

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Work Environment – Respectful Workplace	<i>Policy Number</i> 614
<i>Former Policy #</i>	<i>Page</i> 1 of 5
<i>Original Approved Date:</i>	<i>Last Approval Date:</i>
	December 15, 2015

POLICY TITLE: ETHICS AND COMPLIANCE REPORTING (WHISTLEBLOWING)

SECTION A

1. PURPOSE

The York Catholic District School Board is committed to the highest standards of ethical conduct, integrity and accountability. The Board is responsible for the stewardship of financial resources and the public support that enables it to pursue its Mission and Vision.

The purpose of this policy is to provide a framework for the disclosure and investigation of alleged wrongdoing as it relates to financial business at York Catholic District School Board while protecting employees from reprisal or threat of reprisal for making a disclosure.

Furthermore, this policy will provide information to ensure that all individuals are familiar with the procedures to confidentially report actual or alleged occurrences of wrongdoing through a third party certified ethics reporting service.

To this end, the York Catholic District School Board is committed to safeguarding confidence and trust in public education. All internal and external stakeholders for the York Catholic District School Board community are expected to uphold the public trust and demonstrate integrity in all of their dealings.

2. POLICY STATEMENT

York Catholic District School Board will achieve effective utilization and protection of all resources through the sound application and management of all financial systems and internal controls.

This policy will enable Trustees, employees and the general public to raise concerns about alleged wrongdoings by a Trustee or employee of the Board in respect to the financial business and operations of its schools, offices and facilities.

3. PARAMETERS

All individuals to whom this policy applies are expected to adhere to the parameters and procedures outlined in this policy when making a disclosure of alleged wrongdoing and during any subsequent investigation.

- 3.1 Any individual who has knowledge of an occurrence of a wrongdoing, or has reason to suspect that an alleged wrongdoing has occurred, has the right and obligation:
 - 3.1.1 To report the actual or alleged occurrence to the third party certified ethics reporting service as outlined in the procedures to this policy.
- 3.2 The third party certified ethics reporting service will assess the nature of the reported the alleged wrongdoing and redirect it to the appropriate authority for review and investigation, as required, based on the following criteria:
 - 3.2.1 Where a Trustee/employee of the Board is alleged to have committed or participated in an act of wrongdoing, the reported information will be provided to the Director of Education or designate.
 - 3.2.2 Where the Director of Education is alleged to have committed or participated in an act of wrongdoing, the reported information will be provided to the Chair of the Board, who will report to the entire Board of Trustees.
 - 3.2.3 Information regarding alleged wrongdoing should be provided, in writing, and addressed in accordance with Board Policies.
- 3.3 Any alleged act of wrongdoing shall be investigated in accordance with this policy as prudently and expeditiously as possible.
- 3.4 The Board shall make every effort to ensure that an individual, who in good faith makes a report under this policy, is protected from harassment, retaliation or adverse actions and/or results.
- 3.5 An individual who has reasonable grounds for believing he or she has suffered a reprisal shall be entitled to make a complaint following the process outlined in the procedures to this policy.
- 3.6 An individual who retaliates against someone who has reported in good faith is subject to discipline, up to and including termination of employment or vendor/contractor services.
- 3.7 An individual who makes an unsubstantiated report, which is knowingly false, frivolous, or made with vexatious or malicious intent, shall be subject to discipline, up to and including termination of employment or vendor/contractor services.
- 3.8 The York Catholic District School Board shall investigate any and all incidents of alleged acts of wrongdoing when a report is received by the third party certified ethics reporting service. An objective and impartial investigation will be conducted as per the procedures to this policy, regardless of the position, title, length of service, or relationship with the Board, of any party who becomes the subject of such investigation.
- 3.9 No individual shall willfully obstruct management or any others involved in an investigation of alleged wrongdoing.

- 3.10 No individual shall direct, counsel or cause in any manner any person to obstruct management or any others involved in an investigation of alleged wrongdoing.
- 3.11 No individual shall direct, counsel or cause in any manner any person to destroy, alter, falsify, or conceal a document or other thing they know or ought to know is likely relevant to an investigation of alleged wrongdoing.
- 3.12 When an alleged wrongdoing is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment and/or contract where appropriate.
- 3.13 In the event of criminal misconduct, the Police shall be notified immediately.
- 3.14 A report of the number and classification of disclosures of information shall be provided to the Board on an annual basis.
- 3.15 Annual budget provision will be made to support compliance with the policy.

4 RESPONSIBILITIES

4.1 **Board of Trustees**

- 4.1.1 To provide oversight accountability with respect to ensuring that all reported allegations of wrongdoing are investigated as expeditiously as possible.

4.2 **Director of Education**

- 4.2.1 To oversee compliance with the Ethics and Compliance Reporting (Whistleblowing) policy and procedure.
- 4.2.2 To acquire external services as deemed necessary.
- 4.2.3 To regularly report to the Board the results of investigations and confirmed wrongdoings.
- 4.2.4 To provide the Board with annual updates from the third party certified ethics reporting service related to the number and types of disclosure reported.

4.3 **Associate Director of Corporate Services**

- 4.3.1 To ensure system awareness and compliance with this policy in adherence with generally accepted accounting principles, sound business practices and applicable Provincial and Federal Statutes and Regulations.
- 4.3.2 To oversee the management and maintenance of comprehensive operational procedures to guide and safeguard York Catholic District School Board assets in its day to day operations.

4.4 **Superintendent of Human Resources**

- 4.4.1 To work in conjunction with the Ethics and Compliance Committee to ensure that proper protocol is followed when an investigation is confirmed regarding any employee wrongdoing.
- 4.4.2 To work with all parties to ensure an effective resolution.
- 4.4.3 To review final reports and determine resolution(s), when required and in consultation with the Director of Education.

4.5 **Administration**

- 4.5.1 To implement and maintain operational procedures to guide and safeguard York Catholic District School Board assets in its day to day operations.

5. DEFINITIONS

5.1 Administration

For the purpose of this policy, Administration will include employees who have direct supervisory responsibility for a group of employees including, but not limited to:

- (a) Associate Director
- (b) Superintendents of Education
- (c) School Administration
- (d) Senior Managers
- (e) Managers
- (f) Supervisors

5.2 Certified Ethics Reporting Service

An objective third party service offering a secure reporting tool and management system to support the Board's mandate to implement an ethics and compliance reporting (whistleblowing), policy and procedure. The certified ethics reporting service protects individuals' identities so they are more inclined to report alleged wrongdoing.

5.3 External Stakeholders

A person, group of people or organization that holds a vested interest in the school community, including, but not limited to:

- (a) All levels of Government
- (b) Community Members
- (c) Education partners/organizations
- (d) Ministry of Education
- (e) Media
- (f) Vendor/Contractors

5.4 Internal Stakeholders

A person, group of people or organization that holds a vested interest in the school community, including, but not limited to:

- (a) Parents
- (b) Parishes
- (c) School Administrators
- (d) Senior Administrators
- (e) Staff (School, Centrally assigned and/or Contract)
- (f) Students
- (g) Trustees

5.5 Reprisal

Any measure taken against an individual or employee that adversely affects his or her employment or appointment and includes, but is not limited to:

- (a) Ending or threatening to end an individual or employee's employment or appointment;
- (b) Disciplining or suspending or threatening to discipline or suspend an individual or employee;
- (c) Imposing or threatening to impose a penalty related to employment or appointment of an individual or employee; or,
- (d) Intimidating, coercing or harassing an individual or employee in relation to his or her employment or appointment.

5.6 Whistleblower

An individual, who reports that a person or organization is, or has been, engaged in an illicit or alleged illicit activity.

5.7 Wrongdoing

A wrongdoing may be classified collectively as illegal or inappropriate conduct, i.e.: a violation of a law, rule, regulation and/or a direct threat to public interest. The list below is not exhaustive but is intended to provide guidance to individuals, who suspect wrongdoing, as to the kind of conduct which constitutes wrongdoing under this policy. Wrongdoing includes, but is not limited to:

- (a) Fraud as defined in the Criminal Code of Canada;
- (b) Misappropriation of funds, supplies, resources, or other assets;
- (c) Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for wrongdoing purposes, in violation of Board policies and procedures as it relates to financial matters;
- (d) Irregular and/or improper accounting, internal controls, or auditing practices or conduct;
- (e) Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one's duties;
- (f) Time theft (ie: fraudulent act where an employee collects pay for time not actually worked)
- (g) An actual or suspected violation or contravention of any federal or provincial law, regulations, Board policy or Board administrative procedure as they relate to the safeguarding of the Board's assets as well as the Board's fiduciary responsibility; or,
- (h) Knowingly directing or counseling a person to commit a wrongdoing of illegal or inappropriate conduct.

6. CROSS REFERENCES

YCDSB Policy 423 Conflict of Interest of Employees

YCDSB Policy 501 Respectful Workplace

Criminal Code of Canada

Education Act

Municipal Freedom of Information and Protection of Privacy Act

Ontario Human Rights Code

**Approval by
Board**

December 15, 2015

Date

Effective Date

December 16, 2015

Date

Revision Dates

December 15, 2015

Date

Review Date

December 2020

Date

York Catholic District School Board



PROCEDURE:

**ETHICS AND COMPLIANCE REPORTING
(WHISTLEBLOWING)**

**Addendum to Policy 614: Ethics and Compliance Reporting
(Whistleblowing)**

Effective: December 2015

POLICY TITLE: ETHICS AND COMPLIANCE REPORTING

PURPOSE

The York Catholic District School Board is committed to safeguarding the public interest and trust in public education. All internal and external stakeholders for the York Catholic District School Board Community are expected to uphold the public trust and demonstrate integrity in all of their dealings.

This operational procedure supports that commitment by providing a framework for the disclosure and investigation of alleged wrongdoing by third party certified ethics reporting service as well as protection from reprisal or threat of reprisal for those who make disclosures of such information.

RATIONALE

This operational procedure applies to all internal and external stakeholders of the YCDSB Community. This operational procedure extends to all individuals or organizations engaged in education or other activities while in facilities or representing the York Catholic District School Board.

OPERATIONAL PROCEDURES

1. Reporting an Alleged Wrongdoing

- 1.1 Any individual who has knowledge of an occurrence of a wrongdoing, or has reason to suspect that an alleged wrongdoing has occurred, must report immediately to the third party certified ethics reporting service.
- 1.2 The third party certified ethics reporting service will assess the nature of the report of the alleged wrongdoing and redirect it to the appropriate authority for review and investigation, as required, based on the following criteria:
 - 1.2.1 Where an Trustee/employee of the Board is suspected of the alleged wrongdoing, the reported information will be provided to the Director of Education or designate.
 - 1.2.2 Where the Director of Education is suspected of alleged wrongdoing, the reported information will be provided to the Chair of the Board, who will report to the entire Board of Trustees.
 - 1.2.3 Information regarding alleged wrongdoing should be provided, in writing, and addressed in accordance with the Board Policy.
- 1.3 Where the Director of Education is suspected of alleged wrongdoing, the investigation will be conducted by a third party investigator and reported to the entire Board of Trustees.
- 1.4 The individual can report their concerns to the third party certified ethics reporting service via email, fax, mail, or phone.
- 1.5 The third party certified ethics reporting service collects the information from the individual, creating a unique case file for each matter reported. The information will be assessed and forwarded as per the Board Policy.

2. Investigation of Suspicions or Allegations of Wrongdoing

- 2.1 The Director of Education shall ensure that all instances of alleged wrongdoing shall be appropriately investigated and reported to the Board on an ongoing basis.
- 2.2 Investigations will be addressed in accordance with the appropriate Board policy.
- 2.3 The Director of Education, in consultation with the Board's forensic consultants and/or the Board's legal counsel, may solicit the services of internal staff and/or external resources as appropriate.
- 2.4 Employees are expected to fully cooperate with management and any others involved in the investigation and make all reasonable efforts to be available to assist during the course of the investigation.
- 2.5 In the event that the investigation was conducted in good faith yet is not to the informant's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency. Any associated costs are the responsibility of the informant.
- 2.6 All participants in an investigation of an alleged wrongdoing, including persons who make a disclosure, witnesses, and the persons alleged to be responsible for wrongdoing, shall keep the details and results of the investigation confidential, and shall not discuss the matter with anyone other than those conducting the investigation.

3. Duty to Protect

- 3.1 The identities of all participants in an investigation of wrongdoing, including persons who make a disclosure, witnesses, and the persons alleged to be responsible for wrongdoing will be protected and remain confidential unless it is a criminal matter and must be reported to the appropriate authorities.
- 3.2 A person who has reasonable grounds for believing he or she has suffered a reprisal is entitled to make a complaint to the Board.
- 3.3 The Board shall implement the procedures to investigate complaints as outlined in the "Disposition of Complaints Policy".
- 3.4 An individual or employee who retaliates against someone who has reported in good faith is subject to discipline, up to and including termination of employment or vendor/contractor services.
- 3.5 In making a report, an individual or employee must be acting in good faith with reasonable grounds for believing that there is a grievous breach of a Board policy or federal or provincial law that relates to the safeguarding of the Board's assets as well as the Board's fiduciary responsibilities.

4. Duty to Report

- 4.1 Any act of wrongdoing that is detected or alleged must be reported immediately and investigated in accordance with this policy as expeditiously as possible.

5. Duty to Investigate

- 5.1 The identity of the informant shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the organization are subject to subpoena.
- 5.2 When a wrongdoing is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment and/or contract where appropriate.
- 5.3 In the event of criminal misconduct, the police shall be notified immediately.

6. Prohibition Against Interfering with an Investigation

- 6.1 Any person who willfully obstructs management or any others involved in an investigation of alleged wrongdoing is subject to disciplinary measures including suspension or termination.
- 6.2 No person shall destroy, alter, falsify, or conceal a document or other thing they know or ought to know is likely relevant to an investigation of alleged wrongdoing.
- 6.3 Any person, who destroys, alters, falsifies, or conceals a document or other thing they know or ought to know is likely relevant to the investigation of alleged wrongdoing is subject to disciplinary measures, including suspension or termination.

7. Prohibition Against Counseling Interference with an Investigation

- 7.1 Any individual who directs, counsels or causes in any manner any individual to obstruct management or any others involved in an investigation of alleged wrongdoing is subject to disciplinary measures, including suspension or termination.
- 7.2 Any individual who directs, counsels or causes in any manner any individual to destroy, alter, falsify, or conceal a document or other thing they know or ought to know is likely relevant to an investigation of alleged wrongdoing is subject to disciplinary measures, including suspension or termination.

8. Reporting Of A Complaint From An Individual Who Believes That They Have Suffered Or Are Suffering From Retaliation Or Reprisal

- 8.1 An individual who feels that they are suffering reprisal resulting from making a complaint of alleged wrongdoing should contact the Superintendent of Human Resources or Director of Education.
- 8.2 The Third Party Certified Ethics Reporting Service may also be contacted where the individual who feels that they have suffered reprisal is uncomfortable with reporting the matter through the process noted in 8.1.

9. Investigating A Complaint From An Individual Who Believes That They Have Suffering From Retaliation Or Reprisal

- 9.1 The complaint will be processed as per Board policies and procedures related to the disposition of complaints.