



Memorandum

Secretariat

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TO: Senate

FROM: Ms. Edyta Rogowska, Secretary-General

SUBJECT: Policy on Safe Disclosure (“Whistle Blowing”) / New Policy on the Disclosure of Wrongdoing

DATE: May 10, 2023

DOCUMENT #: D22-70

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE Senate is asked to approve the new Policy on the Disclosure of Wrongdoing following discussion and review of the Policy at its meeting of April 19, 2023. The new Policy will replace the 2007 Policy on Safe Disclosure (“Whistle Blowing”), which is presented for repeal.

BACKGROUND & RATIONALE

At its meeting of April 19, Senate reviewed and provided feedback on a draft of the new Policy on the Disclosure of Wrongdoing (Policy). That draft was revised based on Senate’s feedback, provided at the April 19, 2023 meeting. The Policy now includes a definition of “Good Faith” reporting and additional provisions related thereto have been added, notably, article 9.3. In addition, the French formulation of the Public Protector (*Protecteur du citoyen du Québec*) has been added to the Policy.

The Policy on Safe Disclosure (the “Policy”) was approved by Senate and the Board of Governors in 2007. It established an impartial channel for the disclosure of improper activities at McGill without fear of reprisal. Since then, the Policy was twice amended, first in 2010 and most recently in 2015. The current review of the Policy focused on further aligning the Policy with the *Act to facilitate the disclosure of wrongdoings relating to public bodies* (the “Act”).

The current Policy was reviewed in accordance with the review schedule set out in the University’s Policy Framework, specifically with the aim to ensure that it aligns with the Act, in terms of the mandatory minimum policy requirements, the procedure for processing a disclosure and the roles and responsibilities of the persons involved in the policy’s implementation and/or administration.

As part of this review, the University also consulted policies in place at other universities such as University of Montreal, University of Sherbrooke, Laval University, HEC Montreal, ETS, UQAM, Bishop’s University and Concordia University. Notably, the policies in place at other Quebec universities closely resemble one another insofar as they are closely modeled on the Act.

Regarding policy requirements, the Act requires that the Highest Ranking Administrative Official (Principal) appoint a Designated Officer who would be responsible for receiving and treating allegations of wrongdoing. In addition, the Act requires that the policy:

- i. mention that persons have the option of communicating allegations of wrongdoing to the Public Protector or to the Designated Officer within the public body;
- ii. provide for a written notice of receipt of the disclosed information to be sent to the person who made the disclosure, if their identity is known;
- iii. specify the manner(s) in which a disclosure is to be filed;
- iv. determine the time limits for processing a disclosure with mention that the person who made the disclosure, if that person’s identity is known, is notified as soon as the processing of the disclosure has been completed;
- v. include all necessary measures to ensure that the identity of the person who makes a disclosure or cooperates in an investigation conducted on the basis of a disclosure remains confidential;
- vi. include measures to protect the rights of the persons involved in a disclosure, in particular during an investigation; and
- vii. state the protection against reprisals and the time limit for exercising a recourse.

Notably, the current Policy does not mention that persons have the option of making a disclosure directly to the Public Protector without making a disclosure to University’s Designated Officer. Accordingly, the new Policy will include such a provision.

Other revisions are required to align the current Policy with the Act’s provisions concerning the procedure for processing a disclosure and the prescribed roles and responsibilities of the persons involved in this procedure. These revisions are outlined in detail in Appendix A.

**PRIOR
CONSULTATION**

Prior to submitting the draft new Policy to Senate, the University community was invited to provide comments on the current Policy. The Audit and Risk Committee of the Board of Governors was consulted on the revisions, as were the Responsible Officers under the current Policy, members of the Senior Administration, Internal Audit, Legal Services.

**SUSTAINABILITY
CONSIDERATIONS**

N/A

**IMPACT OF
DECISION AND
NEXT STEPS**

The new Policy was approved by the Audit and Risk Committee at its meeting of May 9, 2023. It will be submitted to the Board of Governors for final approval on May 18, 2023.

**MOTION OR
RESOLUTION
FOR APPROVAL**

Be it resolved that Senate approve the repeal of the 2007 Policy on Safe Disclosure (“Whistle Blowing”), as presented in Appendix C.

Be it further resolved that Senate approve the Policy on the Disclosure of Wrongdoing, as presented in Appendix B, on the understanding that the Policy is subject to approval by the Board of Governors.

APPENDICES

Appendix A: Overview of Notable Revisions

Appendix B: New Policy on the Disclosure of Wrongdoing

Appendix C: [Current Safe Disclosure Policy \(“Whistleblowing”\)](#)

OVERVIEW OF REVIEW

a) Scope of the Policy

The review considered whether the University should limit the scope of the Policy to employees only, as the Act provides that public bodies establish a procedure to facilitate “employee” disclosures.

It is recommended not to limit the scope of the Policy to “employee” disclosures. Rather, it is proposed to model the new Policy on the current Policy which would allow members of the University community to submit disclosures concerning Wrongdoing at the University.

The rationale for the requirement to establish a procedure within public bodies is that the individuals who work for and with such organizations are more likely to become whistleblowers and that the public bodies themselves are often well-positioned to receive and respond to such disclosures.

In the university context, where those in a position to become whistleblowers cut across many groups, a policy with a broader scope of application, which captures more than just “employees”, is more closely aligned with this rationale.

In accordance with the Act and policies in place at other universities, it is proposed that the Policy exclude disclosures made for personal purposes or not in the public interest. A disclosure is deemed to be made for personal purposes when the subject of the disclosure concerns a personal situation or the interests of one person only, for example, when the subject-matter of a disclosure pertains solely to a condition of employment of the discloser. Similarly, it is also proposed to exclude disclosures whose purpose is to question the merits of the policies or program objectives of the University, those that are frivolous.

Further to consultations and taking into account the extensive regulatory framework McGill has in place through its policies and regulations that address wide-ranging subject matters, it is also proposed that the new Policy provide that matters involving wrongdoing which are subject to treatment under another University policy or regulation be treated outside the purview of this Policy. This separation ensures against overlap and contradiction between University policies and regulations and aims to provide clarity in operational processes. The University has established specialized policies and processes, some of which also respond to legislative requirements, that also provide for confidential and safe reporting processes (concerning for example, sexual violence, harassment, discrimination etc).

b) Definition of Improper Activity vs. Wrongdoing

The current Policy refers to the disclosure of “improper activity” which is defined as an act or omission committed that constitutes “Academic Misconduct”, “Research Misconduct” or “Financial Misconduct”.

The current Policy defines these three types of misconduct as follows:

- 2.1** “Academic Misconduct” includes failure to perform academic duties, improper use of confidential academic material, and misrepresentation of material facts for personal advantage or for the advantage or disadvantage of another.
- 2.6** “Financial Misconduct” includes misappropriation or misuse of funds or property that belong to the University or for which the University is directly or indirectly responsible, and the failure to follow accepted University or Granting Agency policies or practices applicable to the use and administration of funds or property
- 2.13** “Research Misconduct” includes fabrication, falsification, plagiarism, or any other conduct related to research that constitutes a significant departure from Granting Agency or other relevant regulatory body requirements, or from the ethical and other standards that are commonly accepted within the relevant research community for proposing, performing, reporting, or reviewing research or treating human and other sentient research subjects.

In contrast, the Act refers to the disclosure of “wrongdoing” which is defined more broadly as follows:

- 4.** For the purposes of this Act, any act that constitutes or consists in, as the case may be,
- (1) a contravention of a Québec law, of a federal law applicable in Québec or of a regulation made under such a law,
 - (2) a serious breach of the standards of ethics and professional conduct,
 - (3) a misuse of funds or property belonging to a public body, including the funds or property it manages or holds for others,
 - (4) gross mismanagement within a public body, 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,
- is considered a wrongdoing.

It was decided to adopt verbatim the Act’s terminology and definition of “wrongdoing” as have other public bodies who are subject to the Act, including other university-level education institutions. The Act’s definition of “wrongdoing” is broad and may capture the above-cited types of misconduct. For this reason, it is also proposed to change the title of the Policy to “Policy on the Disclosure of Wrongdoings”.

Furthermore, this revision would allow the University’s annual report (currently produced in two versions) required under the Policy to match the reporting requirements of the Act:

25. A public body required to establish and disseminate a procedure to facilitate the disclosure of wrongdoings by its employees must include, in its annual report,

- (1) the number of disclosures received by the designated officer;
- (2) the number of disclosures the processing or examination of which was ended under paragraph 3 of section 22;
- (3) the number of well-founded disclosures; and
- (4) the number of disclosures broken down according to the categories of wrongdoings set out in section 4;

In addition to these requirements, the annual report will provide for a brief description of the types of actions taken pursuant to an investigation. The process will provide for the report to be submitted to Senate and to the Board.

c) Role of Public Protector

The current Policy does not inform members of the University community that they may also make disclosures to the Public Protector directly. It is proposed to include such a provision in the Policy. It should be noted that while the current Policy does not mention the Public Protector, the University's webpage describing the process to submit a safe disclosure (allegation of wrongdoing) does mention the option to make disclosures directly to the Public Protector. The Public Protector is an external, independent institution mandated under the Act to handle:

- (i) Disclosures of Wrongdoing within or about a public body; and
- (ii) Reprisal complaints stemming from a Disclosure or cooperation in an investigation.

d) Making a disclosure under the Policy

The current Policy does not specify the manner in which a disclosure must be filed nor the information such a disclosure must contain in detail. In order to facilitate the disclosure of wrongdoings at McGill, it is proposed to include a section providing that a person wishing to make a disclosure may do so either by in person, via telephone or in writing.

It is also proposed to develop a disclosure form to the Policy which would ensure that disclosures submitted contain the information necessary for their examination and treatment.

e) Role of the Designated Officer and Investigator

The review examined the role of the Secretary General and Responsible Officers. Under the current Policy, disclosures are filed with the Secretary General who forwards them to Responsible Officers for review and possible investigation. The Act requires that the "highest-ranking administrative" official of a public body designate a single "designated officer" who shall be responsible for receiving and treating

disclosures. It is proposed that, by virtue of the Policy, the Principal, as “highest-ranking administrative official”, designate this role and responsibility to the Secretary-General. This is consistent with practices at other universities, where the Secretary is also responsible for the neutral, impartial administration of key university processes. As such, under the Policy, the Secretary-General is responsible for:

- receiving Reports of possible wrongdoing against the University;
- verifying whether a wrongdoing has been committed or is about to be committed at the University
- assigning Investigators (internal or external) for cases;
- ensuring the application of the procedure for reporting and handling of Wrongdoing established by the University;
- ensuring the confidentiality of the identity of the person making the disclosure, cooperating with an audit or investigation of a disclosure, or who is implicated by a disclosure;
- ensuring the confidentiality of the disclosure files and electronic directories;
- ensuring the dissemination of the University's policy and procedure for facilitating the reporting of wrongdoing the University;
- reporting annually to the Senate, Board and Chair of the Audit and Risk Committee

The new Policy provides that the Designated Officer will assign the investigation to an investigator, who may be internal (employee) or external to the University. It is by this mechanism that the current responsible officers under the current Policy and other persons, either internal or external to McGill, will be implicated in the new investigation process.

f) Protection against reprisals

In accordance with article 10 (6) of the Act, the Policy must explicitly state the protection provided against reprisals and the time limit for exercising a recourse against a practice prohibited by subparagraph 11 of the first paragraph of section 122 of the Act respecting labour standards. This has been added to the Policy.

g) Annual Report

The current Policy provides that the Secretary-General shall make a report to Senate and the Board of Governors, which report shall include:

- (i) the number of reports filed by Disclosers;
- (ii) the number of reports investigated;
- (iii) the number of findings of Improper Activity;
- (iv) the types of action taken pursuant to an investigation.

It is proposed to align the annual report with the requirements of s. 25 of the Act as excerpted above but maintain the inclusion of point (iv, relating to the types of actions taken). It is also proposed that the report be submitted to the University's governing bodies on at least an annual basis.

h) Review Schedule

In accordance with the *Policy for the Development and Review of Governing Documents*, the Policy will provide for a review every five years, as a good governance practice. It is proposed to add this to the Policy.

Communication and Training

Following the adoption of the new Policy by Senate and the Board of Governors, a communication to the community will indicate that the new Policy has been approved and when it will come-into-force. The coming-into-force date will coincide with the finalization of its procedure. The Secretariat's website will be updated with this information. Training will be provided to ensure effective implementation, as necessary.

Timing

It is anticipated that the proposed new Policy will be submitted for approval to:

- Audit and Risk Committee on May 9, 2023
- Senate on May 10, 2023
- Board of Governors on May 18, 2023

POLICY NAME	POLICY ON THE DISCLOSURE OF WRONGDOING
Approving Body	Senate Board of Governors
Initial Approval Date	
Date of last review	
Date of next review	
Executive Sponsor	Secretary-General

1. PREAMBLE

- 1.1 McGill University recognizes that Disclosure of Wrongdoing is fundamental to ensuring the integrity of public administration and is a necessary and valuable service to its community.
- 1.2 The purpose of this Policy is to facilitate the Disclosure of alleged Wrongdoing at McGill University, as required by the *Act to facilitate the disclosure of wrongdoings relating to public bodies* (CQLR, c. D-11.1) (“the Act”). To this end, the Policy creates a framework for Members of the University Community, acting in Good Faith, to disclose alleged Wrongdoing committed or about to be committed at the University. It also provides protection from Reprisal to persons who, in Good Faith, make a Disclosure or participate in an investigation conducted pursuant to a Disclosure.

2. SCOPE

- 2.1 Members of the University Community, acting in Good Faith, may make a Disclosure under this Policy.
- 2.2 This Policy does not apply to Disclosures made for personal purposes and not in the public interest. A Disclosure is deemed to be made for personal purposes when the subject of the Disclosure concerns a personal situation or the interests of one person only, for example, when the subject-matter of a Disclosure pertains solely to a condition of employment of the Discloser. Similarly, this Policy does not apply to Disclosures whose purpose is to question the merits of the policies or program objectives of the University.
- 2.3 Without otherwise limiting the scope of the definition of “Wrongdoing” in section 3.12, this Policy does not apply to matters involving Wrongdoing that are subject to treatment under another University policy or regulation. Matters pertaining to the conduct of research, harassment and discrimination, sexual violence, academic integrity, grievances, to name a

few examples, will be referred for consideration under the applicable policy, regulation or other university mechanism established for that purpose.

3. Definitions

For the purposes of this Policy:

- 3.1 **“Advisor”**: means an active Member of the University Community, who has agreed to act in an advisory capacity to the Respondent, without financial compensation or any other remuneration. Such individuals will act in accordance with this Policy.
- 3.2 **“Cooperator”** means a person who participates as a witness or otherwise contributes information in an investigation conducted on the basis of a Disclosure made under this Policy.
- 3.3 **“Designated Officer”** means the Secretary-General as the person responsible for receiving and treating Disclosures of Wrongdoings at the University, in accordance with this Policy.
- 3.4 **“Discloser”** means a Member of the University Community who makes a Disclosure under this Policy. It also means a person who was a Member of the University Community during the 24 months prior to making a Disclosure under this Policy.
- 3.5 **“Disclosure”** means a communication of information made under this Policy alleging that a Wrongdoing has been committed or is about to be committed at the University.
- 3.6 **“Good Faith”** means action undertaken with honesty, sincerity and genuine intention based on a reasonable belief that a Wrongdoing has been committed or is about to be committed at the University. It is an action that is not malicious, frivolous or vexatious in nature.
- 3.7 **“Member of the University Community”** means:
- i) an employee or appointee (including a volunteer) of the University;
 - ii) anyone holding office under the University Charter and Statutes or who serves on any body or committee of the University;
 - iii) a student, as defined in Section 1 of the Code of Student Conduct and Disciplinary Procedures.
- 3.8 **“Highest Ranking Administrative Official”** means the Principal and Vice-Chancellor.
- 3.9 **“Investigator”** means a unit or employee of the University, or an external party mandated by the Designated Officer to carry out an investigation under this Policy.
- 3.10 **“Public Protector”** means the *Protecteur du citoyen du Québec*.

3.11 **“Reprisal”** means any harmful measure taken against a person for the reason that this person has, in Good Faith, made a Disclosure or participated in an investigation conducted pursuant to a Disclosure. Reprisal also constitutes the act of threatening a person so that this person will abstain from making a Disclosure or from collaborating in a related investigation.

In matters of employment, dismissal, demotion, suspension or transfer, as well as any disciplinary measure or measure deleterious to employment or to work conditions, are considered Reprisals and may constitute a prohibited practice within the meaning of subparagraph 11 of section 122 of *the Act respecting labour standards*, CQLR, chapter N-1.1.

3.12 **“Respondent”** means a Member of the University Community, other than a student as defined in section 3.7 (iii) against whom an allegation of Wrongdoing has been made.

3.13 **“Wrongdoing”** means any act committed or about to be committed at the University by a Member of the University Community in the exercise of their functions, or by any person, partnership, group or other entity in the context of drafting or carrying out of a contract, including the awarding of financial assistance, entered into or about to be entered into with the University, and that constitutes:

- (1) a contravention of a Québec law, of a federal law applicable in Québec or of a regulation made under such a law;
- (2) a serious breach of 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.

4. MAKING A DISCLOSURE

4.1 A Member of the University Community acting in Good Faith may make a Disclosure under this Policy, anonymously or not, in accordance with section 4.2 or 4.3, below.

4.2 Disclosure to the Designated Officer

The Disclosure may be made to the Designated Officer in the manners described below. However, if the Disclosure is likely to implicate the Designated Officer, it is made to the Highest-Ranking Administrative Official, who will then assume the role of the Designated Officer. If it is likely to implicate both the Designated Officer and Highest-Ranking Administrative Official, it is made to the Chair of the Board of Governors.

4.2.1 **In writing**

A Disclosure may be made in writing by completing the Disclosure Form included in the Procedure and submitting it to the Designated Officer at the designated email link or in a sealed envelope with mention “*Strictly confidential – to be opened by addressee only*”.

4.2.2 **In Person**

A Disclosure may be made in person by speaking with the Designated Officer directly for purposes of completing the Disclosure Form included in the Procedure.

4.2.3 **By Telephone**

A Disclosure may be initiated by speaking with the Designated Officer directly or by leaving a confidential message on the voicemail box designated for that purpose, with information about the Wrongdoing, for the purposes of getting help to complete the Disclosure Form included in the Procedure.

4.3 **Disclosure to the Public Protector**

Any person may make a Disclosure to the Public Protector (*Protecteur du citoyen du Québec*) directly.

5. TREATMENT OF A DISCLOSURE

5.1 Examination of Admissibility

- 5.1.1 Upon receipt of a Disclosure, the Designated Officer will examine the Disclosure to determine the nature of the alleged Wrongdoing and its admissibility under this Policy. To that end, the Designated Officer will assess:
- i. whether the Disclosure falls within the scope and definitions of this Policy.
 - ii. whether the Disclosure contains sufficient information to warrant an investigation pursuant to this Policy.
 - iii. whether too much time has elapsed since the event(s) leading to the Disclosure.
- 5.1.2 If the Disclosure does not fall within the scope and definitions of this Policy, the Designated Officer will put an end to the examination and inform the Discloser, if known.
- 5.1.3 If the subject matter of the Disclosure is subject to treatment under another University policy or procedure, the Designated Officer will inform the Discloser, if known, of this option and will put an end to the examination of the Disclosure pursuant to this Policy.
- 5.1.4 At any time, and in any case, the Designated Officer will put an end to the examination and/or investigation of a Disclosure pursuant to this Policy if the alleged Wrongdoing is, or becomes, as the case may be, the subject of legal proceedings, before a court, including labour arbitrators, CNESST, Human Rights Commission, Access to Information Commissions and the like, if it relates to a decision rendered by such a court. In such an instance, the Designated Officer will inform the Discloser, if known, of the closure of the file.
- 5.1.5 In any case where the Designated Officer puts an end to the examination and/or treatment of a Disclosure, the Designated Officer shall inform the Discloser, if known, of this decision.

5.2 Investigation

- 5.2.1 If the Disclosure is admissible, the Designated Officer shall assign an Investigator and refer the matter for an investigation.
- 5.2.2 The Investigator shall be bound by confidentiality requirements equivalent to those applying to the Designated Officer under this Policy and the Act.
- 5.2.3 The Investigator shall report to the Designated Officer on progress and outcome of the mandate.
- 5.2.4 The Designated Officer shall keep the Highest-Ranking Administrative Official informed of the steps taken, unless, in the Designated Officer's opinion, this reporting would be inappropriate in the circumstances, such as if the Disclosure were to implicate the Highest-Ranking Administrative Official. In such instances, the Designated Officer shall keep the Chair of the Board of Governors informed.

5.3 Obligation to Cooperate

- 5.3.1 By virtue of the *Act to facilitate the disclosure of wrongdoings relating to public bodies*, all persons are required to cooperate and respond to an investigation duly initiated by the Designated Officer or the Public Protector, as the case may be.

5.4 Confidentiality

- 5.4.1 The Designated Officer and the Investigator shall take all necessary measures to preserve the confidentiality of the Disclosure and, as much as is reasonably possible, the identity of the Discloser and Cooperator.
- 5.4.2 If the Designated Officer or the Investigator deems it necessary to divulge the identity of the Discloser, as the case may be in the course of an investigation, the Designated Officer must first obtain the Discloser's consent. If the Discloser does not consent, the Designated Officer shall determine whether the investigation pursuant to this Policy may continue in the circumstances and, if not, the Designated Officer may put an end to the treatment of the Disclosure.
- 5.4.3 In the case of an anonymous Disclosure, the Investigator shall carry out the investigation to the extent possible in light of the information made available.

5.5 Rights of the Respondent

- 5.5.1 The Designated Officer shall take measures to protect, to the extent possible, the privacy and rights of a Respondent.
- 5.5.2 In the course of an investigation, the Investigator shall share with the Respondent any information necessary to allow that person to understand the nature of and respond to the allegations, taking due regard to protect, as much as is reasonably possible, the identity of the Discloser and Collaborator.
- 5.5.3 The Respondent shall have an opportunity to provide an account of events, facts, and documentation, during a meeting with the Investigator in person or by other means.
- 5.5.4 The Respondent may be accompanied by an Advisor at any meeting or discussion with the Investigator. This Advisor must not interfere with the conduct of an investigation and shall keep confidential any information obtained in the course of the investigation.

5.6 Decision

- 5.6.1 Once the investigation has been concluded, the Investigator shall determine whether a Wrongdoing has been or is about to be committed. The Investigator will submit a report on the Investigation to the Designated Officer or, where the Designated Officer is the Respondent, to the Highest-Ranking Administrative Official. Where the Highest-Ranking Administrative Official is the Respondent, the Designated Officer will submit the report to the Chair of the Board of Governors.
- 5.6.2 The report shall include a description of the allegation of Wrongdoing, a summary of the facts and evidence uncovered during the investigation; and an analysis of such facts and evidence and how they are relevant or not; and a conclusion as to whether or not Wrongdoing has been or is about to be committed.

5.7 If a Wrongdoing has been or is about to be committed

The Designated Officer:

- (i) will promptly provide the Investigator's report to the Highest-Ranking Administrative Official so that the necessary corrective measures or sanctions may be taken, in accordance with University policies, regulations, collective agreements and the law, as the case may be.

- (ii) will inform the Discloser that the investigation is completed and, if appropriate, may inform Discloser of any follow-up given to the Disclosure.
- (iii) will inform the Respondent that the investigation is completed and that the matter is in the hands of the Highest-Ranking Administrative Official.
- (iv) will provide the Investigator’s report to the Respondent, except in exceptional circumstances, such as those involving an order from a Court or recommendation of law enforcement agency.
- (v) will, when applicable, transfer relevant information to appropriate external bodies, such as the police force or to the Anti-Corruption Commissioner.

5.8 If no Wrongdoing has been or if no Wrongdoing is about to be committed

The Designated Officer will:

- (i) put an end to the processing of the Disclosure;
- (ii) promptly transfer the Investigator’s report to the Highest-Ranking Administrative Official;
- (iii) send notice, with reasons, to the Discloser, if known and;
- (iv) send the Investigator’s report to the Respondent.

6. DELAYS

6.1 The Designated Officer processes the Disclosure in accordance with the following delays:

STAGE	TARGET WAIT TIME
Written acknowledgement of receipt of a Disclosure	Within 7 working days from receipt
Determination on the admissibility of a Disclosure by the Designated Officer	Within 15 working days from the receipt
Conduct and conclude the investigation, including the drafting of a report	Within 6 months from the receipt

6.2 Investigations which are unusually complex in the opinion of the Designated Officer and Investigator may require extensions. The Investigator shall request any extensions to the

Designated Officer, who shall, decide on the appropriate extension and notify the Discloser in writing.

7. PROTECTION FROM REPRISALS

- 7.1 It is forbidden to take a Reprisal against a person. It is also forbidden to threaten to take a Reprisal against a person in an attempt to prevent such person from making a Disclosure or cooperating in an investigation.

8. RECOURSE AGAINST REPRISALS

- 8.1 A Member of the University Community who believes a Reprisal has been taken against them may also file a complaint with the Designated Officer.
- 8.2 However, if the alleged Reprisal constitutes a “prohibited practice” within the meaning of subparagraph 11 of section 122 of *the Act respecting labour standards*, CQLR, chapter N1.1, one may file a complaint with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* within 45 days of the event that is the subject of his complaint.
- 8.3 Where appropriate, any person who believes that they have been the victim of a Reprisal may exercise the recourses available to them in University policies and regulations, collective agreements, or the law, as the case may be.
- 8.4 Any person who believes a Reprisal has been taken against them may file a complaint with the Public Protector (*Protecteur du citoyen du Québec*) in order to have the Public Protector (*Protecteur du citoyen du Québec*) examine whether the complaint is well-founded and submit any recommendations that the Public Protector (*Protecteur du citoyen du Québec*) considers appropriate to the Highest-Ranking Administrative Official of the University.

9. SANCTIONS

- 9.1 Any person who commits a Wrongdoing or contravenes this Policy, including the protection regime against Reprisals is subject to sanctions under the Act or other applicable law, or to disciplinary measures that may be imposed in accordance with relevant University regulations, policies, or collective agreements, as the case may be.
- 9.2 Any person who takes a Reprisal against a Discloser or Cooperator engages their personal liability.
- 9.3 A person who makes a Disclosure that is not in Good Faith engages their personal liability and is subject to disciplinary proceedings in accordance with relevant regulations, policies, collective agreements, and the law, as the case may be.

- 9.4 Similarly, any contravention of this Policy or the Act by a supplier, partner, guest, consultant or outside agency will subject it to the sanctions provided in the contract binding it to the University or in the provisions of the legislation applicable in the matter.

10. REPORTING

- 10.1 The Designated Officer shall prepare and submit, on at least an annual basis, a report to the Chair of the Board of Governors, the Chair of the Audit and Risk Committee, to Senate and to the Board of Governors, which, in accordance with the Act shall include the following:
- i. the number of Disclosures received by the Designated Officer;
 - ii. the number of Disclosures ended under s. 5.1 of this Policy;
 - iii. the number of well-founded Disclosures;
 - iv. the number of Disclosures broken down according to the categories of Wrongdoings;
 - v. the types of action taken pursuant to an investigation;
 - vi. the number of Disclosures transferred under s. 5.7 v of this Policy.

11. FINAL PROVISIONS

- 11.1 Nothing in this Policy relieves those responsible for the administration and management of academic, administrative, or service units from the responsibility of addressing situations of misconduct in accordance with good management practices and existing policies, guidelines, and procedures.

12. PROCEDURES

- 12.1 The Secretary-General will develop a procedure to implement and give effect to this Policy.

13. EFFECTIVE DATE, TRANSITIONAL PROVISION, & REVIEW

- 13.1 This Policy shall come into effect the later of the date of the publication of the procedure referred to in section 12 or 6 months after the Policy is adopted by the Board of Governors.
- 13.2 This Policy shall not apply to any Disclosures made before its coming into force. Consequently, any Disclosure made prior to the publication of the procedures shall continue to be governed by the Policy on Safe Disclosure (“Whistle Blowing”).
- 13.3 This Policy shall be reviewed at least once every five years.