

Policy Statement on Whistleblowers and Whistleblowing

Whistleblowing happens when an employee reports perceived misconduct on the part of the organization or another employee. It exposes wrongdoing and is motivated by a desire to right the wrong on the part of the whistleblower. But too often whistleblowers become the victims of retaliation or harassment or are themselves accused of harassment.

Every post-secondary institution should negotiate policy and procedures that include protection from retaliation for whistleblowers who bring forward concerns. Academic freedom should be central to any policy on whistleblowing and policy should explicitly recognize the importance of safeguarding the right of academic staff to in the words of CAUT policy: "to express one's opinion about the institution, its administration, and the system in which one works...", all without "reprisal or repression by the institution, the state, or any other source." Policy should include procedures for complaint and timely investigation and include the right to grieve and arbitrate decisions. Whistleblowers should be assured that their complaints will be dealt with confidentially, that they will be informed of the process and decisions and that they will not face reprisal. Academic Staff Associations should be involved at every stage from complaint to resolution.

Policy should provide for the following whistleblower protections:

- a. A fair, prompt and confidential investigation of whistleblower's allegations. Such investigation is to be conducted under the aegis of a committee composed of academic staff and employer representatives that operates at arm's length from the usual employer administrative structure.
- b. The principle of academic freedom, which includes the right to criticize administrative and institutional practices, should be protected for whistleblowers.
- c. Academic staff members who are whistleblowers must be advised of their right to consult with the Academic Staff Association. Independent of this, the Association should be informed of any allegation, investigation and the outcome of investigation.
- d. Although investigations should proceed with due attention to confidentiality, Whistleblowers should receive timely feedback on any procedures and their outcomes.
- e. All outcomes should be subject to arbitration and grievance.
- f. Suspicion of retaliation of *any kind, at any time, by anyone* for whistleblowing should be open to immediate reporting either to an outside agency, should one exist, or to the highest authority in the institution.
- g. Whistleblowers should have the right to appeal the decision of an internal Committee or Body to an outside authority, an ombudsperson, the Labour Board, a member of parliament, or others. There should be no impediment to or retaliation against a whistleblower for making an appeal.
- h. Consideration of the additional vulnerability of Indigenous and equity-seeking groups should be addressed in the policy
- i. Clear distinctions must be drawn between harassment and whistleblowing.
- j. If an investigation determines a complaint was made in bad faith, the institution should take all necessary action to remedy the effects of the allegation.

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