

## ***SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD***

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*Section* PERSONNEL

*Policy Name* WHISTLEBLOWER POLICY

726

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*Board Approved: December 4, 2023*

*Review Prior To: December 2028*

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### ***POLICY***

Superior-Greenstone District School Board Employee Code of Conduct requires directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the Superior-Greenstone District School Board must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

It is the responsibility of all directors, officers and employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy.

### ***RATIONALE***

There are occasions when employees and other stakeholders may need to disclose Code violations against senior or managerial staff without fear of reprisal. The Superior-Greenstone District School Board is committed to safeguarding the public interest and trust in public education. This policy encourages and protects individuals who want to report unethical, illegal, or improper conduct within the organization, relating to matters of wrongdoing, which may include financial misconduct, misuse of resources, violation of policies, misrepresentation or deception, conflict of interest, and/or ethical violations.

### ***SCOPE***

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

### ***DEFINITIONS***

***“Code”*** means the Employee Code of Conduct (Policy 707) adopted by the Superior-Greenstone District School Board.

***“Wrongdoing”*** is used to refer collectively to illegal or inappropriate conduct. Wrongdoing includes but is not limited to:

- i. Fraud as defined in the Criminal Code of Canada (s. 380 (1)).
- ii. Misappropriation of funds, supplies, resources, or other assets.
- iii. Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for wrongdoing purposes, in violation of

Policy – 602.2, Employee Acceptable Use of Technology, Policy – 608 Computer Network Security, and Policy – 612 IT Information Privacy.

iv. Irregular and/or improper accounting, internal controls, or auditing practices or conduct.

v. Conflicts of interest (personal or otherwise) influencing the objectives and decision making of one's duties.

vi. Conduct or practices that create a danger to life, the physical and/or mental health and well-being, safety of students, staff or other parties where applicable, or to the learning or working environment.

vii. Time theft (i.e., an act where an employee collects pay for time not actually worked).

viii. An actual or suspected violation or contravention of any federal or provincial law, regulation, SGDSB policies or administrative procedures as it relates to the SGDSB.

ix. Unprofessional conduct or conduct that contravenes Policy 707 – Employee Code of Conduct.

x. 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 the Board Compliance Officer or the Director of Education prior to reporting any wrongdoing. Should the wrongdoing involve the Board Compliance Officer or Director of Education, employees should contact the Chair of the Board of Trustees.

## ***PROCEDURE***

### **1.0 Retaliation & Acting in Good Faith**

Any individual involved in a complaint or investigation concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. This includes individuals who may have:

- reported suspected incidents of wrongdoing;
- sought advice about making a disclosure;
- cooperated in an investigation;
- acted as a witness to any investigation; or
- acted in compliance with this Policy.

Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be treated as a serious disciplinary offense.

No director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation, or adverse employment consequence (in accordance with Policy 717 Workplace Harassment and Human Rights and the Occupational Health and Safety Act). An employee who retaliates against someone who has reported a violation, or participated in the reporting/investigative process, in good faith is subject to discipline up to and including termination of employment.

This Whistleblower Policy is intended to encourage and enable employees and other stakeholders to raise serious concerns within the Superior-Greenstone District School Board prior to seeking resolution outside the organization.

## **2.0 Reporting Violations**

Employees and other stakeholders are expected to share their questions, concerns, suggestions, or complaints with someone who can address them properly, in accordance with the Policy 207 – Lines of Communication Regarding Complaints.

In most cases, an employee's supervisor is in the best position to address an area of concern. However, if someone is not comfortable speaking with their supervisor or they are not satisfied with their supervisor's response, they may speak with someone in the Human Resources Department or anyone in management whom they are comfortable in approaching.

Supervisors and managers are required to report suspected violations of the Code to a Superior-Greenstone District School Board Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations.

Individuals should contact a Compliance Officer directly when:

- Wrongdoing is suspected.
- Someone is not satisfied or is uncomfortable with approaching a manager or supervisor.

Should an individual have a report of wrongdoing against a Trustee, they may notify the Director of Education.

Should an individual have a report of wrongdoing against a Compliance Officer, they may instead report directly to the Chair of the Board.

## **3.0 Compliance Officer**

The Superior-Greenstone District School Board's Compliance Officers are responsible for investigating and resolving all reported complaints and allegations concerning violations of the Code and, at their discretion, shall advise the Director of Education and/or the audit committee. The Compliance Officers have direct access to the audit committee and are required to report to the audit committee on compliance activity.

The Compliance Officer role is shared between the following individuals:

- The Director of Education for matters related to finance, business, or Trustee wrongdoing.
- The Superintendent of Business for all other matters.

If a Compliance Officer is suspected of wrongdoing, The Chair of the Board will assume the responsibility for investigation and reporting. The Chair of the Board, at their discretion, may choose to form an ad-hoc committee of Trustees to oversee a complaint or investigation against a Compliance Officer.

#### **4.0 Accounting and Auditing**

The Audit Committee of the Superior-Greenstone District School Board addresses all reported concerns or complaints regarding accounting practices, internal controls or auditing. The Compliance Officers will notify the audit committee of any such complaint.

#### **5.0 Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. As such, absolute confidentiality cannot be guaranteed.

Individuals involved in the investigation of a complaint are expected to adhere to the confidentiality guidelines set forth herein and under Policy 707 – Code of Conduct and Policy 717 – Human Rights and Harassment. Violations of these guidelines may result in disciplinary action, up to and including termination.

The SGDSB cannot be held responsible for the actions of the complainant(s) or respondent(s) in relation to any outside agency and violations of confidentiality.

#### **6.0 Handling of Reported Violations**

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. The Compliance Officer may designate another supervisory official of the board to oversee an investigation of a complaint. While all reports will be reviewed, the Compliance Officers (or designate) may not proceed with an investigation in circumstances where there is not sufficient information provided to warrant an investigation. If an investigation is possible, it will be promptly undertaken and appropriate corrective action will be taken if warranted by the investigation, in line with existing policy.

This policy does not supersede existing SGDSB policies, and as such, a Compliance Officer may refer a complaint to a more appropriate reporting stream if it does not fall within the definitions of wrongdoing in this policy.

Compliance Officers may involve external investigators or resources as appropriate. Employees are expected to fully cooperate with any designated individual responsible for investigating wrongdoing under this policy. No individual shall willfully obstruct a Compliance Officer (or designate) in an investigation of wrongdoing. Obstruction may include, and is not limited to, altering, falsifying, concealing, or destroying documents relevant to an investigation, and/or counseling any individual to do so. Obstruction or counselling interference with any investigation is subject to disciplinary measures, up to and including termination.

If wrongdoing is confirmed by an investigation, appropriate disciplinary action will be taken. Disciplinary action may include reporting to professional regulatory bodies. In the event of wrongdoing of a criminal nature, the police shall be notified.

Should the reported violation be against a Compliance Officer, the Chair of the Board will assume the aforementioned responsibilities for handling reported violations.

## **REFERENCES**

Occupational Health and Safety Act of Ontario

Superior-Greenstone DSB Policies and Management Guidelines

- P-207 Lines of Communication Regarding Complaints
- P-602.2 Employee Acceptable Use of Technology
- P-608 Computer Network Security
- P-612 IT Information Privacy
- P-707 Employee Code of Conduct
- P-717 Workplace Harassment and Human Rights
- P-723 Conflict of Interest