

PERSONNEL AND EMPLOYEE RELATIONS	7000
DRAFT - NOVEMBER 14, 2023	
ACCOUNTABILITY POLICY	7090

1.0 Rationale

The intent of this policy is to:

- safeguard public interest, trust and public confidence;
- ensure ethical and professional conduct;
- enable trustees, employees, and the general public, including parents and students, to raise concerns about suspected wrongdoing by a trustee or an employee of the Lakehead District School Board (LDSB) in respect to the business and operations of its schools, offices and facilities; and
- ensure protection against reprisal related to reporting of suspected wrongdoing.

2.0 Policy Statement

The Lakehead District School Board trustees, employees, volunteers, external organizations and/or persons working for the LDSB are expected to uphold the public trust and demonstrate integrity in all dealings. All individuals are expected to act with honesty and integrity in the fulfillment of their responsibilities in accordance with the laws and regulations, LDSB's codes of conduct, policies, and procedures. The LDSB shall make every reasonable effort to discourage wrongdoing and shall establish and maintain internal controls to prevent and detect wrongdoing.

3.0 Responsibility

3.1 Director of Education

- responsible for establishing appropriate organizational structures, systems, practice, and controls to ensure compliance with this policy in relation to the employees of the LDSB.

3.2 Board of Trustees

- responsible for enforcing this policy in relation to the director of education; and
- responsible for a complaint that a trustee has breached the Board Member Code of Conduct.

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4.0 Guiding Principles

- 4.1 The LDSB is committed to the safety of the learning and working environments in all schools, offices, and facilities and the effective stewardship of its resources in accordance with all applicable laws.
- 4.2 The LDSB is committed to protecting its students, staff, revenue, property, proprietary information and other assets.
- 4.3 The LDSB will not tolerate any misuse or misappropriation of its assets.
- 4.4 The LDSB 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.
- 4.5 Any individual or employee who has knowledge of an occurrence of a wrongdoing or has reason to suspect that a wrongdoing has occurred, has both the right and the 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 the director of education. If the matter relates to the director of education or a trustee, individuals may report the incident to the chair of the Board.
- 4.6 This policy does not supersede other LDSB policies, procedures and protocols and a person making a report may be directed to use other available complaint resolution processes. For example, any matters with compliance concerning union contracts, are not matters for the Accountability Policy. Such concerns or questions should be directed to an immediate supervisor, the human resources department or the appropriate union.
- 4.7 Provided there are reasonable grounds, and the report is applicable to the Accountability Policy, the LDSB 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. The person who filed the report will be informed of the manner in which the disclosure was addressed, when possible.

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- 4.8 All participants in an investigation of a suspected wrongdoing, including persons who make a report of suspected wrongdoing, witnesses, and the persons suspected to be responsible for wrongdoing, are expected to keep the details and results of the investigation confidential, and only discuss the matter with those conducting the investigation.
- 4.9 Confidentiality will be maintained to every extent possible, but it should be understood that the nature of the investigation may be expanded beyond the complainant(s) and the respondent(s) to verify factual information.
- information will only be disclosed by the LDSB to those necessary to the investigation;
 - the LDSB cannot be held responsible for the actions of the complainant or respondent in relation to any outside agency;
 - the LDSB may be legally required to provide information to an outside authority. As well, the LDSB may be legally required to speak to the respondent regarding the incident and, where appropriate, take further action; and
 - it is because of these facts that absolute confidentiality cannot be guaranteed. All those that are involved with the investigation process must abide by the confidentiality guidelines.

Regardless of the outcome of the investigation, no action will be taken against a complainant unless it can be shown that the complaint was made maliciously or in bad faith. Any person who knowingly and purposefully makes a false, frivolous, malicious, or vexatious report may be subject to legal proceedings to obtain redress. Any employee who knowingly and purposefully makes a false, frivolous, malicious, or vexatious report may be subject to discipline, up to and including dismissal.

- reassignment or relocation for the safety/security of individuals involved is not considered discipline.

This policy does not affect or replace any duty to make a report that is required or permitted under legislation. This policy does not affect any rights under a collective agreement, legislation, the Ontario Human Rights Code, or the Canadian Charter of Rights and Freedoms.

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5.0 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:

- 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 3096- Information/ Communication Technology Use Policy;
- 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;
- 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;
- time theft (i.e., an act where an employee collects pay for time not actually worked);
- an actual or suspected violation or contravention of any federal or provincial law, regulation, LDSB policies or administrative procedures as it relates to the LDSB;
- unprofessional conduct or conduct that contravenes LDSB’s Code of Conduct; and
- 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 or the director of education prior to reporting any wrongdoing.

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6.0 Reprisal

This policy prohibits reprisals or threats of reprisals against individuals or employees acting in good faith, who:

- report incidents of suspected wrongdoing;
- seek advice about making a disclosure;
- cooperate in any subsequent investigation;
- act as witnesses in any subsequent investigation; or
- act in compliance with the policy.

A reprisal is any measure taken against an individual or employee that adversely affects their employment or appointment and includes, but is not limited to:

- ending or threatening to end an individual or employee's employment or appointment;
- disciplining or suspending or threatening to discipline or suspend an individual or employee;
- imposing or threatening to impose a penalty related to employment or appointment of an individual or employee; and
- intimidating, coercing or harassing an individual or employee in relation to their employment or appointment.

An employee of the LDSB who retaliates against someone who has reported a suspected wrongdoing, in good faith, is subject to discipline, up to and including dismissal.

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7.0 Specific Directives

The director of education has authority to issue operational procedures for reporting and investigating alleged wrongdoing involving employees.

<u>Cross Reference</u>	<u>Date Approved</u>	<u>Legal Reference</u>
Trustee Code of Conduct		Ontario Human Rights Code
7030 Human Rights and Workplace Harassment		Canadian Charter of Rights and Freedoms
7040 Violence in the Workplace		Criminal Code of Canada (s.380.1)
3096- Information/ Communication Technology Use Policy		Occupational Health and Safety Act – Part III.0.I
	<u>Date Revised</u>	