POLICY SECTION: **ADMINISTRATION**

SUB-SECTION:

POLICY NAME: **WHISTLEBLOWER POLICY**

POLICY NO: **A. 39**

Date Approved:	**Date of Next Review:** September 2022	**Dates of Amendments:**

Cross References:
Education Act, 1990, s. 301, 302
Ontario Human Rights Code, 1990
Occupational Health and Safety Act
Municipal Freedom of Information and Protection of Privacy Act
Criminal Code of Canada
Ontario Code of Conduct
O. Reg. 521/01, Collection of Personal Information
Code of Conduct S.S.09
Conflict Resolution H.M.19,
Complaint Against a Staff Member H.M.30
Harassment and Discrimination Policy H.M.14 & Respectful Workplace Guidelines

Appendix—Whistleblower Policy Operational Procedure

Purpose:

The Toronto Catholic District School Board (TCDSB) will achieve effective utilization and protection of all of its resources through sound application and management of financial systems and internal controls. These objectives will be achieved by adherence to generally accepted accounting principles, sound business practices and applicable Provincial and Federal Statutes and Regulations. Management will maintain comprehensive operational procedures to guide and safeguard both the TCDSB Community and assets in its day to day operations.

Scope and Responsibility:

This policy applies to all internal and external stakeholders of the TCDSB Community. This includes all individuals or organizations engaged in education or

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other activities while in TCDSB facilities or representing the TCDSB. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Catholic values

Strengthening Public Confidence

Achieving Excellence in Governance

Inspiring and Motivating Employees

Policy:

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

This Policy supports that commitment by providing a framework for the disclosure and investigation of wrongdoing, as well as protection from reprisal or threat of reprisal for those who make disclosures of information.

The Policy is intended to encourage TCDSB stakeholders at all levels of the organization and others to act with integrity. All persons to whom this policy applies are expected to adhere to the procedures outlined in this policy when making a disclosure and during any subsequent investigation.

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Regulations:

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

2. Any individual or employee who has knowledge of an occurrence of a wrongdoing, or has reason to suspect that a wrongdoing has occurred, has the right and obligation to report the occurrence using the channels of reporting provided under the various policies, procedures, and collective agreements. However, an individual or employee may choose to report the incident to a third party whistleblower hotline.

3. The third party whistleblower hotline will assess the nature of the reported alleged wrongdoing and redirect it to the appropriate authority for review and investigation, as required, based on criteria as set out in the Operational Procedure.

4. The TCDSB will provide information to ensure that internal and external stakeholders are familiar with the policy including a mechanism for concerned individuals to confidentially report actual or suspected instances of wrongdoing through a third party whistleblower hotline.

5. Provided there are reasonable grounds, the TCDSB shall investigate any and all incidents of suspected or alleged acts of wrongdoings. An objective and impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Board, of any party who becomes the subject of such investigation.

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6. The identity of the whistleblower shall remain confidential to the Director of Education, or designate, unless law enforcement obtains a court order compelling the Board to disclose the name of the whistleblower.

7. Responsibility for ensuring all reported allegations of wrongdoing are investigated rests with the Director of Education.

8. The Board shall make every effort to ensure that an individual or employee, who in good faith reports under this policy, is protected from harassment, retaliation or adverse employment or contract consequence.

9. 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.

10. An individual or employee who makes an unsubstantiated report, which is knowingly false, frivolous, or made with vexatious or malicious intent, will be subject to discipline, up to and including termination of employment or vendor/contractor services.

11. No person shall willfully obstruct management or any others involved in an investigation of wrongdoing.

12. No person shall direct, counsel or cause in any manner any person to obstruct management or any others involved in an investigation of wrongdoing.

13. No person 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 wrongdoing.

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14. When an alleged wrongdoing is confirmed by the investigation, appropriate action shall be taken, up to and including termination of employment and/or contract where appropriate.

15. In the event of criminal misconduct, the Police shall be notified immediately.

16. Annual budget provisions will be made to support compliance with the policy.

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Definitions:

Informant

An informant is a person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization.

Wrongdoing

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, such as fraud, health and safety violations, and corruption.

Wrongdoing includes but is not limited to:

- Fraud as defined in the Criminal Code of Canada (s. 380 (1)).
- Misappropriation of funds, supplies, resources, or other assets.
- Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for wrongdoing purposes, in violation of the TCDSB policy on Electronic Communication System-Acceptable Use (A.29)
- Irregular and/or improper accounting, internal controls, or auditing practices or conduct.
- Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one's duties.
- An actual or suspected violation or contravention of any federal or provincial law, regulation, TCDSB policies or administrative procedures as it relates to the TCDSB.
- 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.
- Unprofessional conduct or conduct that contravenes the following TCDSB policies: Conflict of Interest: Employees (H.M.31); Conflict of Interest: Trustees (T.01); Code of Conduct (SS.09).

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- Knowingly directing or counselling a person to commit a wrongdoing of illegal or inappropriate conduct.

The above list is not exhaustive but is intended to provide guidance to individuals as to the kind of conduct that constitutes wrongdoing under this policy.

Reprisal

A reprisal is any measure taken against an individual or employee who has reported wrongdoing 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.

Stakeholders

"Stakeholders" includes trustees, TCDSB employees, and the general public, including parents and students.

Third Party Whistleblower Hotline

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.

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Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

1. A report of the number and classification of disclosures of information and substantiation of reports and concerns including themes regarding the concerns shall be provided to the Board and Audit Committee quarterly.

2. A survey will be distributed annually to TCDSB internal and external stakeholders to assess satisfaction with the Whistleblower policy and its operational procedures. The results of this survey will be reported to the