

**ABORIGINAL SPORT CIRCLE (“ASC”)
OPERATIONAL POLICES**

Type: Governance
Name: WHISTLEBLOWER POLICY

Authority: Board of Directors
Date Approved: July 15, 2019
Date Revised: June 18, 2019

Definitions

1. The following terms have these meanings in this Policy:
 - a) *Director* – An individual appointed or elected to the ASC’s Board of Directors
 - b) *Worker* – An individual who has signed an Employment Agreement or Contractor Agreement with the ASC

Purpose

2. The purpose of this Policy is to allow Workers to have a discrete and safe procedure by which they can disclose incidents of wrongdoing in the workplace without fear of unfair treatment or reprisal.

Application

3. This Policy only applies to Workers who observe or experience incidents of wrongdoing committed by Directors or by other Workers.
4. Incidents of wrongdoing or misconduct observed or experienced by participants, volunteers, spectators, parents of participants, or other individuals not employed or contracted by the ASC can be reported under the terms of the ASC’s *Discipline and Complaints Policy* and/or reported to the Independent Safe Sport Officer to be handled under the terms of the individual Worker’s Employment Agreement or Contractor Agreement, as applicable, and/or the ASC’s policies for human resources.
5. Matters reported under the terms of this Policy may be referred to be heard under the ASC’s *Discipline and Complaints Policy*, at the discretion of the Independent Safe Sport Officer.

Wrongdoing

6. Wrongdoing can be defined as:
 - a) Violating the law;
 - b) Intentionally or seriously breaching of the ASC’s *Code of Conduct and Ethics*;
 - c) Intentionally or seriously breaching the ASC’s policies for workplace violence and harassment;
 - d) Committing or ignoring risks to the life, health, or safety of a participant, volunteer, Worker, or other individual;
 - e) Directing an individual or Worker to commit a crime, serious breach of a policy of the ASC, or other wrongful act; or
 - f) Fraud.

Pledge

7. The ASC pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any Worker who discloses information or submits, in good faith, a report against a Worker under the terms of this Policy.
8. Any individual affiliated with the ASC who breaks this Pledge will be subject to disciplinary action.

Reporting Wrongdoing

9. A Worker who believes that a Director or another Worker has committed an incident of wrongdoing should prepare a report that includes the following:
- a) Written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
 - b) Identities and roles of other individuals or Workers (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
 - c) Why the act or action should be considered to be wrongdoing; and
 - d) How the wrongdoing affects the Worker submitting the report (if applicable).

Authority

10. The ASC has appointed the following Independent Safe Sport Officer to receive reports made under this Policy:

Brian Ward on behalf of
W&W Dispute Resolution Services Inc.

11. After receiving the report, the Independent Safe Sport Officer has the responsibility to:
- a) Assure the Worker of the ASC's **Pledge**
 - b) Connect the Worker to the Alternate Liaison if the individual feels that he or she cannot act in an unbiased or discrete manner due to the individual's role with the ASC and/or the content of the report
 - c) Determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious)
 - d) Determine if the ASC's *Whistleblower Policy* applies or if the matter should be handled under the *ASC's Discipline and Complaints Policy*
 - e) Determine if the local police service be contacted
 - f) Determine if mediation or alternate dispute resolution can be used to resolve the issue
 - g) Determine if the ASC's Chairperson and/or Executive Director should or can be notified of the report
 - h) Begin an investigation

Investigation

12. The Independent Safe Sport Officer will determine that an investigation should be launched. In such cases, the ASC's CEO and/or Chairperson may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the Worker who submitted the report being disclosed. The ASC's CEO and/or Chairperson may not unreasonably refuse the decision to contract the Independent Safe Sport Officer.
13. An investigation launched by the Independent Safe Sport Officer should generally take the following form:
- a) Follow-up interview with the Worker who submitted the report
 - b) Identification of Workers, participants, volunteers or other individuals that may have been affected by the wrongdoing
 - c) Interviews with such-affected individuals
 - d) Interview with the Director(s) or Worker(s) against whom the report was submitted
 - e) Interview with the supervisor(s) of the Director(s) or Worker(s) against whom the report was submitted

14. In all stages of the investigation, the Independent Safe Sport Officer will take every precaution to protect the identity of the Worker who submitted the report and/or the specific nature of the report itself. However, the ASC recognizes that there are some instances where the nature of the report and/or the identity of the Worker who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.
15. The Independent Safe Sport Officer will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to the ASC's Chairperson and/or CEO for review and action.

Decision

16. Within fourteen (14) days after receiving the Investigator's Report, the ASC's Chairperson and/or CEO will take corrective action, as required. Corrective action may include, but is not limited to including:
 - a) Enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
 - b) Revision of job descriptions; or
 - c) Discipline, suspension, termination, or other action as permitted by the ASC's Bylaws, provincial employment legislation, the ASC's policies for human resources and/or the Worker's Employment Agreement or Contractor Agreement.
17. The corrective action, if any, will be communicated to the Independent Safe Sport Officer who will then inform the Worker who submitted the report.
18. Decisions made under the terms of this Policy may be appealed under the terms of the ASC's *Appeal Policy* provided that:
 - a) If the Worker who submitted the initial report is appealing the decision, the Worker understands that his or her identity must be revealed if he or she submits an appeal, and
 - b) If the Director or Worker against whom the initial report was submitted is appealing the decision, the Worker or Director understands that the identity of the Worker who submitted the report will not be revealed and that the ASC will act as the Respondent

Confidentiality

19. Confidentiality at all stages of the procedures outlined in this Policy – from the initial report to the final decision – is assured for all individuals (the Worker, the Worker(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this Policy will be subject to disciplinary action.