

POLICY ON EMPLOYEE DISCLOSURE OF WRONGDOINGS

Effective Date: March 11, 2020

Approval Authority: Board of Governors

Supersedes /Amends: N/A

Policy Number: BD-16

SCOPE

This Policy applies to all Employees (as defined below) of the University.

PURPOSE

The present Policy creates the framework for Employees acting in good faith to disclose Wrongdoings (as defined below) within the University pursuant to [An Act to facilitate the disclosure of wrongdoings relating to public bodies, CQLR, chapter D-11.1](#) (the "Act").

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

"Collaborator" means any person who participates in providing information during any stage of a disclosure under this Policy.

"Designated Official" ("D.O.") means the person who acts as the central point of contact with regard to all matters related to this Policy and is responsible for receiving and treating the disclosure of Wrongdoings by Employees at the University in accordance with this Policy.

"Employee" means:

- a) an employee (includes, but is not limited to, any full-time, part-time or temporary employee of the University, including staff, faculty, postdoctoral fellows, researchers, members of the administration, stagiaires and interns) who discloses an actual or suspected Wrongdoing pursuant to this Policy; and
- b) a Governor, Director and/or Officer of the University who discloses an actual or suspected Wrongdoing pursuant to this Policy.

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“Wrongdoing” means:

- a) a violation of any federal or provincial law or regulation;
- b) a serious breach of standards of ethics and professional conduct;
- c) a misuse of funds or property of the University, including the funds or property it manages or holds for others;
- d) gross mismanagement within the University including an abuse of authority;
- e) any act or omission that seriously compromises or may seriously compromise a person’s health or safety or the environment; or
- f) directing or counselling a person to commit a Wrongdoing described in any of paragraphs a) to e).

Wrongdoings do not fall under this Policy if they are disclosed for personal gain or purposes other than the public interest (e.g., when the subject-matter pertains solely to a condition of employment of the person making the disclosure). Similarly, the present Policy will not apply to a disclosure where the purpose is to question the merits of the policies, programs and/or objectives of the University.

POLICY

Disclosing an actual or suspected Wrongdoing

1. Any Employee who has reasonable grounds to believe that a Wrongdoing has been committed or is about to be committed can make a disclosure to either the D.O. or the Public Protector as follows:
 - a) To the D.O.
 - i. By completing the form in Appendix A and sending via secure email link or returning it to the D.O. in a sealed envelope with the mention “*Strictly confidential – to be opened by addressee only*”; or

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- ii. By making a disclosure by telephone to the D.O. and speaking with the D.O. directly and/or leaving a confidential voice message with information pertaining to the Wrongdoing.

The name and the coordinates of the D.O. are available in Appendix B.

- b) To the Public Protector

Direction des enquêtes sur les divulgations en matière d'intégrité publique
Protecteur du citoyen
800, place D'Youville, 18e étage
Québec (Québec) G1R 3P4
Phone : 1 844 580-7993 (toll-free within Québec)
Fax : 1 844 375-5758 (toll-free within Québec)
Secured forms available at: <https://divulgation.protecteurducitoyen.qc.ca/en>

Determining the admissibility and treatment of the disclosure

2. Upon receipt and review of a disclosure, the D.O. shall determine the admissibility and treatment of the disclosure and may:
 - a) Forward the disclosure to the Public Protector if the D.O. judges that the Public Protector is better suited to deal with the disclosure, in which case, and where possible, the D.O. will notify the Employee accordingly;
 - b) Conduct an investigation; or
 - c) Put an end to the examination of the disclosure if:
 - i. the alleged Wrongdoing is the subject of court proceedings or relates to a decision by a court;
 - ii. the subject-matter of the disclosure does not fall within the D.O.'s mandate;
 - iii. the disclosure is made for personal purposes and not in the public interest;

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- iv. the subject-matter of the disclosure questions the merits of the policies, programs and/or objectives of the University;
 - v. the disclosure is frivolous; or
 - vi. in the opinion of the D.O., too much time has elapsed since the events or facts disclosed. Normally, disclosure should occur within 1 year from the date of the alleged Wrongdoing.
3. If the D.O. deems that the disclosure can be received and treated in accordance with another law, regulation or University policy or procedure, the D.O. shall inform the Employee of such option(s).
 4. When putting an end to the processing of a disclosure at this stage, the D.O. shall send a notice, with reasons, to the Employee.
 5. At any time during the process, the D.O. may forward the necessary information to prosecute an offence under a law to a body responsible for the prevention, detection or repression of crimes or statutory offences, including a police force or a professional order. If the disclosure reveals information that should be reported to the Anti-Corruption Commissioner, then the D.O. shall provide the information pursuant to the [Anti-Corruption Act, CQLR, chapter L-6.1](#).
 6. The D.O. shall, throughout the investigation process and beyond, take all necessary measures to preserve the confidentiality of the Employee's identity and/or any Collaborator's identity as well as all information disclosed.
 7. If a disclosure is made anonymously, the D.O. may transfer the disclosure to the Public Protector, unless it is deemed inadmissible in accordance with section 2 a).

Delays

8. The D.O. shall process the disclosure in accordance with the following delays:
 - a) Written acknowledgement of receipt of the disclosure to the Employee sent normally within 5 working days from the receipt by the D.O. of the disclosure;

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- b) Render a decision on the admissibility of a disclosure normally, within 15 working days from the date of the disclosure;
- c) Conduct and conclude the investigation, normally within 6 months of the date of the disclosure;
- d) Investigations which, in the opinion of the D.O., are unusually complex may require extensions of the delays indicated above.

Investigation

- 9. If the disclosure is admissible and has not been transferred to the Public Protector, the D.O. shall investigate and collect relevant documentation pertaining to the allegations of Wrongdoing.
- 10. When appropriate in the course of investigating the disclosure, the D.O. may direct the disclosure to be treated by the appropriate University unit and/or in accordance with the relevant policy or agreement.
- 11. The D.O. shall take all the necessary measures to protect the confidentiality and the identity of the person who is the object of the disclosure while the investigation is in progress.
- 12. The D.O. shall share with the person who is the object of the disclosure any information necessary to allow that person to understand the nature of, and respond to, the allegations made. However, such sharing of information shall not reveal the identity of the Employee or any person who is a Collaborator.
- 13. The person who is the object of the disclosure may be accompanied by a member of the University community during any meeting or any interview with the D.O.
- 14. Over the course of the investigation, the Employee or Collaborator may freely share with the D.O. any information alleging that a Wrongdoing has been, or is about to be committed including:

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- a) any information that could normally be subject to restrictions regarding the communication of information under an [*Act respecting the protection of personal information in the private sector, CQLR, chapter P-39.1*](#) and under an [*Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR, chapter A-2.1*](#), except at section 33;
 - b) any information that could normally be subject to any other restriction under a law or any obligation of confidentiality or of loyalty that may bind a person, in particular with respect to his employer or, where applicable, his client. This includes the lifting of professional privilege, with the exception of the privilege related to lawyers and notaries.
15. The D.O. shall inform the President of the steps taken following the receipt of a disclosure, without revealing the names of the individuals concerned, unless, in the D.O.'s opinion, such disclosure would be inappropriate in the circumstances.

Decision of the D.O.

16. Following the investigation, the D.O. shall determine next steps based upon the findings.
- a) If a Wrongdoing has occurred, the D.O.:
 - i. shall inform the President and, as necessary, the appropriate unit so that corrective measures may be taken.
 - ii. shall inform the Employee that the investigation is completed and, if deemed appropriate, may inform the Employee of follow-up given to the disclosure.
 - iii. may transfer the relevant information to the appropriate external bodies such as the police force or the Anti-Corruption Commissioner;
 - b) If no Wrongdoing has occurred, the D.O. shall:
 - i. terminate the processing of the disclosure and will send a notice, with reasons, to the Employee.

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Protection from reprisals

17. All Employees and Collaborators who have, in good faith, made a disclosure or cooperated in an investigation conducted on the basis of a disclosure shall be protected from reprisals.
18. The following acts are presumed to be reprisals: dismissal, suspension or displacement, as well as any disciplinary action which affects employment or working conditions. Such action or threat of reprisal in connection with the disclosure of a Wrongdoing or collaboration in an investigation conducted as a result of such disclosure, constitutes a prohibited practice within the meaning of section 122 of the [*Act respecting labour standards, CQLR, chapter N-1.1*](#).
19. An Employee who believes that they have been the victim of a reprisal must file a complaint with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) within 45 days of the reprisal of which they complain or must contact their union.

Final Provisions

20. Nothing in this Policy precludes an Employee from availing themselves of any other University policy including, but without limitation, the *Policy on Conflict of Interest* ([BD-4](#)).
21. This Policy applies to the implementation of the applicable provisions of the Act at the University and must be interpreted accordingly. In the event of any conflict between this Policy and the Act, the latter shall prevail.

Policy Responsibility and Review

22. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on March 11, 2020.

In accordance with the *Policy on Employee Disclosure of Wrongdoings (BD-16)*

Complete the form, providing all the required information. Once completed, email it to internal.audit@concordia.ca or send it to the Designated Official (D.O.) in a sealed envelope marked "Strictly confidential - to be opened by addressee only" by mail or in person:

Designated Official – Disclosure of Wrongdoings
Director, Internal Audit
1455 De Maisonneuve Blvd. W., Room GM-1030
Montreal, QC, H3G 1M8

IDENTIFICATION

First name

Last name

Are you a Concordia Employee?

Yes

No

If not, you may contact the Public Protector directly.

Note that Employee as defined in the Policy means, but is not limited to, any full-time, part-time or temporary employee of the University, including staff, faculty, postdoctoral fellows, researchers, members of the administration, stagiaires and interns as well as any Governor, Director or Officer of the University.

CONTACT INFORMATION FOR CONFIDENTIAL COMMUNICATION

Indicate and provide the most confidential method of contacting you from among the following:

Telephone

Permission to leave a message? Yes No

Email

Mailing address

PERSON(S) SUBJECT OF THE DISCLOSURE

First name

Last name

Title

Contact details

Concordia Employee
(as defined above)

First name

Last name

Title

Contact details

Concordia Employee
(as defined above)

First name

Last name

Title

Contact details

Concordia Employee
(as defined above)

DESCRIPTION OF THE FACTS

Describe the facts or events which you believe constitute a possible or actual Wrongdoing:

Indicate the type of Wrongdoing (from among options 1 to 6 listed below) that may or have occurred.

1 2 3 4 5 6

1. A violation of any federal or provincial law or regulation;
2. A serious breach of the standards of ethics and professional conduct;
3. A misuse of funds or property of the University, including the funds or property it manages or holds for others;
4. Gross mismanagement within the University including an abuse of authority;
5. Any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment; or
6. Directing or counselling a person to commit a wrongdoing described in any of paragraphs 1 to 5.

Describe potential consequences, if applicable, on the health and safety of persons of the Concordia community, or the environment:

If the act has not yet been committed, describe how it can be prevented?

DATE AND LOCATION OF OCURRENCE OF WRONGDOING

Date	From	To
Repeated Wrongdoing. Give details:		
Place		

OTHER PERSONS INVOLVED OR WITNESSES

First name	Last name	Title
Contact details		<input type="checkbox"/> Concordia Employee
Role (e.g., witness, participant, etc.)		
First name	Last name	Title
Contact details		<input type="checkbox"/> Concordia Employee
Role (e.g., witness, participant, etc.)		

OTHER INFORMATION

Evidence or documents in your possession, if any (attach and/or describe):		
Steps taken prior to disclosing (e.g., consulting a manager, union representative or other)		
If you have a concern about possible reprisals following this disclosure, please describe:		
Any other information that could be useful in dealing with the disclosure:		
First name	Last name	Title
Contact details		<input type="checkbox"/> Concordia Employee
Role (e.g., witness, participant, etc.)		

APPENDIX B

Name and coordinates of the Designated Official

Name:

Kathleen Lizé

Coordinates:

Designated Official – Disclosure of Wrongdoings
Director, Internal Audit
1455 De Maisonneuve Blvd. W., Room GM-1030
Montréal, QC, H3G 1M8
Telephone: (514) 848-2424 ext. 4810
Email address : Internal.Audit@concordia.ca