WHISTLEBLOWER POLICY AND PROTECTION

“A generous man will himself be blessed, for he shares his food with the poor.”
Proverbs 22:9

Vision:
At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:
The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.

G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and Facilities

Angela Gauthier
Director of Education
A. EXECUTIVE SUMMARY

This report explores the concept of a Whistleblower Policy that provides standard guidelines within which the Toronto Catholic District School Board responds to the moral, ethical, or legal concerns of all of its Community Stakeholders. This report proposes to develop a Whistleblower Policy (Appendix A) and Whistleblower Operational Procedures (Appendix B), and create the conditions necessary for its effective administration.

B. PURPOSE

The Audit Committee, at its April 14, 2014 meeting requested staff to provide the following information on a Whistleblower Policy:

1. That staff come back with information on what other Boards are doing and bring back a draft policy that could be implemented

2. That staff investigate other alternatives

3. That the Chair of the committee liaise with the Audit Committees of other Boards, staff and Trustees and have an open discussion at various levels of those boards.

C. BACKGROUND

1. A Whistleblower Policy commonly possesses the following factors:

   a. A clear statement that employees who are aware of possible wrongdoing within the organization have a responsibility to disclose that information to appropriate parties inside the organization;

   b. The designation of specific individuals or groups outside the chain of command as complaint recipients;

   c. A guarantee that employees who in good faith disclose perceived wrongdoing to the designated parties inside the organization will be protected from adverse employment consequences; and

   d. The establishment of a fair and impartial investigative process.
2. The Audit Committee during the meeting held on September 24th 2014 requested that the policy be referred back to staff to look at:

   i. Addressing the confidentiality issue and reporting of wrongdoing.

   ii. What kind of Whistleblower Policies other governments have and how Crimestopper’s operate.

3. Peel District School Board on May 27, 2014 at its regular meeting of the Board recommended Whistleblower Policy #83 be approved by its Board of Trustees.

4. Halton Catholic DSB has incorporated a Whistleblower statement in it Fraud Management Policy I-24 approved September 18, 2012. Within this policy a Whistleblower statement of protection is also included.

5. Waterloo Catholic DSB has incorporated a Whistleblower statement in its Fraud and Accountability Management procedure APB 006 issued on April 24, 2013.

D. EVIDENCE/RESEARCH/ANALYSIS

1. TCDSB has approached the 6 member boards of CSBSA (Catholic School Boards Services Association) to put together a RFP for a hotline to take into account the buying power of a larger number of boards. The CSBSA was incorporated as the Catholic School Boards Services Association in 1998 and it is a not-for-profit consortium of GTA Catholic School Boards dedicated to providing business opportunities for all Ontario School Boards.

2. The Peel District School Board communicated to the CSBSA their recent completion of an RFP process for a third party Whistleblower hotline service, WhistleBlower Security Inc., which contained a piggy-back clause for other District School Boards to participate with a cost-advantage.

3. TCDSB staff attended a Greater Toronto School Boards Whistleblower Ethics Reporting presentation hosted by the York Catholic District School Board. Representatives from WhistleBlower Security Inc. provided an
overview about Whistleblower security, best practices, what services they can offer, and pricing based on the awarded RFP at the Peel District School Board. The presentation and pricing schedule has been attached as Appendix C.

4. The risk to the Board if the TCDSB does not adopt a Whistleblower Policy is a reputational risk which may negatively impact upon public confidence.

5. The risk to the Board if the TCDSB does not adopt a Whistleblower Policy is the potential loss of assets or misappropriated public funds.

**E. VISION**

<table>
<thead>
<tr>
<th>VISION</th>
<th>PRINCIPLES</th>
<th>GOALS</th>
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<tbody>
<tr>
<td>The facilitation of a Whistleblower Policy</td>
<td>The Policy and Operational Procedures will serve</td>
<td>Provide a safe and anonymous means for all community</td>
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<tr>
<td>serves to safeguard Catholic values and</td>
<td>to enhance public confidence and ensure</td>
<td>stakeholders to report issues of moral, ethical or legal</td>
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<tr>
<td>ethics in the TCDSB community.</td>
<td>stewardship of resources.</td>
<td>concern.</td>
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**F. STAFF RECOMMENDATION**

That the Audit Committee recommend to the Governance Committee the approval of this draft policy and operational procedures appearing in Appendix A and B in principle, subject to feedback to be received from public consultation including unions and federations.
Date Approved: October 2014  
Date of Next Review: October 2019  
Dates of Amendments:  

Cross References:  
Education Act, 1990, s. 301, 302  
Ontario Human Rights Code, 1990  
TCDSB Code of Conduct Policy S.S.09  
TCDSB Human Resources Policies H.M.19, H.M.24, H.M.28, H.M.30  
“The Respectful Workplace” – Addressing Harassment and Discrimination H.M.14  
TCDSB Safe Schools Policies S.S.05, S.S06  
S.M.05 Sexual Harassment  
Ontario Code of Conduct  
O. Reg. 521, Collection of Personal Information  
Municipal Freedom of Information and Protection of Privacy Act  
TCDSB, Sexual Harassment- Policy and Practices, 2001 , manual  
Police/ School Board Protocol  
Bill 168, An Act to Amend the Occupational Health & Safety Act  

Replaces policies: N/A  

Purpose  

The Toronto Catholic District School Board (TCDSB) is committed to safeguarding the public interest and trust in public education. All internal and external stakeholders for the Toronto Catholic District School Board (TCDSB) Community 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 of information.  

The Policy is intended to encourage TCDSB stakeholders at all levels of the organization and others to act with integrity. 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.
Scope and Responsibility

This policy applies to all internal and external stakeholders of the TCDSB Community. This Policy extends to all individuals or organizations engaged in education or other activities while in facilities or representing the Toronto Catholic District School Board. The Director of Education is responsible for this policy.

Alignment with MYSP

Strengthening Public Confidence

Policy

The Toronto Catholic District School Board (TCDSB) will achieve effective utilization and protection of all of its resources through sound application and management of financial systems and internal controls. These objectives will be achieved by adherence to generally accepted accounting principles, sound business practices and applicable Provincial and Federal Statutes and Regulations. Management will maintain comprehensive operational procedures to guide and safeguard both TCDSB community and assets in its day to day operations.

Regulations

1. Any act of wrong-doing that is detected or suspected must be reported immediately and investigated in accordance with this policy as expeditiously as possible.

2. Any individual or employee who has knowledge of an occurrence of a wrong-doing, or has reason to suspect that a wrong-doing has occurred, has the right and obligation to report the occurrence using the channels of reporting provided under the various policies, procedures, and collective agreements. However, an individual or employee may choose to report the incident to a third party whistleblower hotline.

3. The Toronto Catholic District School Board will provide information to ensure that internal and external stakeholders are familiar with the policy including a mechanism for concerned individuals to confidentially report actual or suspected instances of wrong-doing through a third party whistleblower hotline.

4. Provided there are reasonable grounds, the TCDSB 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.
5. 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 internal and external stakeholders of the TCDSB community are subject to subpoena.

6. Responsibility for ensuring all reported allegations of wrongdoing are investigated rests with the Director of Education.

7. 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.

8. An individual or employee who makes an unsubstantiated report, which is knowingly false, frivolous, or made with vexatious or malicious intent, will be subject to discipline, up to and including termination of employment or vendor/contractor services.

9. No person shall wilfully obstruct management or any others involved in an investigation of wrong-doing.

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

11. 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.

Definitions:

1. **Informant**: An informant is a person who exposes misconduct, alleged dishonest or illegal activity occurring in an organization

2. **Wrong-doing**: A wrong-doing may be classified collectively as illegal or inappropriate conduct, i.e. a violation of a law, rule, regulation and/or a direct threat to public interest, such as fraud, health and safety violations, and corruption.

Wrongdoing includes but is not limited to:

- Fraud as defined in the Criminal Code of Canada (s. 380 (1)).
- Misappropriation of funds, supplies, resources, or other assets.
- Any computer related activity involving the alteration, destruction, forgery, manipulation of data or unauthorized access for wrongdoing purposes, in violation of the boards Policy on Electronic Communication System- Acceptable Use (A.29)
- Irregular and/or improper accounting, internal controls, or auditing practices or conduct.
• Conflicts of interest (personal or otherwise) influencing the objectives and decision-making of one's duties.

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

• 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.

• Unprofessional conduct or conduct that contravenes TCDSB's - Conflict of Interest Policy (HM.31) as it relates to Employees and, (T.01) as it relates to Trustees - Code of Conduct (SS.09).

• Knowingly directing or counselling a person to commit a wrong-doing 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 wrong-doing under this policy. Employees who are in doubt as to whether a concern is an improper activity should contact their immediate supervisor, or the Finance Department, prior to reporting any wrong-doing.

3. **Reprisals:** 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
   d. Intimidating, coercing or harassing an individual or employee in relation to his or her employment or appointment

**Metrics**

• TCDSB staff will provide the Audit Committee with annual updates of the number and classification of disclosures of information.
Purpose

The Toronto Catholic District School Board (TCDSB) is committed to safeguarding the public interest and trust in public education. All internal and external stakeholders for the Toronto Catholic District School Board (TCDSB) 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 wrongdoing, as well as protection from reprisal or threat of reprisal for those who make disclosures of information.

Scope and Responsibility

This operational procedure applies to all internal and external stakeholders of the TCDSB Community. This operational procedure extends to all individuals or organizations engaged in education or other activities while in facilities or representing the Toronto Catholic District School Board. The Director of Education is responsible for this operational procedure.

Alignment with MYSP

Strengthening Public Confidence

Operational Procedures

1. Reporting a Wrongdoing

   a) Any act of wrongdoing that is detected or suspected must be reported immediately to the employee’s immediate supervisor.
   b) Where a member of senior staff is suspected of alleged wrongdoing, the individual or employee may notify the Director of Education.
   c) Where the Director of Education is suspected of alleged wrongdoing, the individual or employee may notify the Chair of the Board.
   d) Where a Trustee is suspected of alleged wrongdoing, the individual or employee may notify the Director of Education as Secretary of the Board.
   e) Where there is need by an internal or external stakeholder for an anonymous multi-language hot-line outside of the existing channels of reporting provided under the various policies, procedures, and collective agreements, an individual or employee may choose to report the incident to a third party whistleblower hotline.
2. Investigation of Suspicions or Allegations of Wrongdoing

   a) The Director of Education shall ensure that all instances of alleged wrongdoing shall be appropriately investigated and reported back to the Board on an annual basis.

   b) 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.

   c) 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.

   d) 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.

   e) In the event that the investigation was conducted in good faith yet is not to the informant's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

   f) 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

   a) TCDSB 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.

   b) A person who has reasonable grounds for believing he or she has suffered a reprisal is entitled to make a complaint to the Board.

   c) The Board shall develop procedures for investigating complaints of reprisal.

   d) 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.

   e) 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.

4. Duty to Report

   a) Any act of wrong-doing that is detected or suspected must be reported immediately and investigated in accordance with this policy as expeditiously as possible.
5. Duty to Investigate

a) 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.

b) 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.

c) In the event of criminal misconduct, the police shall be notified immediately.

6. Prohibition Against Interfering with an Investigation

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

b) 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.

c) 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

a) 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.

b) 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.
Greater Toronto School Boards
WhistleBlower Ethics Reporting
Enhancing Integrity and Maximizing Employee Engagement
Agenda

- About WhistleBlower Security
- Why Partner with Us
- What We Offer
- The User Experience
- Best Practices
- Pricing
About WhistleBlower Security

- Operating since 2005
- Canadian based provider of customized ethics reporting services to enhance:
  - Governance & Compliance
  - Transparency, Oversight & Accountability
  - Employee relations
- Part of the Walker Group of companies. WBS clients include:
Why Partner with Us

- Partner with the experts to protect your brand and reputation
  - Shelter your organization, assets, management, board members, and employees

- An objective third party service protects employees’ identities so they are more inclined to come forward

- A single ethics program to create best practices across your operations:
  - Enhance management / employee relations
  - Reduce instances of waste and/or wrongdoing
  - Apply a single Code of Conduct

- Enhance your existing governance programs to attract and retain:
  - The best talent
  - Satisfied and empowered staff
What We Offer

- Transparency, accountability, and an enhanced culture of integrity
- Development of best practices that are common to successful businesses
  - Seamless integration with existing compliance programs and policies
- Program marketing and training support
- 24/7/365 confidential communication applications
- Best in class security, data protection, and privacy protocols
- Partnership oriented account management support
- Access to our Intelligence Network of experts
- A reliable and industry respected partner
- Peace of mind
What We Offer

- An ethics reporting tool and management system to support the School Board’s mandate to implement a whistleblower policy and procedure
- Development of best practices that are common to successful organizations
  - Seamless integration with existing compliance programs and policies
- Program marketing and training support
- 24/7/365 confidential communication applications
- Best in class security, data protection, and privacy protocols
- Partnership oriented account management support
- Access to our Intelligence Network of experts
- A reliable and industry respected partner
- Peace of mind
What We Offer - Security

- Information is encrypted via SSL certificate (industry leading at 2048-bit)
- WBS adheres to PIPEDA, FIPPA, and all privacy legislation both locally and globally.
- Anti-virus protection is installed on all servers and is renewed regularly.
- The platform includes automatic encryption of data and traffic and weekly server password changes are enforced for all developers and programmers.
- Each client is assigned a unique ID for system use only. Data can only be accessed by those users who are attached to the unique ID. Mechanisms ensure there is no unauthorized access to data and information.
- Firewall services use access control lists (ACLs) to permit and deny access into the WBS network. By default, all inbound traffic is denied and is only permitted when necessary.
- Systems are configured to check for anti-malware / anti-virus updates every 4 hours and install automatically.
- Intrusion Detection & Prevention System is used to identify, log, and block malicious activity such as: denial-of-service attacks, brute-force password-based attacks, identity spoofing, etc.
- All systems run on a redundant virtual and network infrastructure. In the event of a single hardware failure, our services continue to be operational. There is no downtime or data loss.
The User Experience

With experience, we’ve come to understand that making the step from observation to action can be difficult. At WhistleBlower Security, we strive to offer a comfortable and supportive service experience to help our clients and their employees take that step.

As an intermediate between the Reporter and the organization, our professional service agents are trained to remain unbiased; it’s not our place to take any position, but it is our obligation to make the Reporter feel at ease by creating a secure environment for them to be heard.
The User Experience

Case Reporting Workflow – WhistleBlower Security

- Reporter contacts WhistleBlower Security
- E-Mail
- Fax
- Mail
- Phone

Contact Centre Agent receives call
Agent connects caller to interpreter as needed

Case information is filed with secure online system
Notification is sent to Reviewer
Best Practices

• Whistleblowing is now considered to be among the most effective, if not the most effective means to expose and remedy corruption, fraud and other types of wrongdoing in the public and private sectors. (Source: WhistleBlower Protection Laws in G20 Countries: Priorities for Action)

• Hotlines are the number one method of detecting fraud with over 40% of all fraud being discovered through this method. (Source: ACFE Report to the Nations, 2013)

• Strong Code of Conduct with anti-retaliation language being foremost

• Communications, training, tone at the top commitment, education

• Assessment, refine, retrain and re-engage
Fighting Fraud & Inappropriate Behaviour

• School Districts are just as vulnerable to fraud and wrongful behavior as any public or private organization.

• Issues include collusion with outside vendors, kickbacks, misuse of district-issued credit cards, embezzlement of district funds, theft of district property, conflict of interest, disclosure of confidential information, PAC related financial issues

• Need to be aware and trained on potential red flags – living beyond one’s means, gambling, substance abuse, family changes, lack of vacation, etc

• Ensure internal controls and balances are in place

• Policies and procedures clear and documented

• Have a comprehensive ethics reporting system in place
Internal Vs. External Considerations

• Partnering with an third-party to manage the systems guarantees trained agents, processes and protocols for implementation and escalation

• Cost Effectiveness

• 24/7/365 Anonymous Multi-language support with live trained agents

• Capability to dialogue confidentially with the Reporter

• Perception that Management is truly committed if contracted with a third-party

• In-house system will not have requisite sophistication or provide level of protection for confidentiality and anonymity

• Robust reporting analytics and trending issues
# Extended Pricing Schedule

## Proposed Pricing Per District, **DISCOUNTED** for Second-time Clients

<table>
<thead>
<tr>
<th>BOARD</th>
<th>SET UP FEE</th>
<th>TRAINING, PER</th>
<th>OPERATING FEES</th>
<th>WALLET CARDS</th>
<th>RENEWAL</th>
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<td>York Region DSB</td>
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## Blended Discount Rate **"BDR"**

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<th>Any (3) Districts</th>
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<td>Training, per</td>
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<tr>
<td>Operating Fees</td>
<td>12%</td>
<td>20%</td>
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<tr>
<td>Wallet Cards</td>
<td>10%</td>
<td>15%</td>
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