



No. BOG-CORP-02

<b>Title:</b>	<b>WHISTLEBLOWER POLICY</b>
<b>CLASSIFICATION:</b>	CORPORATE AFFAIRS
<b>FIRST ADOPTED:</b>	April 20, 2010
<b>AMENDED:</b>	February 22, 2017, April 10, 2019

## Article 1 Objectives

The aim of this policy is to facilitate the disclosure, in the public interest, of wrongdoings committed or about to be committed in relation to Dawson College and establish a general protection regime against reprisals.

## Article 2 Legal Context

This policy is applied in accordance to applicable laws, bylaws, regulations and policies, including without limitation:

- *Act to facilitate the disclosure of wrongdoings relating to public bodies* (CQLR D-11.1)
- *Anti-Corruption Act* (CQLR c L-6.1)
- *Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information* (CQLR c A-2.1)
- *Act Respecting Labour Standards* (CQLR c N-1.1)
- *Framework Policy on Information Security* (BOG-DG-01).

## Article 3 Scope

This policy applies to employees of Dawson College. Members of the public, students and former employees can report a wrongdoing to the Quebec Ombudsperson, at the coordinates found in Section 4.2.

The following types of wrongdoing can be reported, if they are about to be committed or committed within the last year:

- (i) a contravention of a Quebec law, of a federal law applicable in Quebec or of a regulation made under such a law,
- (ii) a serious breach of the standards of ethics and professional conduct,
- (iii) a misuse of funds or property belonging to the College, including the funds or property it manages or holds for others,
- (iv) gross mismanagement within the College, including an abuse of authority,
- (v) any act or omission that seriously compromises or may seriously compromise a person's health or safety or the environment, or
- (vi) directing or counselling a person to commit an act described in any of paragraphs (i) to (v) above.

## Article 4 Filing a disclosure

### 4.1 Internal disclosure

A disclosure is made using a secure [electronic form](#), or a sealed envelope addressed to the Director of Corporate Affairs, with the mention 'Strictly confidential'.

If the wrongdoing involves the Director of Corporate Affairs, the disclosure should be made in writing and addressed to the Director General. If it involves the Director General, it should be addressed to the Chair of the Board of Governors.

A disclosure can be made anonymously. In such case, the information must be sufficient to establish that it is made by an employee of the College.

#### 4.2 Disclosure to the Quebec Ombudsperson

Rather than reporting the wrongdoing internally, an employee or any other person may report it to the Quebec Ombudsperson, as follows:

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) or 418-692-1578 (in Québec City area)  
Fax: 1-844-375-5758 (toll-free within Québec) or 418-692-5758 (in Québec City area)

Secured forms available at: [divulgation.protecteurducitoyen.qc.ca](http://divulgation.protecteurducitoyen.qc.ca)

### **Article 5 Processing times**

If a contact is provided with the disclosure, the employee will be contacted and updated as deemed appropriate throughout the process. The maximal processing times from the receipt of the disclosure are as follows:

- i. Five (5) working days to acknowledge reception of the disclosure;
- ii. Fifteen (15) working days to determine the admissibility of the disclosure;
- iii. Six (6) months to conduct the investigation, if applicable.

### **Article 6 Admissibility of a disclosure**

To be admissible, a disclosure must be within the scope set forth in Article 2. A disclosure may be deemed inadmissible if:

- i. It is motivated by personal reasons, such as working conditions, rather than the public interest;
- ii. It is subject to appeal before a court or a decision of a court;
- iii. It questions the effectiveness, efficiency or soundness of the strategies, orientations and transactions related to investment, fund management or debt management activities of the *Caisse de dépôt et placement du Québec* or of *Investissement Québec*;
- iv. It is considered frivolous.

### **Article 7 Investigation**

When required, an investigation will be conducted with due regard to the sensitivity of the complaint. The details of the investigation, individuals participating in the investigation, and ensuing measures as determined by the Director General or the Chair of the Board of Governors, are confidential.

### **Article 8 Transfer of a disclosure**

They College may choose to transfer a disclosure to the Quebec Ombudsperson if it is deemed better suited to deal with it. A disclosure will also be transferred to the Anti-Corruption Commissioner if it is subject to the *Anti-Corruption Act*.

The internal disclosure process may be terminated or continued according to the terms agreed to with the transferred body.

## **Article 9 Confidentiality**

### **9.1 Confidentiality of disclosure**

The identities of the individuals making and implicated by the disclosure are confidential. Measures are taken to protect the confidentiality of the disclosure and the investigation proceedings, notably within the framework of the *Framework Policy on Information Security*.

The disclosure files cannot be accessed nor rectified, notwithstanding dispositions in the *Act respecting Access to Documents held by Public Bodies and the Protection of Personal Information*.

### **9.2 Communication of information**

In order to substantiate the disclosure it may be necessary to communicate information notwithstanding legal obligations regarding confidentiality, loyalty and professional secrecy, as permitted in the *Anti-Corruption Act*, Article 27.

## **Article 10 Protection against reprisals**

The employee making the disclosure, as well as those collaborating in the investigation are protected against reprisal measures such as dismissal, suspension, transfer, or any disciplinary measure affecting work conditions. Complaints can be made to the *Commission des Normes, de l'Équité et de la Sécurité du Travail* (CNESST) within forty-five (45) days, as per the *Act Respecting Labour Standards*. A unionized employee may also contact their union.

## **Article 11 Roles and responsibilities**

### **11.1 Director of Corporate Affairs**

The Director of Corporate Affairs is responsible for the application of this policy, which includes receiving and processing disclosures, informing individuals of their rights and protections.

The Director of Corporate Affairs also informs the Director General or the Chair of the Board of Governors, as appropriate, of the disclosures received.

### **11.2 Director General and Chair of The Board of Governors**

In cases listed in Article 4.1, the Director General or the Chair of the Board of Governors assume the responsibilities of the Director of Corporate Affairs.

### **11.3 Board of Governors**

The Board of Governors adopts this policy.

## **Article 12 Final provisions**

This policy is effective on the date of adoption.