

# Toronto District School Board

Policy P081

Title: **ANTI-FRAUD MEASURES**

Adopted: November 29, 2012  
Effected: November 29, 2012  
Revised: **November 28, 2018**  
Reviewed: November 29, 2012; **November 28, 2018**  
Authorization: Board of Trustees

## 1.0 RATIONALE

The Anti-Fraud Measures Policy (the “Policy”) affirms the Toronto District School Board’s (TDSB) commitment to the prevention of fraud and the promotion of culture of accountability and fiscal prudence.

This Policy supports anti-fraud provisions as outlined in applicable legislation, including the Education Act, Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), Personal Health Information Protection Act (PHIPA), and PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct.

## 2.0 OBJECTIVE

To promote culture of accountability and fiscal prudence by increasing awareness of key fraud indicators, the different types of fraud and fraud schemes that may exist, and the roles and responsibilities of all stakeholders in fraud prevention, deterrence and detection.

## 3.0 DEFINITIONS

*Board* means the Toronto District School Board, which is also referred to as the “TDSB”.

*Fraud* means the deliberate act of deception, manipulation or trickery, with the specific intent of gaining an unfair or dishonest personal gain or advantage – financial, personal or academic. It may be perpetrated by one individual or done in collusion with others. It involves willful misrepresentation or deliberate concealment of material facts. Examples of fraud include, but are not limited to: abuse of position, making false statements, failure to disclose information, obtaining services dishonestly, submitting false expense claims, deception, phishing, theft, misappropriation, embezzlement, forgery, corruption, extortion, accepting bribes/inducements, false accounting, and collusion. Fraud also includes aiding and abetting any act of dishonesty or other acts of wrongdoing as defined in the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066) either in person or by electronic means.

*TDSB* means the Toronto District School Board, which is also referred to as the “Board”.

*Wrongdoing* means:

- a contravention of a federal or provincial act or regulation by a trustee or employee (for example: *Criminal Code of Canada*, *Education Act* and applicable regulations, etc.);
- an act or omission that creates danger to life, physical or mental health, safety of persons, or to the environment;
- mismanagement inconsistent with laws, regulations, and Board policies, including waste of financial resources, abuse of managerial authority mismanagement, or loss/theft of public assets;
- financial fraud (e.g., an act of deception, manipulation, or trickery) with respect to the finances of the Board or a school/department operated by the Board;
- time theft (i.e., a fraudulent act where an employee collects pay for time not actually worked);
- deliberate non-compliance with Board policies and procedures; and
- directing or counseling a person to commit any of the above.

#### **4.0 RESPONSIBILITY**

The Director of Education holds primary responsibility for the implementation for this Policy. Within the Director’s Office, the responsibility for the implementation, coordination and day-to-day management of the Policy is assigned to the Associate Director, Business Operations and Service Excellence and the Executive Officer, Finance.

#### **5.0 APPLICATION AND SCOPE**

This Policy applies to all employees and Trustees of the Board.

The Policy also covers students, school councils, parents/guardians, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations and includes all activities that occur in Board workplaces or while engaging in Board related functions.

#### **6.0 POLICY**

- 6.1. The TDSB is committed to maintaining an anti-fraud culture within the organization.

- 6.2. As stewards of public funds, TDSB Trustees and employees are required to comply with all applicable laws and regulations, Board's policies, procedures, and relevant professional codes of conduct.
- 6.3. The Board will make every effort to monitor, detect and prevent fraud of any unauthorized receipt of funds, services or benefits related to the TDSB.
- 6.4. In accordance with Ontario Regulation 361/10, section 9, the Board's Audit Committee, will initiate and oversee investigations into auditing matters, internal financial controls and allegations of inappropriate or illegal financial dealings.
- 6.5. The Board will ensure that anti-fraud considerations will be applied to and integrated in the new and revised policies and procedures to reinforce prevention, deterrence and detection of fraud.
- 6.6. The Board will require that applicable staff are trained in anti-fraud awareness to complement their knowledge of identifying fraud and the necessary steps taken to report incidents. Trustees and volunteers will also be encouraged to participate in anti-fraud awareness and educational programs and/or tools will be made available to enhance fraud awareness at the TDSB's central and school levels.
- 6.7. All stakeholders of the Board are encouraged to advise the Board of any instances of suspected fraud and wrongdoing, including through the whistleblowing hot-line established under the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066).
- 6.8. As per the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066), the Board has a zero-tolerance approach to fraudulent activities and will investigate suspected allegations of fraud or wrongdoing.
  - (a) TDSB Internal Audit, Employee Services and/or external third parties will investigate formal allegations of fraud or wrongdoing by Board employees.
  - (b) The Director of Education will engage an independent external investigator with regard to allegations of fraud or wrongdoing involving Executives reporting directly to the Director of Education.
  - (c) The Chair of the Board will engage an independent external investigator with regard to complaints involving the Director of Education.
- 6.9. The reporting of fraud or wrongdoing related to the trustees of the Board will be governed by the Board Member Code of Conduct Policy (P075) and investigated by the TDSB Integrity Commissioner.

- 6.10. TDSB staff and Trustees are expected to report any cases of suspected fraud, no matter how trivial they may seem as outlined in the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066) and the Reporting of Suspected Wrongdoing Procedure (PR710).
- 6.11. The Board will provide an environment free of reprisal for those reporting suspected acts of fraud or other wrongdoing as outlined in the Reporting of Suspected Wrongdoing (Whistleblowing) Policy (P066).
- 6.12. All proven allegations will result in disciplinary actions ranging from seeking restitution, to termination.
- 6.13. The Board will provide full cooperation with authorities in the event of a criminal investigation.

## **7.0 SPECIFIC DIRECTIVES**

The Director of Education has authority to issue operational procedures to implement this Policy.

## **8.0 EVALUATION**

This Policy will be reviewed as required, but at a minimum every four (4) years after the effective date.

## **9.0 APPENDICES**

Appendix A: List of Policies and Procedures that Support TDSB's Anti-Fraud Culture.

## **10.0 REFERENCE DOCUMENTS**

### Policies:

- Board Member Code of Conduct (P075)
- Reporting of Suspected Wrongdoing (Whistleblowing) (P066)

### Operational Procedures:

- Reporting of Suspected Wrongdoing (Whistleblowing) (PR710)

### Legislative Acts and Regulations:

- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Ontario Regulation - 361/10 - Audit Committees*
- *Personal Health Information Protection Act (PHIPA)*

### Other Documents:

Ministry of Education Policy / Program Memoranda PPM 128: Provincial Code of Conduct and School Board Codes of Conduct.

**List of Policies and Procedures that Support TDSB's Anti-Fraud Culture**

Policies:

- Board Member Code of Conduct (P075)
- Employee and Trustee Expenses (P016)
- Employee Conflict of Interest (P057)
- Executive Signing Authority (P082)
- External Auditor Independence (P089)
- Fair Dealings (P079)
- Fundraising (P021)
- Governance (P086)
- Honoraria for Trustees (P074)
- Purchasing (P017)
- Reporting of Suspected Wrongdoing (P066)

Operational Procedures:

- Academic Honesty (PR613)
- Architects and Engineering Consultants Selection (PR513)
- Board Code of Conduct (PR585)
- Complaint Protocol for the Board Member Code of Conduct (PR708)
- Consulting Services (PR680)
- Crisis and Incident Reporting (PR569)
- Damage and Loss (PR669)
- Delegation of Authority Procedure (PR711)
- Disposition of Devices and Access (PR610)
- Election Activities and Use of Board Resources (PR533)
- Electronic Office Equipment (PR681)
- Employee and Community Partners Conflict of Interest (PR673)
- Employee Expenditure Guidelines (PR582a)
- Employee/Trustee Equipment Checklist (PR656)
- Fair Dealings Guidelines (PR616)
- Fundraising (PR508)
- Occupational Health and Safety Purchasing Specifications (PR674)
- Passwords for Network Access Security (PR573)
- Plagiarism Detection Service (PR590)
- Reporting of Suspected Wrongdoing (PR710)
- Safeguarding School Assets (PR550)
- Scholarships, Awards and Trust Funds (PR685)
- Student Activity Fees and Course Cost Fees (PR579)
- Third Party Vendor Change Management (PR593)
- Trustee Expenses (PR582b)
- Video Surveillance (PR694)

Legislative Acts and Regulations:

- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *O. Reg. 156/02 Student Focused Funding, Legislative Grants*
- *O. Reg. 361/10 Audit Committees*
- *Personal Health Information Protection Act (PHIPA)*
- *Personal Information and the Protection of Electronic Documents Act*

Other Documents:

- Ministry of Education Policy / Program Memoranda PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct