



## SAFE DISCLOSURE POLICY

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POLICY NO.	160 – 002
SCOPE	NSCAD Community: any person who teaches, volunteers, conducts research, conducts professional and scholarly activities, acts on behalf of, is a student, is a board member, or works at or under the auspices of NSCAD University.
APPROVAL	Board of Governors
ORIGINAL DATE	March 5, 2013
NEXT REVISION	March 5, 2017
CONTACT	The Office of the President is responsible for implementing and interpreting this policy.

### 1 Purpose and Scope

NSCAD University (the University) strives to provide an ethical and productive work environment in which University operations are conducted with integrity. The University is an open and accountable place, which encourages a culture of discussion, and which has provided, for many years, channels of communication for members of the NSCAD community to convey their concerns.

This policy is designed to enable members of the NSCAD community to disclose in good faith, without fear of retaliation, concerns about activities occurring at the University which the individual believes to be are illegal, dishonest, unethical, fraudulent, not in compliance with University policy and procedures, or detrimental to the production of a safe work environment.

The University encourages members of the NSCAD community, who become aware of incidences of such Wrongdoing, to bring these to the attention of the University. The act of bringing such incidents to the attention of the University may be termed “safe disclosure”. It is the University’s intent that members of the NSCAD community should be able to disclose perceived acts of Wrongdoing without putting themselves at risk.

### 2 Definitions

#### Wrongdoing

Wrongdoing, for the purposes of the Policy, refers to an activity relating to the University that includes acts that are illegal, dishonest, unethical, fraudulent, not in compliance with University policy and procedures, or detrimental to the production of a safe work environment. Wrongdoing includes, but is not limited to:

- a) The contravention of University policies or regulations;
- b) The contravention of relevant local, provincial or federal laws;
- c) Theft, embezzlement, misappropriation, misapplication, destruction, damage, removal, concealment or misuse of University property, assets, resources or funds, including funds administered by the University;
- d) Forgery or alteration of documents;
- e) Financial malpractice, fraud, or bribery;

- f) Authorizing or receiving compensation for goods not received or services not performed or hours not worked;
- g) Creating a danger to the life, health or safety of persons or to the environment;
- h) Interference through direct or indirect action or use of authority to obstruct a person's right to make a report of an alleged Wrongdoing; and,
- i) Reprisals for reporting an alleged Wrongdoing.

Discloser

A member of the NSCAD Community who makes a report alleging Wrongdoing under this Policy.

Respondent

A member of the NSCAD Community against whom an allegation of Wrongdoing has been made.

Safe Disclosure

The act of bringing acts of Wrongdoing to the attention of the University through a forum which ensures that the Discloser is able to disclose perceived acts of Wrongdoing without putting themselves at risk.

Safe Disclosure Officer

A member of the NSCAD Community who has been designated to receive Safe Disclosure allegations under this policy. The designated Safe Disclosure Officers are:

- i. A staff member's Immediate Supervisor
- ii. A faculty member's Dean
- iii. A student's Division Chair
- iv. The Executive Assistant (University Governance)
- v. The President
- vi. The Chair of the Board of Governors' Audit & Risk Management Committee, in the case allegations involving the President.

Responsible Officer

A member of the NSCAD Community who has been designated with determining whether allegations of Wrongdoing reported under this policy warrant investigation, and for overseeing such investigation if warranted. The designated Responsible Officers are:

- i. for the purpose of reporting Wrongdoing related to academic matters, the Provost and Vice-president (Academic & Research);
- ii. for the purpose of reporting Wrongdoing related to financial matters, the Vice-President (Finance & Administration);
- iii. for the purpose of reporting Wrongdoing related to human resources matters, which include but not limited to harassment, discrimination and occupational health & safety matters, the Director of Human Resources;
- iv. for the purpose of reporting Wrongdoing that involves more than one form of Wrongdoing, that does not fit into one of the above categories, or that involves the individual who would normally be the Responsible Officer, a member of the University's Senior Administration;
- v. for the purposes of reporting Wrongdoing by the President, the chair of the Board of Governors.

Good Faith

Good Faith means that the discloser has reasonable grounds to believe that the reported allegations are substantially true or the concern is well-founded. A discloser who intentionally makes a malicious or

bad faith report may be subject to disciplinary or other action. A report that does not result in a finding of Wrongdoing is not alone evidence that the report was malicious or in bad faith.

#### Reprisal

Any action arising from this policy taken by the University or a member of the NSCAD Community against a member of the NSCAD Community that adversely affects the status or wellbeing of the latter.

### **3 Commitment to Confidentiality**

The University will treat all disclosures made under this policy in a confidential and sensitive manner. The identity of the Discloser will remain confidential until an investigation is launched. Thereafter, the identity of the Discloser will be kept confidential, if requested, so long as it does not hinder the investigation. If, at any point, it is determined that continued confidentiality of the Discloser will hinder the investigation, the Responsible Officer, through the Safe Discloser Officer, will provide the Discloser with the option of a) having their identity disclosed to the party conducting the investigation, or b) terminating the investigation.

To allow a competent investigation to be completed, all persons involved in an allegation or an investigation shall keep the details and results confidential, to the extent possible within the limitations of the law, collective agreements and University policies, and consistent with the principles of natural justice.

If an alleged act of Wrongdoing appears to involve criminal behaviour, the appropriate authorities will be notified immediately.

### **4 Procedures for Safe Disclosure of Wrongdoing**

#### Stage 1

Any member of the NSCAD Community who has reasonable grounds to believe an act of Wrongdoing has occurred (the Discloser) should contact a Safe Disclosure Officer to make a confidential report of an alleged act of Wrongdoing. Normally, the Safe Disclosure Officer will be the employee's Immediate Supervisor, a faculty member's Dean, or a student's Division Chair. If the person about whom the allegation is being made is the Discloser's Immediate Supervisor/Dean/Division Chair, or if the Discloser believes on reasonable grounds that it would not be appropriate to disclose the matter to their Supervisor/Dean/Division Chair, or is not comfortable disclosing the matter to their Supervisor/Dean/Division Chair, it may be reported to an alternate Safe Disclosure Officer as defined in this policy.

The Safe Disclosure Officer shall review these procedures with the Discloser, including the Commitment to Confidentiality and following with the Discloser:

- a. These procedures;
- b. Other University Policies that are applicable for dealing with this matter;
- c. Confidentiality protections and required exceptions relating to the safety and/or security of the NSCAD 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 Wrongdoing as outlined in the Commitment to Confidentiality. Reports should normally be in writing; however, verbal reports will be accepted.

## Stage 2

The Safe Disclosure Officer will 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");
- d. Full details of the alleged Wrongdoing, 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 five (5) working days of the receipt of the disclosure of an alleged Wrongdoing.

## Stage 3

After reviewing the allegation(s), the Responsible Officer shall decide within ten (10) working days whether further action is warranted.

In making this determination the Responsible Officer shall consider such factors as whether the report meets the requirements of a report of Wrongdoing outlined in Stage 2, whether it contains sufficient information to allow for an adequate investigation, and whether it appears to be a Good Faith report. 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.

Where the Responsible Officer concludes that no further action is warranted, he or she shall so notify the Safe Disclosure Officer in writing with reasons and the Safe Disclosure Officer shall, in turn, notify the Discloser.

Where the Responsible Officer concludes that further action is warranted, he or she shall ascertain whether a relevant University policy or procedure exists which governs the investigation of the Wrongdoing in question:

- (i) If there exists an established University policy or procedure for the investigation of the Wrongdoing in question, the Responsible Officer shall direct the report to the appropriate officer or body to be dealt with as required by the relevant University regulation, policy or collective agreement; or
- (ii) If there is no established University policy or procedure for the investigation of the Wrongdoing in question, the Responsible Officer shall assign an Investigator to conduct an investigation in accordance the procedures outlined in Stage 4.

The Responsible Officer shall so notify the Safe Disclosure Officer in writing of the manner in which the matter will be investigated, and the Safe Disclosure Officer shall, in turn, notify the Discloser.

In exceptional cases the Responsible Officer may initiate interim measures, as appropriate, to protect Members of the NSCAD 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 institution of such measures shall be without prejudice to the rights of the Respondent.

## Stage 4

Where there is no established University policy or procedure for the investigation of the Wrongdoing in question, the Responsible Officer shall assign an Investigator to conduct an investigation into the Wrongdoing and recommend any corrective action stemming from the findings. The Investigator shall be an individual, either internal or external to the University, who has no conflicting interests with the Respondent or Discloser, and who is qualified to conduct such an investigation. The Investigator shall

conduct an investigation as outlined below and submit a report to the Responsible Officer within twenty (20) working days from the date of their appointment.

The Investigator shall 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 Wrongdoing until further notice. The Respondent shall be given access to all materials received from the Discloser and otherwise concerning the report. The Respondent may contact the Responsible Officer if the Respondent believes that the Investigator may have a conflict of interest.

The Respondent shall be invited to respond by meeting with the Investigator, by making a written submission, or both. Additionally, the Investigator may take any of the following steps to ensure that the investigation is thorough and complete:

- Identify and obtain any additional records needed in order to pursue further investigation. The Investigator shall ensure that a record is made of all documentation collected and reviewed.
- 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) .
- Interview individuals suggested by the Discloser, Respondent or Responsible Officer who may shed light on the nature and substance of the report of an alleged Wrongdoing.

The Investigator shall prepare a final written report of the investigation and submit it to the Responsible Officer. The report will list the documents reviewed, summarize the content of interviews conducted, and include key considerations and a finding with regard to whether Wrongdoing has been committed by the Respondent. The Responsible Officer will provide the Respondent and the Safe Disclosure Officer with a copy of the final report. The Respondent shall have the opportunity to respond to the information in the report either orally or in writing. Any corrective action shall be determined by the Responsible Officer.

The Safe Discloser Officer will advise the Discloser that the investigation has been concluded and inform the Discloser of any proposed changes to University policies and practices which may result from the investigation.

Records concerning reports and investigation of alleged Improper Acts shall be kept by Human Resources.

## **5 Protection from Retaliation**

NSCAD Community members are prohibited from engaging in retaliation against, or any form of harassment of, a person who reports a concern in good faith. This includes but is not limited to, retaliation in the form of an adverse employment action, harassing behaviour, or threats of physical or mental harm. Any Discloser who believes he or she is being retaliated against should contact the Director of Human Resources immediately so that the University may take timely and appropriate action.

Any person who engages in retaliation or harassment against a discloser may be subject to disciplinary action up to and including termination of employment or appointment, as consistent with collective agreements or policies.

## **6 Non-Compliance**

NSCAD Community members who are considered to have breached University requirements regarding Safe Disclosure of Wrongdoing as set out in the provisions of this policy will be pursued under applicable collective agreements, employment contracts, codes or other University policies or procedures and may result in disciplinary action. This does not limit the University from pursuing other forms of recourse where appropriate.