



## **YORK CATHOLIC DISTRICT SCHOOL BOARD**

### **PROCEDURE:**

### **WHISTLEBLOWER**

**Addendum to Policy 614: Whistleblower**

**Effective: September 29, 2021**

**Revised: September 14, 2023**

## **POLICY TITLE: ETHICS AND COMPLIANCE REPORTING**

### **PURPOSE**

The York Catholic District School Board is committed to safeguarding the public interest 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.

This operational procedure supports that commitment by providing a framework for the disclosure and investigation of alleged wrongdoing by third party certified ethics reporting service as well as protection from reprisal or threat of reprisal for those who make disclosures of such information.

### **RATIONALE**

This operational procedure applies to all internal and external stakeholders of the YCDSB Community. This operational procedure extends to all individuals or organizations engaged in education or other activities while in facilities or representing the York Catholic District School Board.

### **OPERATIONAL PROCEDURES**

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

- 1.1 Any individual who has knowledge of an occurrence of wrongdoing, or has reason to suspect that an alleged wrongdoing has occurred, must report immediately to the third party certified ethics reporting service.

The YCDSB has contracted Alias (or Whistleblower Security Inc.) to provide the third party reporting service. Anyone who wishes to report can submit a report at <https://app.alias-solution.com/contact/en/ycdsb>.

- 1.2 The third party certified ethics reporting service will assess the nature of the report of the alleged wrongdoing and report it in writing to the appropriate authority for review and investigation, as required, based on the following criteria:
  - 1.2.1 Where an Employee of the Board is suspected of the alleged wrongdoing, the reported information will be provided to the Director of Education.
  - 1.2.2 Where a Trustee of the Board is suspected of the alleged wrongdoing, the reported information will be provided to the Director of Education and the Chair of the Board.
  - 1.2.3 Where the Chair of the Board is suspected of the alleged wrongdoing, the reported information will be provided to the Director of Education and the Vice Chair of the Board.
  - 1.2.4 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 it to the full Board of Trustees.

- 1.3 Where the Director of Education is suspected of alleged wrongdoing, the investigation will be conducted by a third party investigator and reported to the entire Board of Trustees.
- 1.4 An individual can report their concerns to the third party certified ethics reporting service via email, fax, mail, or phone.
- 1.5 The third party certified ethics reporting service shall collect all information from the reporting, creating a unique case file for each matter reported. The information will be assessed and forwarded as per the Board Policy.
- 1.6 In all cases not involving the Director, the Director will assess the nature of the report to determine if the complaint falls under the definition of wrongdoing. The Director may determine that an investigation may not proceed in the following circumstances:
  - (i) the matter would more appropriately be dealt with through another existing process to which it will be referred including but not limited to Policy 424 Disposition of Complaints and Policy 425 Workplace Harassment;
  - (ii) the matter is already being dealt with through an investigation being conducted by a law enforcement body.
  - (iii) the complaint expresses disagreement with a YCDSB policy or procedure (the reporting of wrongdoing process is not designed to be an avenue for addressing disagreements with a policy decision);
  - (iv) the complaint is already subject to litigation or court proceedings;
  - (v) the complaint is related to an employment or labour relations matter that should be dealt with through another procedure;
  - (vi) the complaint is frivolous, vexatious or made in bad faith;
  - (vii) there has been a one year or more delay between the time when the complainant became aware of the suspected wrongdoing and the time of disclosure;
  - (viii) there is insufficient information to proceed.

## **2. Investigation of Suspicions or Allegations of Wrongdoing**

- 2.1 The Director of Education and/or the Chair/Vice Chair of the Board as appropriate, shall ensure that all instances of alleged wrongdoing shall be appropriately investigated and reported to the Board on a monthly basis regarding the nature of the complaints and actions taken with the complaints.
- 2.2 Investigations will be addressed in accordance with the appropriate Board policy.
- 2.3 The Director of Education, in consultation with the Board's forensic consultants and/or the Board's legal counsel, may solicit the services of internal staff and/or external resources as appropriate.
- 2.4 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.

2.5 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.

**3. Duty to Protect**

- 3.1 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.
- 3.2 A person who has reasonable grounds for believing he or she has suffered a reprisal is entitled to make a complaint to the Board of Trustees.
- 3.3 The Board shall implement the procedures to investigate complaints as outlined in the "Disposition of Complaints Policy".
- 3.4 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.
- 3.5 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.

**4. Duty to Report**

- 4.1 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. Duty to Investigate**

- 5.1 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.
- 5.2 When wrongdoing is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment and/or contract where appropriate.
- 5.3 In the event of criminal misconduct, the police shall be notified immediately.

**6. Prohibition Against Interfering with an Investigation**

- 6.1 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.
- 6.2 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.
- 6.3 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.

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

- 7.1 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.
- 7.2 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.

**8. Reporting of A Complaint from an Individual Who Believes That They Have Suffered or Are Suffering from Retaliation or Reprisal**

- 8.1 An individual who feels that they are suffering reprisal resulting from making a complaint of alleged wrongdoing should contact the Director of Education.
- 8.2 The Third Party Certified Ethics Reporting Service 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 8.1.

**9. Investigating A Complaint from an Individual Who Believes That They Have Suffered from Retaliation or Reprisal**

- 9.1 The complaint will be processed as per Board policies and procedures related to the disposition of complaints.

# Whistleblower Process

