

POLICY: WHISTLE BLOWER POLICY

CATEGORY: Governance, Management

EFFECTIVE: November 2013

LAST REVISED: SEPTEMBER 2015



DRAFT

1. MISCONDUCT WARRANTING DISCIPLINE

- 1.1 The Students' Association of Mount Royal University (SAMRU) will not accept abuse of any of its policies, bylaws, or applicable municipal, provincial, or federal legislation, but is dedicated to maintaining a high level of ethical standards. The SAMRU encourages all Members, staff, volunteers, Directors, Officers, and other interested party to assume the responsibility for reporting any concerns including:
- a) A breach of SAMRU bylaws;
 - b) A failure to perform duties of his or her office including, without limitation, failure to attend Student Governing Board meetings. Typically, failure of a Governor to attend one Student Governing Board meeting without regrets will result in a warning, failure to attend a second Student Governing Board meeting will result in disciplinary proceedings (unless his/her absence is excused in advance by the Council or the Speaker as the case may be);
 - c) Breach of his or her fiduciary obligations to the SAMRU;
 - d) Breach of any applicable municipal, provincial or federal legislation, including criminal acts;
 - e) Persistent or serious actions which are inconsistent with the established policies of the Student Governing Board or the Representation Executive Council or the Students' Association;
 - f) Dereliction of the duties and responsibilities as set forth by the Students' Association's bylaws, policies, or by resolution of the Student Governing Board;
 - g) Disobedience of any Student Governing Board or Students' Association policies (including motions and resolutions), bylaws and/or regulations; or
 - h) Violation of any terms of the Students' Association's Code of Ethics, confidentiality agreements, or intellectual property agreements.
- 1.2 Any staff, volunteer, Director, or Officer will be subject to discipline under this policy if s/he is found to be in violation of any of the standards outlined in 1.1.

2. ALLEGATIONS FROM ACTIVE MEMBERS

- 2.1 The following outlines the manner in which an active Member of the Students' Association (excluding Directors, Officers or SAMRU staff) would initiate a review of a Director, Officer, or practice alleged to have committed any of the prohibited acts listed in 1.1 above.
 - 2.1.1 Any active Member of the Students' Association (excluding Directors, Officers or SAMRU staff) who believes that a Director, Officer, or practice of the Students' Association has committed any of the prohibited acts listed in 1.1 above may initiate a petition to have the issues reviewed. The petition will set out in detail the wrongdoing alleged and be submitted to the Student Governing Board.
 - 2.1.2 In the event that the Student Governing Board shall receive a petition in writing from Members of the Students' Association and signed by no less than 100 members of the active Membership of the Association at the time, requesting that a Director or Officer of the Students' Association be subject to disciplinary proceedings, and setting out the basis for the discipline, the Student Governing Board shall bring a motion to send the matter to a disciplinary committee to review the matter and to report to the Student Governing Board on its findings and recommendations.

3. ALLEGATIONS OF DIRECTORS, OFFICERS, OR BOARD PRACTICES FROM DIRECTORS, OFFICERS, SERVICE VOLUNTEERS, STAFF OR OTHER INTERESTED PARTIES

- 3.1 The following outlines the manner in which a Director, Officer, Service Volunteer, Staff or Other Interested Party would initiate a review of a Director, Officer or Board practice alleged to have committed any of the prohibited acts listed in 1.1 above.
 - 3.1.1 Any Director, Officer, Staff or Other Interested Party who believes that a Director, Officer or Board practice has committed any of the prohibited acts listed in 1.1 above may submit his/her concerns in a signed written statement to the Speaker of the Student Governing Board. The statement must be submitted to the Speaker in advance of the Agenda and Governance Committee meeting and must set out in detail the wrongdoing alleged.
 - 3.1.2 If the Speaker receives a written statement that a Director or Officer may have committed any of the prohibited acts listed in 1.1 above, s/he shall convene a Student Governing Board meeting within seven days to present the matter to the Student Governing Board.
 - 3.1.2.1 Should the author of the written statement wish to keep their name anonymous, the Speaker shall respect such privacy during the Student Governing Board meeting.

3.1.2.2 If the written statement is directed at the Speaker, the President shall assume the responsibilities of the Speaker in regards to the process outlined in this Policy.

3.1.3 In the event that the Student Governing Board shall receive a written statement through the Speaker as per 3.1.2 requesting that a Director or Officer of the Students' Association be subject to disciplinary proceedings, and setting out the basis for the discipline, the Student Governing Board shall bring a motion to send the matter to a disciplinary committee to review the matter and to report to the Student Governing Board on its findings and recommendations.

4. CONVENING A DISCIPLINARY COMMITTEE

4.1 The following outlines the process for conducting a review into allegations of misconduct against a Director, Officer, or Board practice.

4.1.1 The Board will approve the creation of an ad hoc disciplinary committee. The membership of the committee will be determined by the Board, taking into consideration the principles of natural justice for all the parties involved.

4.1.1.1 Should the informer of the written statement request anonymity, the Speaker shall make recommendations for disciplinary committee members so as to prevent conflicts with the principles of natural justice.

4.1.2 Any Director, Officer, Staff, or member of the Students' Association who is named in or with direct, personal knowledge of the alleged misconduct shall disqualify himself or herself and shall not participate in the review or disciplinary process or on the disciplinary committee, excepting in the capacity as witness or named party.

4.1.3 The board will obtain legal advice at its discretion at any time during this process.

5. CONDUCTING A REVIEW

5.1 A review of allegations of any Director, Officer or Board practice will be completed by the disciplinary committee. The following outlines the process for the disciplinary committee.

5.1.1 A review of allegations about the misconduct completed by a disciplinary committee is to:

- a) determine whether the allegation is founded or has merit;
- b) determine whether the alleged misconduct represents a violation of any of the prohibited items listed in 1.1 above;
- c) determine the gravity or seriousness of the alleged misconduct; and
- d) respect the confidentiality of the misconduct report in all of its proceedings.

5.1.2 The respondent to the misconduct allegation shall be entitled to know the case against him or her and the disciplinary committee will provide the respondent with a concise statement of the allegations against him or her, along with a brief summary of the evidence of such action.

5.1.2.1 If the allegation is directed generally at a practice of the Board, those Officers or Directors most knowledgeable about the questionable practice shall be called forward to speak to the allegations.

5.1.3 If applicable, the disciplinary committee can also ask the respondent to cease actions or behaviors that are in violation of the prohibited grounds listed in 1.1 above.

5.1.4 A confidential written report will be submitted to the Student Governing Board generally outlining the nature of the original misconduct allegation and the disciplinary committee's findings and recommendations. Specifically, the report will indicate whether the disciplinary committee determined that the misconduct allegation had merit and if there are recommendations for action.

5.2 The following actions will be taken upon conclusion of the disciplinary committee's review.

5.2.1 If the disciplinary committee determines that the allegation of misconduct has merit, the chair of the disciplinary committee will make a disciplinary motion at the Student Governing Board to initiate disciplinary proceedings against the respondent.

5.2.2 If the disciplinary committee determines the allegation of misconduct does not have merit, the chair of the review committee will make a motion at the Student Governing Board stating the committee's findings and closing the review.

6. ALLEGATIONS OF STAFF OR ORGANIZATIONAL PRACTICES FROM DIRECTORS, OFFICERS, SERVICE VOLUNTEERS, STAFF OR OTHER INTERESTED PARTIES

6.1 The following outlines the manner in which a Director, Officer, Service Volunteer, Staff or Other Interested Party would initiate a review of a staff member or organizational practice alleged to have committed any of the prohibited acts listed in 1.1 above.

6.1.1 Any Director, Officer, Staff, or Other Interested Party who believes that a staff member or organizational practice has committed any of the prohibited acts listed in 1.1 above may submit his/her concerns in a signed written statement outlining the alleged misconduct in detail to their supervisor or, when uncomfortable submitting the statement to their supervisor, to the Executive Director.

6.1.2 The supervisor will review the statement with the Executive Director and determine the best method of review, seeking legal advice as needed.

6.1.2.1 Should the author of the written statement wish to keep their name anonymous, the supervisor shall respect such privacy during the investigation process.

6.1.3 A review of allegations about the misconduct completed by the supervisor and Executive Director is to:

- a) determine whether the allegation is founded or has merit;
- b) determine whether the alleged misconduct represents a violation of any of the prohibited items listed in 1.1 above;
- c) determine the gravity or seriousness of the alleged misconduct; and
- d) respect the confidentiality of the misconduct report in all of its proceedings.

6.1.4 The respondent to the misconduct allegation shall be entitled to know the case against him or her and shall receive a concise statement of the allegations against him or her, along with a brief summary of the evidence of such action.

6.1.4.1 If the allegation is directed generally at a practice of the Organization, those staff most knowledgeable about the questionable practice shall be called forward to speak to the allegations.

6.1.4.2 If applicable, the Executive Director can also ask the respondent to cease actions or behaviors that are in violation of the prohibited grounds listed in 1.1 above.

6.1.4.3 A confidential written report will be submitted to the Student Governing Board generally outlining the nature of the original misconduct allegation and the disciplinary committee's findings and recommendations. Specifically, the report will indicate whether the review determined that the misconduct allegation had merit and if there are recommendations for action.

6.2 The following actions will be taken upon conclusion of the review.

6.2.1 If the review process determines that the allegation of misconduct has merit, the Executive Director shall initiate disciplinary proceedings against the respondent.

6.2.2 If the review determines the allegation of misconduct does not have merit, the Executive Director shall write a report to all involved parties stating the findings and closing the review.

7. CONFIDENTIALITY & INDIVIDUAL PROTECTION

7.1 All review matters will be considered confidential, unless the Student Governing Board expressly decides to release information to the Membership after having received a legal opinion.

- 7.2 All individuals who submit a petition in good-faith will have their confidentiality protected.
- 7.3 In the event that a misconduct report is be found to have been submitted with malicious intent, the individual who submitted the report may be subject to a disciplinary review.
- 7.4 Should an individual request anonymity, this request shall be upheld as much as is reasonably possible with as many individuals as possible. In some circumstances, complete anonymity may restrict the feasibility of a thorough investigation. The disciplinary review committee and/or Speaker may address the individual regarding the anonymity matter as necessary.
- 7.5 SAMRU will not tolerated any retaliation or discrimination against any individual that reports a misconduct in good-faith.
 - 7.5.1 Anyone alleged to be retaliating may be reported and will be subject to disciplinary review proceedings outlined in this policy.

8. INTERPRETATION

- 8.1 This policy is interpreted by the Board.