

Governance Policy:

POL #GP-0009



Policy: Whistleblower Policy

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Definitions

Reprisal refers to retaliatory measures that are taken against an individual because the individual has sought advice about a concern, made a report in good faith, or cooperated in an investigation in accordance with SAOC policy. Retaliatory measures may include but are not limited to any threat or action that adversely affects an individual's involvement with SAOC such as an individual's employment, working conditions, or experience with SAOC programs or services as applicable.

Misconduct typically refers to a violation of SAOC policy requirements and refers to harmful or inappropriate conduct such as theft, fraudulent activity, misappropriation or mismanagement of funds or assets, harassment, violence, and any act or omission that creates a danger to the life, health or safety of individuals. This may include contravention of applicable laws, any act or omission that creates harm or risk of harm to others, knowingly counselling another to commit Misconduct or Reprisal against an individual for reporting a concern or participating in an investigation in accordance with this policy.

1.0 Authority

- 1.1 In accordance with the Students' Association of Olds College (SAOC) Bylaws, the powers and duties of the Board of Directors includes making policies and decisions regulating the conduct of the organization provided such policies and decisions are consistent with applicable legislation and these bylaws.

2.0 Purpose and Scope

- 2.1 The purpose of this policy is to:
 - 2.1.1 Provide stakeholders with mechanisms for reporting concerns about potential Misconduct;
 - 2.1.2 Ensure concerns are received and addressed in accordance with SAOC procedures; and

Governance Policy:

POL #GP-0009



2.1.3 Protect those who report concerns in good faith.

2.2 Any person may report concerns, specific or general, about potential Misconduct by any SAOC Board member, employee, club leader, or volunteer.

2.3 Given its relationship with Olds College, SAOC will participate in any investigation related to misconduct or wrongdoing undertaken by Olds College and may respond to Olds College findings of misconduct or wrongdoing in accordance with SAOC policies and procedures.

3.0 Policy Statement

3.1 SAOC has high standards of personal ethics and conduct for individuals involved with the organization, encourages a culture of integrity and accountability, and supports Board members, employees, volunteers, students, others in the Olds College community, and the public to raise serious concerns about potential misconduct or wrongdoing without risk of reprisal.

4.0 Reporting Concerns of Misconduct

4.1 SAOC employees and volunteers must immediately report any suspected Misconduct immediately to their supervisor. If the nature of the concern involves the person's supervisor, the individual fears Reprisal, or is concerned that a report has not been appropriately investigated or addressed, they may make a whistleblower report to the Executive Director or Chair of the Board of Directors.

4.2 SAOC members, members of the Board of Directors, or any other person may make a whistleblower report to the Executive Director or Board Chair.

4.3 A whistleblower report should be made verbally or in writing. Whistleblower reports may be made anonymously, but this may limit SAOC's ability to respond and investigate. Reports should include as much detail as possible about the concern including applicable dates, times, the names of other people involved or who may have been witness to the issues giving rise to the report, and any information or evidence available to substantiate the allegation of misconduct or wrongdoing. If applicable, the reporter may express a desired outcome to the investigation.

Governance Policy:

POL #GP-0009



- 4.4 Individuals who become aware of concerns that others may have about misconduct or wrongdoing should encourage those with firsthand knowledge of the concern to make a whistleblower report and are encouraged to make a whistleblower report themselves in accordance with this policy to ensure the concern is addressed.

5.0 Receiving and Investigating a Report of Misconduct

- 5.1 Any SAOC employee who receives a whistleblower report is responsible to immediately document the whistleblower report, if received verbally, and forward it to the Executive Director or Board Chair.
- 5.2 Whistleblower reports will be promptly investigated and addressed in accordance with principles of procedural fairness and SAOC procedures. SAOC may engage a neutral third-party to conduct an investigation.
- 5.3 Individuals receiving a whistleblower report verbally should ensure the safety and wellbeing of the reporter by arranging a private time and place, inviting a supportive third-party of the reporter's choosing, and listening to the report without interruption before asking questions.

6.0 Confidentiality and Protection from Reprisal

- 6.1 SAOC will treat whistleblower reports as confidential to the greatest extent possible and will only disclose information as necessary for the purpose of investigating and addressing the complaint and as required by law. In such instances the individual(s) involved in a whistleblower report investigation will be informed in advance.
- 6.2 Except in exceptional circumstances, a person under investigation will be given notice in writing of the nature of the allegation prior to conclusion of an investigation where an allegation may or is likely to be substantiated and there may be disciplinary action. Where notice is given, the individual must be given an opportunity to respond or provide explanation in accordance with a reasonable timeline after the notice is received.
- 6.3 Individuals who seek advice about this policy or a concern, make a whistleblower report, and participate in investigations in good faith will be protected from Reprisal for doing so. Protection from Reprisal cannot be provided effectively to

Governance Policy:

POL #GP-0009



those who choose to keep their identity anonymous. Reprisal will not be tolerated and may result in disciplinary action, which may include termination of employment or removal from the Board of Directors.

- 6.4 Any individual who believes they have experienced Reprisal because they have sought advice about this policy or a concern, made a whistleblower report, or participated in an investigation in good faith should report this to the Executive Director or Board Chair in accordance with this policy so that the concern of reprisal may be investigated and addressed.

7.0 Outcomes and Reporting

- 7.1 The Board of Directors shall be apprised of all whistleblower investigations initiated and concluded. All investigations will result in a confidential report of activities and findings that will be provided to the Board including any recommendations for discipline or non-disciplinary corrective action as applicable. The report will not include information that leads or could lead to the identification of the reporter if the reporter has requested anonymity.
- 7.2 If a report of Misconduct is substantiated by an investigation and the person is found to have violated SAOC policy, they may be subject to disciplinary action up to and including termination of employment or other relationship with the SAOC. Where appropriate, the Board of Directors may vote to remove a Director or Officer in accordance with the SAOC Bylaws.
- 7.3 In situations where a crime may have been committed, SAOC will report the matter to relevant authorities and may pursue legal action as appropriate. An internal investigation may be ongoing while a matter is investigated by external authorities but interim measures may be taken to protect the health, safety, and well-being of employees, volunteers, and board members and the interest of the organization.
- 7.4 Any whistleblower report that proves to be false, malicious, frivolous or vexatious may be treated as a violation of the Code of Conduct Policy and result in disciplinary action, up to and including termination of an individual's involvement with SAOC.

8.0 References

Governance Policy:

POL #GP-0009



- Students' Association of Olds College (SAOC) Bylaws
 - SAOC Investigation Procedure
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Investigation Procedure

Definitions

Complainant refers to an individual or individuals making a complaint or report alleging Misconduct. This may include an individual who reports Misconduct in accordance with the Whistleblower Policy.

Reprisal refers to retaliatory measures that are taken against an individual because the individual has sought advice about a concern, made a report in good faith, or cooperated in an investigation in accordance with SAOC policy. Retaliatory measures may include but are not limited to any threat or action that adversely affects an individual's involvement with SAOC such as an individual's employment, working conditions, or experience with SAOC programs or services as applicable.

Respondent refers to an individual who is alleged to have committed Misconduct.

Misconduct typically refers to a violation of SAOC policy requirements and refers to harmful or inappropriate conduct such as theft, fraudulent activity, misappropriation or mismanagement of funds or assets, harassment, violence, and any act or omission that creates a danger to the life, health or safety of individuals. This may include contravention of applicable laws, any act or omission that creates harm or risk of harm to others, knowingly counselling another to commit Misconduct or Reprisal against an individual for reporting a concern or participating in an investigation in accordance with this policy.

1.0 Authority

- 1.1 In accordance with the Students' Association of Olds College (SAOC) Bylaws, the powers and duties of the Board of Directors includes making policies and decisions regulating the conduct of the organization provided such policies and decisions are consistent with applicable legislation and these bylaws.
- 1.2 SAOC policies established by the Board of Directors, including the Code of Conduct Policy and the Whistleblower Policy, provide for procedures to investigate concerns about Misconduct.

Governance Policy:

POL #GP-0009



2.0 Purpose and Scope

- 2.1 The purpose of this procedure is to:
 - 2.1.1 Outline how SAOC will respond to, investigate, and address concerns about and reports of alleged Misconduct;
 - 2.1.2 Provide details on how SAOC investigates reports of Misconduct; and
 - 2.1.3 Ensure that investigations regarding Misconduct are fair, impartial, respectful of all parties, dealt with promptly, and resolved as quickly as possible.
- 2.2 This procedure applies to reports received regarding alleged Misconduct in accordance with SAOC policies that may be applicable in SAOC-related or situations and contexts.

3.0 Concerns to be Investigated

- 3.1 Concerns, complaints or reports alleging Misconduct may be received by various sources, informally or formally including in accordance with the Whistleblower Policy. An individual who receives a complaint or report of Misconduct must notify the Executive Director or Board Chair as soon as possible so that the complaint may be investigated and addressed in accordance with the Whistleblower Policy and this procedure.
- 3.2 Complaints or reports of Misconduct received in writing must be provided directly to the appropriate personnel in accordance with section 5.1.
- 3.3 Individuals should support Complainants to contact the appropriate personnel directly in accordance with section 5.1 (i.e. in accordance with the Protected Disclosure Policy) to protect individuals' privacy to the greatest extent possible and minimize the number of times the person needs to recount what may be a traumatizing experience.

4.0 Initiating the Investigation

- 4.1 Alleged Misconduct will typically be investigated by one or more employees assigned by Executive Director or their designate. In the event that an investigation may pertain to the Executive Director's conduct, an ad-hoc

Governance Policy:

POL #GP-0009



committee of the Board of Directors should be formed to oversee the investigation. External third-party investigators may be engaged depending on the nature of concern at the discretion of the Executive Director or the ad-hoc committee of the Board. SAOC will consider the potential for real or perceived conflicts of interest in assigning employees, Board members, or third-parties to lead investigations.

- 4.2 Based on information available in the initial complaint or report, the investigator(s) will prepare an investigation plan that:
 - 4.2.1 Clarifies the alleged Misconduct;
 - 4.2.2 Identifies the possible findings or offenses with reference to applicable policy requirements;
 - 4.2.3 Identifies applicable external authorities with a role in the investigation (e.g. Olds College, law enforcement, etc.);
 - 4.2.4 Identifies facts to be determined and additional information required; and
 - 4.2.5 Identifies a reasonable and expedient timeline for the investigation given the complexity of issues to be addressed and parties involved.
- 4.3 In situations where a crime may have been committed, SAOC will report the matter to relevant authorities and may pursue legal action as appropriate. An internal investigation may be ongoing while a matter is investigated by external authorities, but interim measures may be taken to protect the health, safety, and well-being of employees, contractors, Board members, volunteers, students and others.
- 4.4 If on preliminary review, the complaint or report is determined to be without substance or merit, the matter will be dismissed and the Complainant, if they can be contacted, will be informed of the decision and reasons.
- 4.5 If the Complainant can be contacted, they, and their parent(s) or legal guardian(s) if the Complainant is under 18 years old, will be:
 - 4.5.1 Notified by the investigators that the investigators have been appointed to conduct the investigation;

Governance Policy:

POL #GP-0009



- 4.5.2 Advised on the expected timeline for the investigation and any interim measures the organization is taking to support the health, safety, and well-being of the Complainant and others while the matter is being investigated;
- 4.5.3 Asked to clarify any matters relevant to the allegation; and
- 4.5.4 Asked to provide any additional material the Complainant might have.
- 4.6 In accordance with principles of natural justice and procedural fairness, the Respondent is entitled to know the allegations made against them and must be given the right to respond. This does not mean the Respondent must be advised of the allegation as soon as a report is received, or the investigation has commenced. If the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's perspective should be set out in the report. In accordance with the Whistleblower Policy, the Complainant must be advised if identifying information will be disclosed.

5.0 Interim Measures and Supports

- 5.1 Concurrent to an investigation, SAOC may assign an employee or neutral third-party as an independent advocate to assist in supporting Complainant wellbeing. The advocate will:
 - 5.1.1 Consider the immediate welfare and protection needs of the Complainant;
 - 5.1.2 Ensure the Complainant is aware of available assistance programs, supports, and resources;
 - 5.1.3 Listen to any concerns about new or continued Misconduct including Reprisal for making a report; and
 - 5.1.4 Act as a liaison and guide for the Complainant through the process.
- 5.2 If a report involves Misconduct that seriously threatens the health, safety, or well-being of the Complainant or others, if there is risk of Reprisal against the

Governance Policy:

POL #GP-0009



Complainant, or the alleged Misconduct may be criminal in nature, SAOC may take interim measures to create a safe environment including:

- 5.2.1 Adapting activities to reduce or eliminate interactions between the Complainant, other affected persons, and Respondent;
- 5.2.2 Temporary suspension pending investigation for the Respondent; and
- 5.2.3 Providing additional supports and resources for the Complainant and other affected persons while an investigation is underway.

6.0 Conducting the Investigation

- 6.1 The objectives of an investigation shall be:
 - 6.1.1 To collect information relating to the report of Misconduct;
 - 6.1.2 To consider information collected and draw conclusions objectively and impartially;
 - 6.1.3 To maintain procedural fairness in treatment of the Complainant, Respondent, and witnesses; and
 - 6.1.4 If applicable, to make recommendations arising from the conclusions drawn regarding appropriate actions.
- 6.2 Everyone involved in an investigation will keep all information relating to the investigation confidential to the greatest extent possible. Information about a report will only be disclosed as required for the purpose of conducting the investigation.
- 6.3 The investigator will make notes of all discussions, phone calls, and interviews with the Complainant, Respondent, and witnesses. The investigator must take care to protect the privacy and well-being of witnesses to the greatest extent possible, recognizing that witnessing or being aware of Misconduct can also involve trauma and that individuals who participate in an investigation may also be subject to Reprisal.
- 6.4 The investigator will keep the Complainant informed about the progress of the investigation including any factors impacting the timeline and anticipated outcomes.

Governance Policy:

POL #GP-0009



7.0 Outcomes and Reporting

- 7.1 When the investigation is complete, the investigator will prepare a written investigation report. The report will include:
- 7.1.1 The allegation;
 - 7.1.2 An account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this conclusion;
 - 7.1.3 The conclusions reached and the basis for them;
 - 7.1.4 Any other evident violations of SAOC Policy, if applicable;
 - 7.1.5 Recommendations, as applicable, for disciplinary, non-disciplinary, and remedial actions that should be taken by individuals or the organization to prevent the conduct from continuing or occurring in the future or to remedy any harm or loss arising from the Misconduct; and
 - 7.1.6 Records created or received by the investigator in the course of the investigation, excluding any information that leads or could lead to the identification of the Complainant if the Complainant requested anonymity.
- 7.2 A Complainant shall be notified of the outcome of the investigation, recommendations being adopted, and options for further recourse or support as applicable.
- 7.3 In accordance with relevant policies, an individual who is found to have violated SAOC policy may be subject to disciplinary action up to and including termination of employment or other relationship with SAOC.

8.0 References

- Students' Association of Olds College (SAOC) Bylaws
- SAOC Whistleblower Policy