

# WHISTLEBLOWER POLICY (A.39)

## OPERATIONAL PROCEDURE

This operational procedure supports the TCDSB's commitment to provide a framework for the disclosure and investigation of alleged wrongdoing to a third party whistleblower hotline as well as protection from reprisal or threat of reprisal for those who make disclosures of such information.

This operational procedure applies to all internal and external stakeholders of the TCDSB Community. This operational procedure extends to all individuals or organizations engaged in education or other activities while in TCDSB facilities or representing the TCDSB.

### **1. Reporting an Alleged Wrongdoing**

- (a) Any individual who has knowledge of an occurrence of a wrongdoing, or has reason to suspect that an alleged wrongdoing has occurred may report to the third party whistleblower hotline.
- (b) The third party whistleblower hotline 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:
  - (i) Where a Trustee or employee of the Board is suspected of the alleged wrongdoing, the reported information will be provided to the Director of Education or designate.
  - (ii) 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. The investigation will be conducted by a third party investigator and reported to the entire Board of Trustees.

- (c) The informant can report their concerns to the third party whistleblower hotline via email, fax, mail, or phone.
- (d) The third party whistleblower hotline will collect the information from the informant, 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**

- (a) The Director of Education shall ensure that all instances of alleged wrongdoing are appropriately investigated and reported to the Audit Committee on a quarterly basis.
- (b) Investigations will be conducted in accordance with the appropriate Board policy.
- (c) The Director of Education, in consultation with the Board's legal counsel, may solicit the services of internal staff and/or external resources as appropriate.
- (d) 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.
- (e) In the event that the investigation was conducted in good faith yet is not to the informant's satisfaction, 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.
- (f) 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. Any person who violates this confidentiality requirement will be subject to disciplinary measures up to and including suspension or termination.

### **3. Duty to Protect**

- (a) 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.
- (b) 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.

### **4. Duty to Report**

- (a) 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.
- (b) 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. Prohibition Against Interfering with an Investigation**

- (a) 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.
- (b) 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.
- (c) 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.

**6. Prohibition Against Counseling Interference with an Investigation**

- (a) 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.
- (b) 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.

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

- (a) 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.
- (b) The Third party whistleblower hotline 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 7(a).

**8. Investigating A Complaint From An Individual Who Believes That They Have Suffered From Retaliation Or Reprisal**

- (a) The complaint will be processed as per Board policies and procedures related to the disposition of complaints.
- (b) 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.