

	YORK CATHOLIC DISTRICT SCHOOL BOARD	
	BOARD POLICY	
	<i>Policy Section</i>	<i>Policy Number</i>
	Work Environment – Respectful Workplace	614
	<i>Former Policy #</i>	<i>Page</i>
		1 of 5
	<i>Original Approved Date</i>	<i>Subsequent Approval Dates</i>
		December 15, 2015 October 29, 2019 September 29, 2021 September 27, 2022

POLICY TITLE: WHISTLEBLOWER

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 operations at the York Catholic District School Board to determine if the organization has been negatively impacted by the actions of one or more individuals, 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. OBJECTIVE

York Catholic District School Board will achieve effective utilization and protection of all resources through the sound application and management of the Board’s policies and procedures, all financial and other information systems and internal controls.

This policy will enable employees and the general public to raise concerns about alleged wrongdoings by an employee of the Board in respect to the financial and governance operations of the Board.

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.
 - 3.1.2 The third party certified ethics reporting service will receive and assess the nature of any reported alleged wrongdoing and direct it to the appropriate authority for review and investigation (see Procedure attached).
 - 3.1.3 Where and when appropriate, an individual may be advised to resubmit their complaint using the procedure outlined in another YCDSB policy.
 - 3.1.4 Where an anonymous complaint is made without sufficient information to conduct a thorough investigation, it will be dismissed within thirty (30) calendar days.
- 3.2 Any alleged act of wrongdoing shall be investigated in accordance with this policy. The investigation will commence within ten (10) work days of the report being made and will be completed within sixty days (60). In exceptional circumstances, additional time may be authorized by the Director of Education. The accused will also be informed of the allegation within the ten (10) work day timeframe of the commencement of the investigation.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.

- 3.8 No individual shall willfully obstruct management or any others involved in an investigation of alleged wrongdoing.
- 3.9 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.
- 3.10 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.
- 3.11 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.
- 3.12 In the event of criminal misconduct, the Police shall be notified immediately.
- 3.13 A report of the number and classification of disclosures of information shall be provided to the Board on a monthly basis.
- 3.14 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.
- 4.1.2 To instigate and supervise the investigation of any alleged wrongdoing by the Director of Education.

4.2. Director of Education

- 4.2.1 To oversee compliance with the Whistleblowing policy and procedure.
- 4.2.2 To acquire external services as deemed necessary.
- 4.2.3 To report to the Board of Trustees on a monthly basis the number of reports received, investigations conducted and wrongdoings confirmed.
- 4.2.4 To assign the complaint to the appropriate reviewer while ensuring the integrity of the process and the privacy of the individuals involved.
- 4.2.5 To ensure that timelines outlined in the policy procedures are adhered to.

4.3. Chief Financial Officer and Treasurer

- 4.3.1 To ensure system awareness and compliance with this policy, including annual communication to staff through system memo, posting on the Board's website and staff training (including school administrators).
- 4.3.2 To ensure 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 ensure that proper protocol is followed when an investigation is confirmed regarding any employee wrongdoing, when assigned the case as the reviewer.
- 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) Senior Administration
- (b) School Administration
- (c) Senior Managers
- (d) Managers
- (e) 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 Financial and Governance Operations

Financial operations are those that involve any financial matters pertaining to the Board including but not limited to the use of Board funds. Governance operations pertain to all of the policies of the Board. Violations of financial and governance operations are defined further in section 5.8 of this policy.

5.5 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

5.6 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.

5.7 Whistleblower

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

5.8 Wrongdoing

A wrongdoing may be classified collectively as illegal or inappropriate conduct, i.e.: a violation of a law, rule, regulation, the Board's policies and/or a direct threat to public interest. Wrongdoing can also include actions or practices engaged in by an individual or group of individuals which have a broader systemic impact. 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) Criminal offences as defined in the Criminal Code of Canada;
- (b) Fraud and Embezzlement;
- (c) Misappropriation of funds, supplies, resources, or other assets;
- (d) 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; unauthorized access and/or copying of information;
- (e) Irregular and/or improper accounting, internal controls, or auditing practices or conduct;
- (f) Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one's duties;
- (g) Time theft (i.e.: fraudulent act where an employee collects pay for time not actually worked);
- (h) 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;
- (i) Knowingly directing or counseling a person to commit a wrongdoing of illegal or inappropriate conduct;
- (j) Substance abuse at workplace;
- (k) Workplace health and safety concerns and instances of non-compliance with Occupational Health and Safety Act (OHSA).

6. CROSS REFERENCES

[Criminal Code of Canada](#)

[Education Act](#)

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Ontario Human Rights Code](#)

YCDSB [Policy 423 Conflict of Interest for Employees](#)

YCDSB [Policy 425 Workplace Harassment](#)

YCDSB [Policy 424 Disposition of Complaints](#)

Approval by Board	September 27, 2022 <i>Date</i>
Effective Date	September 27, 2022 <i>Date</i>
Revision Dates	September 13, 2022 <i>Date</i>
Review Date	September 2026 <i>Date</i>