

# Toronto District School Board

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Policy P066

Title: **REPORTING OF SUSPECTED WRONGDOING (WHISTLEBLOWING)**

Adopted: October 29, 2008

Effectuated: October 29, 2008

Revised: June 17, 2015; **June 22, 2016**

Reviewed: March 2012; **June 22, 2016**

Authorization: Board of Trustees

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## 1. OBJECTIVE

- 1.1 To ensure ethical and professional conduct at the Toronto District School Board (Board) and to demonstrate the Board's commitment to maintaining and enhancing public confidence in the integrity of its trustees and employees;
- 1.2 To enable trustees, employees, and the general public, including parents and students, to raise concerns about suspected wrongdoing by a trustee or employee of the Board in respect to the business and operations of its schools, offices, and facilities;
- 1.3 To ensure protection against reprisal related to reporting of suspected wrongdoing.

## 2. RESPONSIBILITY

- 2.1 The Director of Education is responsible for establishing appropriate organizational structures, systems, practices, and controls to ensure compliance with this policy in relation to the Board's employees.
- 2.2 The Board of Trustees is responsible for the enforcement of this policy in relation to the Director of Education.
- 2.3 The Office of the Integrity Commissioner will deal with a complaint that a trustee has breached the Board Member Code of Conduct.

### 3. DEFINITIONS

3.1 *Reprisal* includes any harassment, intimidation, threats, or discipline against a person for making a report to the Board about a suspected wrongdoing by a trustee or employee of the Board in respect to the business and operations of its schools, offices, and facilities.

3.2 *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 and 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) in 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. POLICY

4.1 This policy encourages anyone (including trustees, employees, the Board's permit holders, volunteers, students, parents, external organizations, and the general public) to report suspicions of wrongdoing by trustees or employees of the Board.

4.2 The Board is committed to the safety of the learning and working environments in all schools, offices, and facilities and the effective stewardship of its resources in accordance with all applicable laws.

4.3 The process for addressing and resolving a reporting of suspected wrongdoing must be neutral, appropriately independent, transparent, fair, and timely. This includes

informing the person who filed the report of the manner in which the disclosure was addressed.

- 4.4 All employees and trustees are expected to act with honesty and integrity in the fulfillment of their responsibilities in accordance with the Board's codes of conduct, policies, and procedures.
- 4.5 The Board shall make every reasonable effort to discourage wrongdoing and shall establish and maintain internal controls to prevent and detect wrongdoing.
- 4.6 A person who reasonably suspects wrongdoing as defined in this policy is strongly encouraged to report the suspicion in accordance with section 4.11.
- 4.7 A report of suspected wrongdoing may be made anonymously. Anonymous allegations will only be acted upon if the evidence collected during the preliminary investigation indicates the disclosure can be properly investigated and is in the public interest.
- 4.8 The Board shall make every effort to ensure that a person, who in good faith brings forward suspicions of wrongdoing under this policy, and any associated persons, including witnesses, is protected from harassment, retaliation, or adverse employment or contract consequence.
- 4.9 All participants in an investigation of a suspected wrongdoing, including persons who make a report of suspected wrongdoing, witnesses, and the persons suspected to be responsible for wrongdoing, are expected to keep the details and results of the investigation confidential, and only discuss the matter with those conducting the investigation.
- 4.10 The Board shall make every effort to ensure that confidentiality is maintained at all stages of the investigation for all individuals directly involved in the process, unless the issue requires investigation by law enforcement or unless disclosure is required by law.
- 4.11 Reporting suspected wrongdoing:
  - A person may submit information related to a suspected wrongdoing by an employee to an external third party through one of the following methods: designated email account, voice mail line or mail address as prescribed in the accompanying procedure.

- The external third party will assess the nature of the report of suspected wrongdoing and redirect it to the appropriate authority for review and investigation, as required, based on the following criteria:
    - Where an employee of the Board is suspected of wrongdoing, the reported information will be provided to the Director of Education or designate as prescribed in the accompanying procedure.
    - Where a member of the Senior Team is suspected of wrongdoing, the reported information will be provided to the Director of Education.
    - Where the Director of Education is suspected of wrongdoing, the reported information will be provided to the Chair of the Board of Trustees.
  - Information regarding suspected wrongdoing by a trustee (including the Chair of the Board) should be provided, in writing, directly to the Integrity Commissioner in accordance with the Complaint Protocol for the Board Member Code of Conduct.
- 4.12 Any person who knowingly and purposefully makes a false, frivolous, malicious, or vexatious report may be subject to legal proceedings to obtain redress. Any employee who knowingly and purposefully makes a false, frivolous, malicious, or vexatious report may be subject to discipline, up to and including dismissal.
- 4.13 A person who has reasonable grounds for believing he or she has suffered reprisal for making a complaint of suspected wrongdoing may make a complaint to the external third party as prescribed in the accompanying procedure.
- 4.14 An employee of the Board who retaliates against someone who has reported a suspected wrongdoing in good faith is subject to discipline, up to and including dismissal.
- 4.15 This policy does not affect or replace any duty to make a report that is required or permitted under legislation. This policy does not affect any rights under a collective agreement, legislation, the Ontario Human Rights Code, or the Canadian Charter of Rights and Freedoms. This policy does not supersede other Board policies, procedures, and protocols and a person making a report may be directed to use other available complaint resolution procedures and protocols.

## **5. SPECIFIC DIRECTIVES**

The Director of Education has authority to issue operational procedures for reporting and investigating alleged wrongdoing involving employees.

## **6. REFERENCE DOCUMENTS**

### **Policies:**

Board Member Code of Conduct (P075)

Employee Conflict of Interest (P057)

Human Rights (P031)

Workplace Harassment (P034)

Workplace Violence Prevention (P072)

### **Procedures:**

Board Code of Conduct (PR585)

Code of Online Conduct (PR571)

Complaint Protocol for the Board Member Code of Conduct (PR708)

Crisis and Incident Reporting (PR569)

Employee Conflict of Interest (PR673)

Freedom of Information (PR676)

Human Rights (PR657)

Parent Concern Protocol (PR505)

Promoting a Positive School Climate (PR697)

Reporting of Wrongdoing (Whistleblowing) Procedure (PR710)