

LOYALIST COLLEGE

Board of Governors Policy

9. WHISTLEBLOWER POLICY

Date Last Approved: May 29, 2025

Next Review Date: 2029

Background

In this policy, capitalized terms used but not defined herein shall have the respective meanings ascribed to them in the Definitions Schedule.

This policy establishes a process for College community members to make reports in good faith about serious wrongdoing by other College community members without concern about retaliation.

This policy is intended to ensure that College operations are conducted ethically and with integrity.

Policy / Procedure

Definitions

For the purposes of this policy:

1. “**College Community Member**” means any member of the College community, who studies, teaches, conducts research or works at or under the auspices of the College and may be any of the following:
 - (i) a Governor;
 - (ii) an academic staff member, administrative staff member or a support staff member;
 - (iii) a volunteer at the College; or
 - (iv) a student, visiting executive or any other person who is acting on behalf of or at the request of the College.
2. “**Misconduct**” means:
 - (i) conduct that constitutes a criminal offence;
 - (ii) negligent, improper or gross mismanagement of any College or public funds;
 - (iii) fraudulent financial reporting;
 - (iv) forgery or alteration of documents;

- (v) a serious, wilful and flagrant breach of the By-Laws, College policies or any other applicable law; or
- (vi) conduct that is causing or caused a substantial and specific danger to the environment or public health and safety.

3. “**Whistleblowing**” means the release or disclosure of information that is evidence of Misconduct and “to blow the whistle” means to disclose or release such information.

Whistleblowing Process

Any College Community Member (the “**Whistleblower**”) may blow the whistle if they have an honest belief that:

- (i) another College Community Member (the “**Offending Person**”) has engaged in Misconduct;
- (ii) the information disclosed or released through Whistleblowing is true and materially accurate;
- (iii) the Whistleblowing is in the public interest; and
- (iv) there is no confidential international policy or mechanism available to otherwise raise or address the issue sought to be raised through Whistleblowing.

In order to blow the whistle, the Whistleblower may file, in confidence, a written complaint, report or disclosure with the relevant Vice-President or the President or, in the event of a conflict of interest, to the Chair.

Once the complaint is filed, the investigator shall make a detailed written record of the submission.

Upon receipt of a complaint, the relevant Vice-President, the President, or the Chair (dependent on the nature of the complaint), will undertake a review of the complaint to complete an assessment of the nature and extent of the complaint; establish substance to the complaint; and determine appropriate investigative process.

The relevant Vice-President, the President, or the Chair shall receive, determine and investigate using the relevant investigative procedure, and resolve, where appropriate, all Whistleblowing made under this policy, provided that anonymous Whistleblowing will only be acted upon if the evidence collected during the preliminary investigation indicates that the Whistleblowing is made in accordance with this policy.

In the event an internal solution is not desirable and, depending on the nature of the Whistleblowing, the matter may be referred to the Ministry or other external agency commission, tribunal and/or legal process for resolution.

A complaint may be rejected or combined with another complaint if at the time of filing of such, a substantially similar complaint is currently under investigation.

The relevant Vice-President, the President or designate, or the Chair, shall contact the Whistleblower following the preliminary review to advise if the investigation will proceed.

Periodic reports will be provided to the appropriate parties as the investigation progresses.

Upon completion of the investigation, a formal report will be completed that will propose, where necessary, solutions to resolve the disclosed improper activities. These recommendations may include civil or criminal proceedings if sufficient evidence is present.

Reporting and Investigation Guidelines

To the maximum extent possible, the identity of the Whistleblower shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement. The College will accept reports under this policy on an anonymous basis. The College will not tolerate any attempt by a College Community Member to identify an individual who reports in good faith, on a confidential and anonymous basis, in accordance with this policy.

No College Community Member shall harass or retaliate in any way or discriminate against any Whistleblower who blows the whistle in accordance with this policy, or any College Community Member who seeks advice about Whistleblowing in good faith, who cooperates in any subsequent investigation under this policy, or who otherwise acts in compliance with this policy. A College Community Member who has reasonable grounds for believing they have suffered a reprisal in contravention of this policy is entitled to make a complaint to the College.

No College Community Member shall obstruct anyone involved in an investigation of wrongdoing or reprisal. Any person who destroys, alters, falsifies, or conceals a document or other thing they know or ought to know is likely relevant to the investigation of wrongdoing or reprisal is subject to disciplinary measures, including suspension or dismissal.

No Whistleblower shall blow the whistle in bad faith, including with respect to individual concerns, appeals, complaints, grievances, or issues associated with matters such as but not limited to: academic appeals, student or employee conduct, harassment, discrimination, accessibility, copyright, intellectual property, individual health or safety, management or employee performance, or provisions contained in collective agreements or legal statute, prior to exhausting the prescribed procedures under the applicable College policies.

Any Whistleblower who blows the whistle in bad faith or knowingly provides false or materially inaccurate information, may be subject to disciplinary actions, including reprimand, suspension, demotion, expulsion or termination, at the discretion of the Board.

Outcomes

Upon completion of the investigation, a report will be developed that includes the resolution of the issue raised and recommendations. The report will be provided to the Board.

Monitoring

The President will provide the Board with an annual report on any ongoing or completed Whistleblowing investigations. Reports will include steps taken to resolve the matters raised in each report. All reports to the Board will be presented in camera.

Related Materials

Loyalist College ADMIN 117 Policy and Procedure - Whistleblower Policy and Procedure - 2022