



Disclosure of Wrongdoing (Whistle-Blower)

Board Received: February 27, 2017 Review Date: March 2021

Policy Statement:

The Grand Erie District School Board will ensure that when an EMPLOYEE discloses that they have reasonable grounds to believe that another Grand Erie employee, contractor, Trustee or standing committee appointee has committed or is about to commit a financial or other wrongdoing, as defined in this Policy.

- a) the matter will be reviewed and, if warranted, investigated by the SENIOR OFFICER;
- b) the EMPLOYEE will be protected from REPRISALS;
- c) the subject of the disclosure will be provided an opportunity to respond to allegations;
- d) all parties to an investigation will be treated fairly;
- e) confidentiality will be maintained to the greatest extent possible;
- f) if WRONGDOING is found, appropriate remedial and disciplinary actions will be taken.

Accountability:

1. Frequency of Reports – As needed
2. Criteria for Success – concerns are reviewed and resolved fairly and appropriately without fear of reprisal.

1.0 Definitions:

DISCLOSER means an EMPLOYEE who makes a Disclosure under this Policy. This person is commonly referred to as a “whistle-blower”.

PROTECTED DISCLOSURE means a disclosure that is made in good faith by an EMPLOYEE in accordance with this Policy.

EMPLOYEE means any individual who is employed by Grand Erie District School Board or contracted individuals working for personal services corporations.

SENIOR OFFICER means the Director of Education or in the event of conflict, Chair of the Board or an individual designated by the Director of Education or Chair of the Board to be responsible for receiving and dealing with disclosures of WRONGDOINGS.

IMPROPER DISCLOSURE means a disclosure made in bad faith, which includes but is not limited to providing false information, making disclosures that the DISCLOSER knows are baseless, or making repeated disclosure concerning matters that have been previously examined and determined by the Director.

REPRISAL means any of the following measures taken against an EMPLOYEE by reason that the EMPLOYEE has, in good faith, made a PROTECTED DISCLOSURE or has, in good faith, cooperated in an investigation carried out under this Policy:

- a) a disciplinary measure including demotion or termination;
- b) any measure that adversely affects the employment or working conditions of the EMPLOYEE; or
- c) a threat to take any of the measures referred to in (a) or (b) above.

SUBJECT means the person(s) whom the DISCLOSER believes has committed or is about to commit a WRONGDOING that is covered by this Policy.

WRONGDOING means illegal or inappropriate conduct, including but not limited to:

- i. Fraud as defined in the Criminal Code of Canada (s. 380(1));
- ii. Misappropriation of funds, supplies, resources, or other assets;
- iii. Fraudulent, irregular and/or improper conduct relating to accounting, internal controls, or auditing;
- iv. Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one's duties;
- v. An actual or suspected violation or contravention of any federal, provincial or municipal law, regulation, Board policy or procedure as it relates to the Board;
- vi. Conduct or practices that present a danger to the health, safety, or well-being of the Board's students, employees, or other parties, where applicable;
- vii. Unprofessional conduct or conduct that contravenes the Board's Policy SO12 - Code of Conduct: and
- viii. Knowingly instructing or counselling a person to commit wrongdoing set out in any of paragraphs (i) to (vii).

This list is not exhaustive and is intended to provide guidance to individuals as to the kind of conduct that constitutes WRONGDOING under this Policy.

2.0 Scope and Application:

This policy applies to all Grand Erie District School Board EMPLOYEES, Board of Trustee members and Board Standing Committee Appointees. It may also apply to persons or organizations external to the Board who commit WRONGDOING against the Board.

3.0 Objective:

To provide an effective process that allows EMPLOYEES to bring concerns or information about illegal activities or other WRONGDOING as defined in this Policy (including improper use of Grand Erie District School Board funds, assets or resources) to the attention of their supervisor or the Director or in the event of conflict, to the Chair of the Board for review and resolution without fear of REPRISAL, to provide that participants in an investigation be treated fairly and appropriately, and to ensure that the Grand Erie District School Board has a process which favours transparency and accountability.

4.0 Principles:

- 4.1 The Board will make every reasonable effort to protect itself against WRONGDOING and will establish and maintain a system of internal controls to ensure the prevention and detection of WRONGDOING.
- 4.2 It is the right and obligation of any Board EMPLOYEE, member of administration, or Trustee to report, in good faith, any suspected or alleged WRONGDOING, including any information relating to the WRONGDOING.
- 4.3 The Board shall promptly investigate all reports of suspected or alleged WRONGDOING, provided there are reasonable grounds. An objective and impartial investigation shall be conducted in accordance with this Policy as expeditiously as possible, irrespective of the title, position, and length of service of the party SUBJECT to the investigation.

- 4.4 The Board shall preserve the confidentiality of actions taken under this Policy, including the identity of the whistle-blower who makes a report of WRONGDOING and the particulars of an investigation under this Policy, except as required by law. The Board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act. Examples of such agencies are the Ontario Human Rights Commission, another tribunal, or court.
- 4.5 Where actual WRONGDOING is confirmed by investigation, appropriate disciplinary action, as set out in Procedure HR119-Progressive Discipline, shall be taken, up to and including termination of employment and/or contract, where appropriate.
- 4.6 In the event of criminal WRONGDOING, the police shall be notified immediately.
- 4.7 The Board shall make every effort to ensure that an EMPLOYEE or individual who, in good faith, makes a report under this Policy or takes any act in compliance with this Policy is protected from REPRISAL.

5.0 Duty to Report WRONGDOING:

- 5.1 Any actual or suspected WRONGDOING must be reported immediately.
- 5.2 Any EMPLOYEE who has knowledge of an occurrence of WRONGDOING or has reason to suspect that WRONGDOING has occurred shall immediately notify his or her supervisor. If the EMPLOYEE has reason to believe that the EMPLOYEE's supervisor may be involved, the EMPLOYEE shall immediately notify their superintendent or the Director of Education.
- 5.3 Where a member of senior administration (e.g. a superintendent) is suspected of WRONGDOING, the individual should report it to the Director of Education.
- 5.4 Where the Director of Education is suspected of WRONGDOING, the individual should report it to the Chair of the Board.
- 5.5 Where a Trustee is suspected of WRONGDOING, the individual should report it to the Director of Education and Chair of the Board.
- 5.6 Where the Chair of the Board is suspected of WRONGDOING, the individual should report it to the Director of Education.

6.0 Investigation of WRONGDOING:

- 6.1 The responsibility for ensuring that all reports of WRONGDOING are appropriately investigated rests with the Director of Education, except where the alleged WRONGDOING pertains to the conduct of the Director of Education.
- 6.2 The Director of Education shall ensure that all reports of alleged or suspected WRONGDOING are appropriately investigated as expeditiously as possible by means of an objective and impartial investigation, irrespective of the title, position, and length of service of the party SUBJECT to the investigation.

- 6.3 Where the alleged WRONGDOING pertains to the Director of Education, the Chair of the Board shall be responsible for ensuring that the reported allegations of WRONGDOING are appropriately investigated.
- 6.4 The Director of Education shall report on all investigations of alleged or suspected WRONGDOING to the Board on a quarterly basis, and shall report on all investigations involving financial WRONGDOING to the Audit Committee.
- 6.5 All EMPLOYEES, members of administration, and Trustees of the Board are expected to cooperate fully with those persons assigned to conduct the investigation and make all reasonable efforts to be available to assist during the course of the investigation.
- 6.6 Any EMPLOYEE or individual who willfully obstructs an investigation under this Policy may be subject to disciplinary measures, up to and including termination of employment and/or contract, where appropriate.
- 6.7 Any EMPLOYEE or individual who instructs, counsels, or causes in any manner any person to obstruct an investigation of WRONGDOING shall be subject to disciplinary measures, up to and including termination of employment and/or contract, where appropriate.
- 6.8 All investigations shall be conducted in accordance with Procedure HR119.

7.0 **Rights and responsibilities:**

All Grand Erie District School Board EMPLOYEES, Trustees or Standing Committee Appointees who participate in or are involved in any way in any process under this Policy shall be responsible to:

- a. keep information relating to any process under this Policy, strictly confidential;
- b. refrain from discussing any Disclosure or the fact of their involvement, except to the extent required for the purposes of any investigation and resolution.

DISCLOSERS and SUBJECTS have the right to be represented or accompanied by another person of their choice, including legal counsel, at their own cost.

8.0 **REPRISAL protection:**

Any EMPLOYEE who has reasonable grounds to believe that a REPRISAL has been taken against him or her may file a complaint with:

The Office of the Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON
M5G 2C9

Phone 1-800-263-1830

Email: info@ombudsman.on.ca

Nothing in this policy denies or limits an EMPLOYEE's right to approach the Human Rights Tribunal, initiate legal proceedings, contact the police or any other avenues of redress available under the law or through the filing of a grievance or through progressive discipline. If the complainant takes a case to the Ontario Human Rights Commission or decides to

initiate legal proceedings, the Board's investigation of the WRONGDOING may be suspended until the alternative process is completed. Whenever the complainant initiates action through the legal system, the issue becomes a private matter between the complainant and the accused, including costs incurred.

9.0 IMPROPER DISCLOSURE:

If the disclosure of WRONGDOING is vexatious, frivolous or trivial, has not been made in good faith or would, if investigated, constitute an abuse this Policy, then the complainant shall be so advised, and no further action shall be taken under this Policy. The actions of the DISCLOSER will be viewed as Employee misconduct and will be met with appropriate disciplinary action, up to and including termination of employment for cause, where warranted.

Related Resources:

HR119 – Progressive Discipline