

TO:	Senate
FROM:	Professor Anthony Masi, Provost
SUBJECT:	Proposed Safe Disclosure Policy
DATE:	February 2, 2007
DOCUMENT #:	D06-39
FOR:	<input type="checkbox"/> DECISION <input checked="" type="checkbox"/> APPROVAL (NEXT MEETING) <input type="checkbox"/> DISCUSSION
ISSUE:	Adoption of <i>Policy on Safe Disclosure</i>

BACKGROUND:

The need for an institutional policy on safe disclosure (otherwise known as policy has been requested by various sectors of the University community, and it has been strongly recommended by granting, and other, agencies which support, or have oversight of, university activities. All recognize that such disclosures provide a benefit to all sectors of the community and are consistent with the duty of loyalty that members owe the institution.

In light of this a workgroup was formed to

voluntarily comply with all relevant internal and external regulatory frameworks applicable to the conduct of the particular activities in which they are engaged or for which they are responsible. The integrity and reputation of the University and the members of its community are dependent upon the integrity and honesty of all its members and the soundness of the academic, research and other activities conducted under the auspices of the University. To this end the University is committed to ethical governance in all its activities and the promotion of a culture of honesty, transparency and accountability throughout the University.

While the principles of trust and voluntary compliance must be retained as the corner stones in the conduct of University activities, it must be accepted that some do not adhere to accepted norms of behaviour to the detriment of the University and the members of its community. The good faith reporting of such activities is a necessary and valuable service to all stakeholders and it is

APPENDIX A

POLICY ON SAFE DISCLOSURE

In all its activities McGill seeks to promote a culture based on honest, transparent and accountable behaviour. It is the expectation that all members of the University community will comply with all applicable regulatory frameworks. In the event that situations arise where the expected standards are not met, the University recognizes that the good faith reporting of

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This Policy provides for an impartial channel for the making of such good-faith reports, protection

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- 3.1** A Discloser may file with the Secretary-General a confidential, written report alleging Improper Activity.
In the event that a Discloser has reasonable grounds to believe that the Secretary-General is engaged in Improper Activity, the written report shall be filed with the Principal.
- 3.2** The written report shall provide as clearly as possible information as to the specific activity thought to be improper, dates, if known, on which the activity occurred, the person(s) known to be involved, and any other information that would be useful to an investigation of the allegation(s).

- 4.7 An Investigator shall conduct a thorough investigation in a manner that shall ensure fair treatment for and, to the extent possible, the privacy of the Respondent and the Discloser.
- 4.8 An Investigator shall advise all persons interviewed by him or her to treat all information, evidence and proceedings as confidential.
- 4.9 All Members of the University Community, including Disclosers, Respondents, and their advisors, shall cooperate with the Investigator and respond in a timely fashion to his or her request for information or meetings.
- 4.10 The Investigator shall file his or her findings, conclusions and recommendations with the Responsible Officer as soon as possible and no later than thirty (30) working days from the date of the Investigator's report.
- This time limit may be extended by a maximum of an additional thirty (30) working days by express authorization of the Responsible Officer upon written request by the I

- 5.4 A Discloser who believes that the University or a Member of the University Community whether or not ~~acted~~ ^{acted} * [] ~~at~~ ^{at} W ~~ill~~ ^{ill} ~~act~~ ^{act} ~~adversely~~ ^{adversely} towards him or her because of the allegations may exercise the recourses available under relevant University regulations, policies, or collective agreement.
- 5.5 Members of the University Community who learn of an allegation of Improper Activity shall treat the Discloser in accordance with section 5.1 and 5.2 of this Policy.
- 5.6 Members of the University Community shall immediately report any alleged or apparent Retaliation against a Discloser to the Responsible Officer.

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- 6.1 An innocent Respondent or a Respondent who commits an Innocent Violation shall not be subject to discipline.
- 6.2 An innocent Respondent who believes that the University or a Member of the University Community whether or not ~~acted~~ ^{acted} * [] ~~at~~ ^{at} W ~~ill~~ ^{ill} ~~act~~ ^{act} ~~adversely~~ ^{adversely} towards him or her may utilize the procedures available under the applicable University regulations or policies, or collective agreement.

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- 7.1 Once per academic year, the Provost following consultation with the Vice-Principal (Research & International Relations) and the Vice-Principal (Administration & Finance) 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 findings of investigations conducted pursuant to a report;
 - (iv) any action taken pursuant to an investigation.
- 7.2 The annual report of Improper Activities shall respect the privacy of Disclosers and Respondents.

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- 8.1 The University shall indemnify and hold harmless a Responsible Officer and Investigator from and against all costs, charges, and expenses incurred by the Responsible Officer or Investigator in respect of any action, lawsuit, legal proceeding or claim of a civil or administrative nature instituted by a Respondent against the Responsible Officer or Investigator, in relation to any act, deed or matter performed, done or authorized by the Responsible Officer or Investigator in

10. This Policy shall be reviewed at the end of its third year of operation by a working group comprised of one representative of the Trades and Services Unions, MAUT, MUNASA, MUNACA, AGSEM, SSMU, PGSS, MACES MCSS, the Office of the Provost, the Office of the Vice-Principal Research and International Relations) and the Office of the Vice-Principal Administration and Finance).