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1.0 Rationale

This Accountability Procedure is developed to support implementation of the 7050-Accountability Policy.

2.0 Objective

To establish the process for reporting of suspected wrongdoing with regard to the trustees and employees of the Lakehead District School Board.

3.0 Definitions

- 3.1 Board is the Lakehead District School Board, which is also referred to as the “LDSB”.
- 3.2 External third party means an independent and neutral service provider procured by the LDSB as required to investigate claims.
- 3.3 Senior staff means senior administration, principals/vice-principals, managers.
- 3.4 Parties overseeing investigation means officials, i.e., chair of the Board, director of education, and human resources, who have authority to initiate an investigation of suspected wrongdoing.
- 3.5 Reprisal includes any harassment, intimidation, threats, or discipline against a person for making a report to the Board about a suspected wrongdoing by a trustee or employee of the LDSB with respect to the business and operations of its schools, offices, and facilities.

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4.0 Wrongdoing

For the purposes of this procedure, “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;
- an act or omission that creates danger to life, physical and mental health, safety of persons, or to the 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;
- conduct or practices that present a danger to the health, safety, or well-being of the LDSB’s students, employees, or other parties, where applicable;
- 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.

5.0 Application and Scope

This procedure applies to reporting by persons (including trustees, employees, the LDSB’s permit holders, volunteers, students, parents, external organizations, and the general public) of suspected wrongdoing by an employee of the LDSB in respect of the business and operations of the LDSB’s schools, offices and facilities.

This procedure also applies to reporting of suspected wrongdoing with regard to trustees of the LDSB.

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6.0 Reporting of Wrongdoing

Any act of wrongdoing that is detected or suspected must be reported immediately either through the immediate supervisor or through the director of education. Additionally, employees may report suspected or detected acts of wrongdoing through confidential online portal located at www.LDSB...XXXX

Where a member of senior staff is suspected of wrongdoing, the individual or employee may notify the director of education.

- Where the director of education is suspected of wrongdoing, the individual or employee may notify the chair of the Board.
- Where a trustee is suspected of wrongdoing, the individual or employee may notify the director of education as secretary of the Board.

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, LDSB policies or questionable financial practices.

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.

7.0 Investigation of Suspicions or Allegations of Wrongdoing

- 7.1 The process for addressing and resolving a reporting of suspected wrongdoing must be neutral, transparent, fair and timely. This includes informing the person who filed the report of the manner in which the disclosure was addressed.
- 7.2 As with all matters of a serious nature, responsibility for ensuring all reported allegations of wrongdoing are investigated, rests with the director of education.
- 7.3 The director of education shall ensure that all instances of alleged or suspected wrongdoing shall be appropriately investigated through the appropriate avenues and reported back to the Board on an annual basis through the Audit Committee.
- 7.4 Outside of the annual report, 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.
- 7.5 The director of education, in consultation with the LDSB's forensic consultants and/or the LDSB's legal counsel, may involve the services of internal staff and/or external resources as appropriate.

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- 7.6 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. Employees have a right to representation by their bargaining unit.
- 7.7 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.
- 7.8 Lakehead 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.
- 7.9 The director of education, chair of the Board, and/or the human resources superintendent (or HR designate), may refuse to deal with a disclosure if the information provided was determined not to be made in good faith or when not enough information is provided to be able to conduct an investigation.

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.

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

8.0 Prohibition with Interfering with an Investigation

- 8.1 No person shall willfully obstruct management, or any others involved in an investigation of wrongdoing.
- 8.2 Any person who willfully obstructs management or any others involved in an investigation of wrongdoing is subject to disciplinary measures including suspension or dismissal.
- 8.3 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.
- 8.4 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.

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9.0 Prohibition Against Counselling Interference with an Investigation

- 9.1 No person shall direct, counsel or cause in any manner any person to obstruct management or any others involved in an investigation of wrongdoing.
- 9.2 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.
- 9.3 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 without pay or dismissal.
- 9.4 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.

<u>Cross Reference</u>	<u>Date Received</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		
	<u>Date Revised</u>	Occupational Health and Safety Act – Part III.0.I