

WHISTLEBLOWER POLICY

Statement of Policy

The Peel District School Board is committed to safeguarding the public interest and trust in public education. Peel District School Board employees, volunteers, external organizations and/or persons working for the Peel District School Board are expected to uphold the public trust and demonstrate integrity in all of their dealings.

This Policy supports that commitment by providing a framework for the disclosure and investigation of wrongdoing, as well as protection from reprisal or threat of reprisal for those who make disclosures. All individuals 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. The Board shall make every reasonable effort to discourage wrongdoing and shall establish and maintain internal controls to prevent and detect wrongdoing.

All persons to whom this policy applies are expected to adhere to the procedures outlined in this policy when making a disclosure and during any subsequent investigation.

The Whistleblower policy is aligned with and supports the principles and expectations of the Board's Human Rights policy ([Policy 51](#)) and the Equity and Inclusive Education policy ([Policy 54](#)). At all times, this policy should be interpreted to be consistent with the Board's policies and the *Human Rights Code*.

Scope of Policy

This policy encourages the reporting of suspicions of wrongdoing and applies to Peel District School Board employees, parents, students, trustees and volunteers. It also applies to external organizations and the general public.

1. Principles

- 1.1 The Peel District School Board is committed to protecting its students, staff, revenue, property, proprietary information and other assets.
- 1.2 The Peel District School Board will not tolerate any misuse or misappropriation of its assets.
- 1.3 The Peel District School Board will make every reasonable effort to protect itself against wrongdoing and will establish and maintain a system of internal control to ensure, to the fullest extent possible, the prevention and detection of wrongdoing.

- 1.4 Any individual or employee who has knowledge of an occurrence of a wrongdoing, or has reason to suspect that a wrongdoing has occurred, has the right and obligation to report the occurrence using the methods of reporting already in place under the various policies, procedures, and collective agreements. An individual or employee may choose to report the incident to their supervisor or to a third party certified ethics (whistleblower) reporting service via web portal at <https://www.integritycounts.ca/org/pdsb> or the hotline at 1-866-921-6714.
- 1.5 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 processes. Any matters with compliance concerning union contracts (for example, staffing), are not matters for the Whistleblower Policy. Such concerns or questions should be directed to an immediate supervisor, the Human Resources department or the appropriate union.
- 1.6 Provided there are reasonable grounds, the Peel District School Board shall investigate any and all incidents of suspected or alleged acts of wrongdoings. An objective and impartial investigation will be conducted regardless of the position, title, length of service, or relationship with the Board, of any party who becomes the subject of such investigation.
- 1.7 The identity of the whistleblower 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.

2. Definition of Wrongdoing

For the purposes of this statement of policy, “wrongdoing” is used to refer collectively to illegal or inappropriate conduct. Wrongdoing includes but is not limited to:

- 2.1 Fraud as defined in the Criminal Code of Canada (s. 380 (1)).
- 2.2 Misappropriation of funds, supplies, resources, or other assets.
- 2.3 Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for wrongdoing purposes, in violation of *Policy 82 – Use of Information Technology Resources*.
- 2.4 Irregular and/or improper accounting, internal controls, or auditing practices or conduct.
- 2.5 Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one’s duties.
- 2.6 Time theft (i.e., an act where an employee collects pay for time not actually worked).
- 2.7 An actual or suspected violation or contravention of any federal or provincial law, regulation, Peel District School Board policies or administrative procedures as it relates to the Peel District School Board.

- 2.8 Conduct or practices that present a danger to the health, safety, or well-being of the Board's students, employees, or other parties, where applicable.
- 2.9 Unprofessional conduct or conduct that contravenes Peel District School Board's *Policy 8 – Conflict of Interest* and *Policy 65 – Code of Conduct*.
- 2.10 Knowingly directing or counselling a person to commit a wrongdoing of illegal or inappropriate conduct.

The above list is not exhaustive but is intended to provide guidance to individuals as to the kind of conduct, which constitutes wrongdoing under this policy. Employees who are in doubt as to whether a concern is an improper activity should contact their immediate supervisor, the third party whistleblower service at <https://www.integritycounts.ca/org/pdsb> or the hotline at 1-866-921-6714, prior to reporting any wrongdoing.

3. Reporting a Wrongdoing

- 3.1 Any act of wrongdoing that is detected or suspected must be reported immediately either through the immediate supervisor or through the certified third party whistleblower service which can be accessed via web portal at <https://www.integritycounts.ca/org/pdsb> or the hotline at 1-866-921-6714.
- 3.2 Where a member of senior staff is suspected of wrongdoing, the individual or employee may notify the Director of Education.
- 3.3 Where the Director of Education is suspected of wrongdoing, the individual or employee may notify the Chair of the Board.
- 3.4 Where a Trustee is suspected of wrongdoing, the individual or employee may notify the Director of Education as Secretary of the Board.
- 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 breach of a code of conduct, board policies or questionable financial practices.
- 3.6 An individual or employee who makes an unsubstantiated report, which is knowingly false or made with vexatious or malicious intent, will be subject to discipline, up to and including termination of employment or vendor/contractor services.

4. Investigation of Suspicions or Allegations of Wrongdoing

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.

- 4.1 As with all matters of a serious nature, responsibility for ensuring all reported allegations of wrongdoing are investigated, rests with the Director of Education.
- 4.2 The Director of Education shall ensure that all instances of alleged or suspected wrongdoing shall be appropriately investigated and reported back to the Board on an annual basis through the Audit Committee.

- 4.3 The Director of Education shall determine when it is appropriate to inform the Chair of the Board, or the Board of Trustees, of an allegation of wrongdoing or the results of an investigation of wrongdoing. In addition, the Director of Education will inform the Audit Committee if it is a financial wrongdoing.
- 4.4 The Director of Education, in consultation with the Board's forensic consultants and/or the Board's legal counsel, may involve the services of internal staff and/or external resources as appropriate.
- 4.5 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.
- 4.6 If the investigation that was done in good faith is not to the whistleblower's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.
- 4.7 All participants in an investigation of 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 performing the investigation.
- 4.8 Peel District School Board may develop procedures to protect 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.
- 4.9 The third party whistleblower service may refuse to deal with a disclosure if the information provided was determined not to be made in good faith.
- 4.10 When a wrongdoing is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment and/or contract where appropriate.
- 4.11 In the event of criminal misconduct, the police shall be notified immediately.

5. Reprisal

- 5.1 This policy prohibits reprisals or threats of reprisals against individuals or employees acting in good faith, who:
 - (a) report incidents of suspected wrongdoing;
 - (b) seek advice about making a disclosure;
 - (c) cooperate in any subsequent investigation;
 - (d) act as witnesses in any subsequent investigation; or
 - (e) act in compliance with the Policy.
- 5.2 A reprisal is 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; and
- (d) intimidating, coercing or harassing an individual or employee in relation to his or her employment or appointment.

5.3 A person who has reasonable grounds for believing he or she has suffered a reprisal is entitled to make a complaint to the Board or the third party whistleblower service.

5.4 The Board shall investigate all complaints of reprisal.

5.5 The Board shall make every effort to ensure that an individual or employee, who in good faith reports under this policy, is protected from harassment, retaliation or adverse employment or contract consequence.

5.6 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.

6. Prohibition Against Interfering with an Investigation

6.1 No person shall wilfully obstruct management or any others involved in an investigation of wrongdoing.

6.2 Any person who wilfully obstructs management or any others involved in an investigation of wrongdoing is subject to disciplinary measures including suspension or dismissal.

6.3 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 wrongdoing.

6.4 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 wrongdoing is subject to disciplinary measures, including suspension or dismissal.

7. Prohibition Against Counselling Interference with an Investigation

7.1 No person shall direct, counsel or cause in any manner any person to obstruct management or any others involved in an investigation of wrongdoing.

7.2 No person 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 wrongdoing.

- 7.3 Any person who directs, counsels or causes in any manner any person to obstruct management or any others involved in an investigation of wrongdoing is subject to disciplinary measures, including suspension or dismissal.
- 7.4 Any person who directs, counsels or causes 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 is subject to disciplinary measures, including suspension or dismissal.

Approved May 27, 2014
Revised June 19, 2017
Revised November 13, 2018