

## **WHISTLEBLOWER POLICY**

The Vancouver Art Gallery will investigate any possible fraudulent or dishonest use or misuse of Gallery resources or property by management, staff, volunteers, or members. Anyone found to have engaged in fraudulent or dishonest conduct will be subject to disciplinary action by the Vancouver Art Gallery up to and including civil or criminal prosecution when warranted.

All members of the Vancouver Art Gallery community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor or manager. A complainant may remain anonymous if they so desire.

If for any reason an employee finds it difficult to report his or her concerns directly to a manager or supervisor, the employee can report it, either directly or anonymously, by mail or telephone to any of the following contacts:

- Debra Nesbitt, Director of Human Resources  
*By mail:*  
Vancouver Art Gallery  
750 Hornby Street, Vancouver, B.C., V6Z 2H7  
*By telephone:* 604-662-4701
  
- Paul Larocque, Associate Director  
*By mail:*  
Vancouver Art Gallery  
750 Hornby Street, Vancouver, B.C., V6Z 2H7  
*By telephone:* 604-662-4767
  
- Larry Lunn, Chair, Finance/Audit Committee of the Board of Trustees  
*By mail:*  
Vancouver Art Gallery  
750 Hornby Street, Vancouver, B.C., V6Z 2H7  
*By telephone:* 604-685-2020

Please note that in order to allow for a better investigation of a complaint, the complainant may want to consider identifying themselves by giving their name, their telephone number and other contact information when making a report. They can be assured that, even if such contact information is not provided, the substance of the complaint will be treated with utmost confidence and not discussed with others except to the minimum extent necessary to conduct a complete and fair investigation. In all cases, the person who is alleged to have committed the infraction will be made aware of the complaint at an appropriate point during the investigation.

Managers or supervisors are required to report all suspected fraudulent or dishonest conduct, either as reported to them by an individual or by their own account, to the Director of Human Resources, Associate Director and if necessary the Director or Chair of the Finance/Audit Committee of the Board of Trustees.

The Associate Director is responsible for investigating and resolving all complaints. On an annual basis the Associate Director shall report to the Chair of the Finance/Audit Committee, and he/she shall report to the full Committee regarding all matters in accordance with this policy.

For more information about definitions, rights and responsibilities, procedures, and contacts read the following:

## **Definitions**

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to institutional disciplinary action and /or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- forgery or unauthorized alteration of documents
- unauthorized alteration or manipulation of computer files
- fraudulent financial reporting
- misappropriation or misuse of Vancouver Art Gallery resources, such as funds, supplies, or other assets
- authorizing or receiving compensation for goods not received or services not performed
- authorizing or receiving compensation for hours not worked

Whistleblower: an employee or individual who informs a manager, supervisor, Director of Human Resources, Associate Director, Director, or Chair of the Finance/Audit Committee of the Board of Trustees about an activity which that person believes to be fraudulent or dishonest.

## **Rights and Responsibilities**

### Managers or Supervisors

Managers or supervisors are required to report all suspected fraudulent or dishonest conduct to the Director of Human Resources, and/or the Associate Director and if necessary the Director or Chair of the Finance/Audit Committee of the Board of Trustees. In addition, managers or supervisors are responsible for maintaining a system of management controls, which detect and deter fraudulent or dishonest conduct. Failure by a manager or supervisor to establish management controls or report misconduct within the scope of this policy may result in adverse personnel action against the manager or supervisor, up to and including dismissal. The Associate Director and/or Director are available to assist management in establishing management systems and recognizing improper conduct.

Reasonable care should be taken in dealing with suspected misconduct to avoid:

- baseless allegations
- premature notice to persons suspected of misconduct and/or disclosure of suspected misconduct to others not involved with the investigation
- violations of a person's rights under law

Accordingly, a manager or supervisor faced with a suspected misconduct:

- should not contact the person suspected to further investigate the matter or demand restitution
- should not discuss the case with anyone other than the Associate Director or Director, external counsel engaged by the Vancouver Art Gallery, or a duly authorized law enforcement officer
- should direct all inquiries from any attorney retained by the suspected individual to the Associate Director or Director
- should direct all inquiries from the media to Vancouver Art Gallery's Public Relations Office

#### Whistleblower Protection

The Vancouver Art Gallery will protect whistleblowers as described below.

- Vancouver Art Gallery will use its best efforts to protect whistleblowers against retaliation, as described below. It cannot guarantee confidentiality, however, and there is no such thing as an "unofficial" or "off the record" report. Vancouver Art Gallery will keep the whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow Vancouver Art Gallery or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of Fraud Policy violations is entitled to the information as a matter of legal right in disciplinary proceedings.
- Vancouver Art Gallery employees may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment (including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). Whistleblowers who believe that they have been retaliated against may file a written complaint with the Associate Director or Director, and if necessary the Chair of the Finance/Audit Committee of the Board of Trustees. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. This protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Whistleblowers must be cautious to avoid baseless allegations (as described earlier in the definitions section of this policy).

**Posting of Policy**

This policy will be posted in visible and accessible locations within the facility and posted on the Vancouver Art Gallery's website. Questions related to the interpretation of this policy should be directed to the Director of Human Resources and/or Associate Director.

**Updated**

May 2014