Policy			
Policy Sponsor	Vice President, Finance and Performance Services and Chief Financial Officer	Category	Administrative
Policy Contact	Chief Internal Auditor	Effective Date	May 19, 2021
Approved By	Executive Team	Review Date	May 19, 2026
Approved Date	May 19, 2021		

1. Purpose

Athabasca University is committed to responding to and remedying Wrongdoing and creating an environment where members of the Athabasca University Community are protected and encouraged to disclose any real, perceived or actual instances of Wrongdoing.

2. Scope

This policy applies to anyone who makes a Protected Disclosure, including members of the University Community and anyone in a business relationship with the University. It assigns responsibility for the management and investigation of Protected Disclosures.

3. Definitions

Good Faith	Honestly intended action based on reasonable belief and not malicious, frivolous or vexatious in nature.
Frivolous	When a complaint is either clearly devoid of substance, lacking in factual basis, absent an air of reality, lacking in proper seriousness, or without importance.
Interference	Wilfully obstructing an investigation by using intimidation and/or abuse of authority to persuade results of an investigation. Examples include: <ul style="list-style-type: none"> • offering a person money or some other benefit not to make a complaint or to withdraw their complaint; • threatening a person who makes a complaint; and • threatening a witness or the investigator.
PIDA	<i>Alberta Public Interest Disclosure (Whistleblower Protection) Act, SA 2012, c P-39.5.</i>

Procedural Fairness and Natural Justice	Principles associated with assuring the right of a person to be heard in a fair and unbiased manner prior to a decision being made that may have a negative impact on their rights or interests. This includes being informed of the facts alleged and given a full opportunity to respond. However, this does not include being informed of the identity of person(s) who have made Protected Disclosures.
Protected Disclosure	A report of a Wrongdoing, made in Good Faith, in accordance with this Policy, which is to be addressed as outlined in this Policy and its related Procedure.
Reprisal	To take or direct, or counsel or direct, a person to take or direct, any of the following measures against a person(s) making a Protected Disclosure because the person(s) has, in Good Faith, sought advice about making a Disclosure, made a Protected Disclosure, co-operated in an Investigation under this Policy, declined to participate in a Wrongdoing or done anything in accordance with this Policy and its Procedure.
University Community	All faculty and staff, students, Board Members, contractors, postdoctoral fellows, volunteers, visitors and other individuals who work, study, conduct research or otherwise carry on business of the University.
Vexatious	<p>When a complaint is clearly repetitious of one or more previous complaints that all share substantially the same theme and have already been determined. Attempts to abuse or misuse the complaint process even if legally justified to do so. Vexatious complaints include without limitation, any one or more of the following:</p> <ol style="list-style-type: none"> 1. persistently bringing complaints to determine an issue that has already been determined by the appropriate investigative authority; 2. persistently bringing complaints that cannot succeed or that have no reasonable expectation of success; 3. persistently bringing complaints for improper purposes; 4. inappropriately using previously raised grounds and issues in subsequent complaints.
Whistleblower	A person making a Protected Disclosure.
Wrongdoing	A known or suspected act which has occurred, suspected to have occurred or is anticipated to occur, which includes, but is not limited to:

	<ul style="list-style-type: none"> • a serious contravention of Athabasca University policies, procedures or regulations; • acts which are in a contravention of relevant legislation (Federal, Provincial or Municipal acts or regulations); • acts of fraud or financial irregularity; • a misuse of funds, assets or resources; • a gross mismanagement of Athabasca University funds or assets; • an act or omission that creates a substantial or specific danger to the life, health or safety of persons or to the environment; • a behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; • a serious breach of ethics or code of conduct; • an interference with an investigation; • a reprisal; • a serious misrepresentation; • directing or counselling a person to commit a Wrongdoing; and • any behavior, act or omission described in section 3 of PIDA.
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4. Guiding Principles

- 4.1.** All members of the University Community are expected to maintain high standards of legal, ethical, and fiscal accountability including compliance with relevant Athabasca University policies and procedures, codes of conduct, collective agreements, government legislation and relevant professional standards.
- 4.2.** Any suspicion of Wrongdoing must be reported in a timely manner. Employees are obligated by the *Code of Conduct for Members of the University Community* to report Wrongdoing.
- 4.3.** The University is responsible for establishing and maintaining a just workplace culture that supports and protects anyone willing to come forward and make a Protected Disclosure. This responsibility is integral to its role as a public sector organization in Alberta.
- 4.4.** The University is committed to a disciplined and systematic investigation of all reported cases of Wrongdoing. The University's Chief Internal Auditor is:
- a) responsible for receiving and investigating disclosures of Wrongdoing at the University; and

b) deemed as the Designated Officer for the purposes of PIDA.

4.5. Anyone can make a Protected Disclosure about an incident of Wrongdoing at the University.

4.6. Athabasca University values and supports anyone who comes forward in Good Faith to report Wrongdoing. Reprisals will not be tolerated.

4.7. Individuals are afforded various options to seek advice or make a Protected Disclosure in accordance with procedures associated with this Policy.

a) For all Wrongdoings, the Protected Disclosure (Whistleblower) Procedures apply.

b) For those entitled under the provisions of PIDA, legislated protections and any internal Standard Operating Procedures will apply to behavior, acts and omissions as set out in section 3 of PIDA.

4.8. Procedures under this Policy for reviewing and investigating disclosures will be in accordance with the principles of Procedural Fairness and Natural Justice, and in compliance with applicable legislation, policies, codes of conduct and collective agreements.

4.9. The University will detect and remedy Wrongdoing within Athabasca University and in doing so, instill public confidence in the administration of Athabasca University.

5. Applicable Legislation and Regulations

[Post-Secondary Learning Act](#)

[Alberta Public Interest Disclosure \(Whistleblower Protection\) Act, SA 2012, c P-39.5](#)

[Alberta Public Interest Disclosure \(Whistleblower Protection\) Regulation, AR71/2013](#)

[Freedom of Information and Protection of Privacy Act](#)

[Athabasca University Regulation](#)

[Conflicts of Interest Act](#)

6. Related Procedures/Documents

[Protected Disclosure \(Whistleblower\) Procedures](#)

[Code of Conduct and Conflict of Interest Guidelines for the Board of Governors](#)

[Code of Conduct for Members of the University Community](#)

[Conflict of Interest in Research Policy](#)

[Fraud and Financial Irregularity Policy](#)

[Protection of Privacy Policy](#)

[Non-Academic Misconduct Policy](#)

[Research Integrity Policy](#)

[Student Academic Misconduct Policy](#)

[Harassment, Violence and Sexual Violence Policy](#)
[Security of Digital Information and Assets Policy and related Procedures](#)

NOTE: The subject matter and scope of this procedure are also supported by internal-use only guidelines and Standard Operating Procedures.

History

<i>Date</i>	<i>Action</i>
May 19, 2021	Revised Policy Approved (Executive Team)
January 22 2015	Revised Policy Approved (Board of Governors Motion #194-11)
December 13, 2007	Policy Approved (Executive Group Motion #160-4)