

# BOARD POLICY

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<b>POLICY TYPE:</b>	Executive Limitations
<b>POLICY TITLE:</b>	General Executive Constraint – Whistle Blowing Policy
<b>EFFECTIVE DATE:</b>	April 2017
<b>RENEWAL DATE:</b>	April 2021

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## 1. Background

Durham College will conduct its operations and develop policies and practices consistent with all legal statutes and professional requirements established by public policy and the Ontario Colleges of Applied Arts and Technology Act (2002), Regulation 34/03 and the binding policy directives of the Ministry of Advanced Skills Development. All information gathered during the whistle blowing process is protected under the Freedom of Information and Protection of Privacy Act.

## 2. Definitions

### 2.1. College Community Members

Any member of the Durham College community, including, without limitation, any of the following:

- 2.1.1. Any person who is an employee of the College;
- 2.1.2. Any person who is an appointee (including a volunteer board member) of the College;
- 2.1.3. Students, visiting scholars and any other persons while they are acting on behalf of or at the request of the College;
- 2.1.4. Any person who is a student or employee of the University of Ontario Institute Technology and providing services to or receiving services from Durham College;

### 2.2. Whistle Blowing

- 2.2.1. As defined in this policy whistle blowing is the release or disclosure of information that is evidence of improper activity or a violation of law.
- 2.2.2. Whistle blowing is not individual concerns, appeals, complaints or grievances, which shall be dealt with through internal operational policy; and is not intended to circumvent normal internal process.

### 3. Policy statements

Any member of the College community will have the right to raise concerns or file a complaint where there is an honest belief that the College or its members are engaged in serious misconduct, wrongdoing, or illegal activity and there is no confidential internal policy or mechanism available to raise issues of a public concern that constitute: a criminal offense; negligent, improper or gross mismanagement of any College or public funds; a serious, willful, and flagrant breach of federal, provincial, or municipal statute or college policy or procedure, and/or substantial and specific danger to the environment or public health and safety.

- 3.1. If any member of the College Community reasonably knows or has reason to believe that the College, or a member of the College is engaged in activity covered by this policy, he/she may file, in confidence, a written complaint, report or disclosure with the Office of the President or in the event of a conflict of interest, to the Chair of the Board of Governors. If the member of the College wishes to remain anonymous, the written communication should clearly indicate this wish for anonymity.
- 3.2. The Office of the President and/or Board Chair shall receive, investigate and resolve all legitimate complaints/disclosures as defined by this policy. The President may delegate the investigative process to a member of staff or external appointee to complete on his/her behalf. Anonymous allegations will only be acted upon if the evidence collected during the preliminary investigation indicates the disclosure can be properly investigated and is in the public interest.
- 3.3. In the event an internal solution is not available and depending on the nature of the complaint/disclosure the matter may be referred to the Minister's Office or other external agency commission, tribunal and/or legal process for resolution.
- 3.4. The College will not retaliate against any employee or student who in good faith, makes a complaint/disclosure or raises a concern in accordance with this policy, or discloses information to an external agency/body against the College or any employee of the College on the basis of a reasonable and honest belief that the information is true and in the public interest. An employee or student is protected from retaliation in accordance with this Whistle Blower Policy if the complaint/disclosure is made in good faith and is not knowingly false or materially inaccurate. If a person makes a complaint/disclosure under this policy in bad faith or knowingly provides false or materially inaccurate information, they shall be subject to disciplinary sanctions, including reprimand, suspension, demotion, expulsion or termination.
- 3.5. The President shall ensure the Board receives an annual report on all whistle blowing complaints.

#### **4. Monitoring**

4.1. The President will provide an annual report on all whistle blowing complaints.

4.2. All whistle blowing reports will be presented in-camera.

#### **5. Related legislation, Minister's Binding Policy Directives and other documents**

- Freedom of Information and Protection of Privacy Act

## Board Procedure

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**PROCEDURE TITLE:** Executive Limitations  
**POLICY TYPE & TITLE:** General Executive Constraint – Whistle Blowing Policy  
**EFFECTIVE DATE:** January 9, 2013  
**RENEWAL DATE:** January 1, 2017

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1. All concerns should be forwarded to the Office of the President or to the Chair of the Board of Governors in a sealed envelope, or by electronic mail addressed directly to the president or the Chair of the of the Board of Governors and marked confidential.
2. If the individual wishes to verbally discuss any matter, this request should be indicated in the submission. In order to facilitate such a discussion, the individual shall include a telephone number at which he or she can be contacted.
3. Once the complaint is filed, the investigator shall make a detailed written record of the submission.
4. Upon receipt of a complaint the President or person designated by the President, or the Board Chair (dependent on the nature of the complaint), will undertake a review of the complaint to complete an assessment of the nature and extent of the complaint; establish substance to the complaint; and determine appropriate investigative process.
5. A complaint may be rejected if at the time of filing of such, a substantially similar complaint is currently under investigation.
6. The President, or designate, or the Board Chair, shall contact the whistleblower following the preliminary review to advise if the investigation will proceed.
7. Periodic reports will be provided to the appropriate parties as the investigation progresses, ensuring compliance with the monitoring components of the Whistle Blowing Policy.
8. Upon completion of the investigation a formal report will be completed that will propose, where necessary, solutions to resolve the disclosed improper activities. These recommendations may include civil or criminal proceedings, if sufficient evidence is present.
9. The complaint/investigation will be formally closed. The Office of the President and/or Office of the Board of Governors will retain the whistle blowing records per the approved corporate records schedule.