

WHISTLEBLOWER POLICY

INTRODUCTION

University of Toronto Schools (the "School") is committed to providing quality learning opportunities in a safe and caring environment characterised by behaviour consistent with the stated moral and ethical beliefs of the School.

This policy supports that commitment by providing a framework that encourages staff (hereinafter sometimes referred to as "individuals") to report any wrongdoing (as defined herein) by directors, officers, the Principal, teachers and other employees, contractors, volunteers, parents, students and other persons involved with the School (collectively, "School Members") without fear of reprisal. An individual who makes such a report shall be referred to in this Policy as the "Whistleblower".

All individuals making a report of wrongdoing are expected to adhere to the procedures outlined in this policy. At all times, this policy should be interpreted to be consistent with the School's policies, as amended from time to time, and the Ontario *Human Rights Code*.

A copy of this policy will be available in the School's Staff Portal. All employees will be informed of the policy's location on the Staff Portal and will be given access to the electronic copy of the document.

PURPOSE

The purposes of this policy are as follows:

- to encourage individuals to report wrongdoing by any School Member, where such wrongdoing cannot be addressed, or resolved by the School's Principal, pursuant to School policies.
- to ensure that there is no reprisal against any individual who makes a report in good faith under this policy; and
- to the maximum extent reasonably possible, to protect the confidentiality of those making reports.

STANDARDS

The School maintains high standards of moral and ethical conduct, as expressed in its policies. All School Members must observe high standards of professional ethics and integrity in the conduct of their duties and responsibilities and comply with all applicable laws, regulations and the School's policies, as amended from time to time.

The School is committed to protecting its students, staff, revenue, property, proprietary information and other assets.

The School will not tolerate any misuse or misappropriation of its assets.

The School will make every reasonable effort to protect itself against wrongdoing by School Members and will establish and maintain procedures to ensure, to the fullest extent possible, the prevention and detection of wrongdoing.

APPLICATION

All School Members are expected to observe the standards set out above while fulfilling their responsibilities to the School and not committing any wrongdoing. This policy applies to any activities in connection with or on behalf of the School, whether on or off the School's premises, including but not limited to travel and social functions.

SCOPE

This Policy permits individuals to report suspected or actual occurrence(s) of wrongdoing by a School Member. For the purposes of this policy, "wrongdoing" is used to refer collectively to suspected or actual illegal or inappropriate conduct; wrongdoing includes but is not limited to suspected or actual:

- Fraud as defined in the *Criminal Code* of Canada (s. 380 (1));
- Misappropriation of funds, supplies, resources, or other assets;
- Computer-related activity involving the alteration, destruction, forgery, manipulation of data or unauthorised access for wrongdoing purposes, in violation of the School's policies for use of Information Technology Resources;
- 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;
- Violation or contravention of any federal or provincial law, regulation, the School's by-law, policies or administrative procedures as it relates to the School;
- Conduct or practices that present a danger to the health, safety, or well-being of the School's students, employees, or other parties, where applicable;

- Unprofessional conduct or conduct that contravenes the School's policies; and
- Instance(s) of knowingly directing or counselling a person to commit wrongdoing.

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.

Individuals who are in doubt as to whether a situation constitutes or may constitute level of wrongdoing that must be reported in accordance with this Policy should contact the Principal, or the Chief People Officer, prior to reporting. An individual who makes such a report shall be referred to in this Policy as the "Whistleblower".

REPORTING RESPONSIBILITY

Any individual who is aware of or suspects wrongdoing by a School Member has the right and obligation to report the occurrence as soon as possible and in accordance with this policy.

No Reprisal

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

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

For the sake of clarity, a reprisal (also known as retaliation) is any measure taken against an individual that results in intimidation, coercion or harassment or adversely affects their employment or appointment and includes, but is not limited to:

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

A person who has reasonable grounds for believing they have suffered a reprisal is entitled to make a complaint to the School.

A School Member who engages in a reprisal or who threatens reprisal against an individual who has reported wrongdoing in good faith may be subject to discipline up to and including termination of employment or vendor/contractor services where appropriate.

REPORTING

Acting in Good Faith

In making a report against a School Member, an individual must be acting in good faith with reasonable grounds for believing that there is wrongdoing.

An individual who makes an unsubstantiated report which is knowingly false or misleading or made with vexatious or malicious intent or in bad faith (e.g., a report made with malice to damage another individual's reputation or the reputation of UTS), may be subject to discipline up to and including termination of employment or vendor/contractor services where appropriate. UTS may take other legal recourse to protect the reputation of UTS and members of its Board, its committees, staff, or others as applicable.

Confidentiality

To the maximum extent reasonably possible, the identity of the individual reporting wrongdoing shall remain confidential (but not anonymous) to those persons directly involved in applying this policy and the School Member involved, unless the issue requires investigation by law enforcement.

The School will accept reports under this policy on an anonymous basis; see also 2 (i) and 2 (iv) below.

The School will not tolerate any attempt by a School Member to identify an individual who reports in good faith on a confidential and anonymous basis in accordance with this policy.

Procedures

Provided there are reasonable grounds, the School shall investigate any and all incidents of suspected or actual acts of wrongdoing and reprisal. An objective and impartial investigation will be conducted regardless of the position, title, length of service or relationship of any School Member who becomes the subject of such investigation.

When wrongdoing or reprisal is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment and/or contract where appropriate.

1. Suspected and actual crimes against person or property, such as assault, rape, burglary, etc., should immediately be reported to the police.

2. In the event that alleged acts of wrongdoing and reprisal are not satisfactorily resolved by the Principal, or where the Principal is the subject of the allegation:

- (i) The Whistleblower may submit, on a confidential basis if the Whistleblower so desires, any good faith concerns regarding any item within the scope of this Policy. Subject to 3(i) below, the Whistleblower can report the item with their identity or anonymously.
- (ii) All such concerns shall be set forth in writing and forwarded in a sealed envelope to the Chair of the UTS Board (the **"Code Adjudicator"**) at the following address:

Chair of the UTS Board

371 Bloor Street West
Toronto M56 2R7

Notwithstanding the preceding, in the event that a report relates to the Chair of the UTS Board, all references in this Policy to the Code Adjudicator shall read as referring to the Vice-Chair of the UTS Board;

(iii) **The envelope should be clearly labelled:**

*"To be opened by the UTS Board Chair only.
Submitted in accordance with UTS' Whistleblower Policy"*

- (iv) In order to facilitate confidentiality, the Whistleblower may wish to consider couriering the sealed envelope by way of commercial courier.
 - (v) If the Whistleblower would like to discuss any matter with the Code Adjudicator, the Whistleblower should indicate the same in the submission and include a telephone number at which he or she may be contacted (provided that, in such an event, the report cannot be anonymous).
3. (i) If the Whistleblower is uncomfortable or otherwise reluctant to report to the Code Adjudicator, then the Whistleblower may report the event to his or her superior or to the next highest or another level of management, including to an appropriate Board member or committee member *provided* that such a report must include a written direction for the recipient of the report to submit the report and the name of the Whistleblower to the Code Adjudicator (with which direction the recipient of the report should comply). In this regard, also see 3(ii) . below.
- (ii) If such a report does not include a written direction to the recipient of the report to submit the report and the name of the Whistleblower to the Code Adjudicator, the recipient of the report should consider whether a report should be submitted to the

Code Adjudicator in light of this policy (and, in a case where the recipient of such a report submits a report to the Code Adjudicator, the recipient of the report who submits a report to the Code Adjudicator shall be the Whistleblower for the purposes of this policy).

INVESTIGATIONS

1. A supervisor, manager and/or Board member who receives a report that was apparently intended to be submitted to the Code Adjudicator must promptly inform the Code Adjudicator of such report made to them and provide such report to the Code Adjudicator.
2. The Code Adjudicator shall investigate and/or resolve the issue in accordance with the following:
 - (a) Subject to section V, The Code Adjudicator is responsible for investigating and resolving all complaints submitted under the Whistleblower Policy. At their discretion, he or she shall advise the Principal, the Chief People Officer and/or the Board of Directors of complaints or concerns received, prior to the date of their final report.
 - (b) The Code Adjudicator may enlist other employees, officers or directors of UTS, or retain, at UTS' expense, outside legal, accounting or other advisors to assist in conducting any investigation.
 - (c) Following the receipt of any reports submitted hereunder, the Code Adjudicator, at their discretion, may seek legal counsel to support an investigation into each matter reported, and may consult with the Principal if appropriate.
 - (d) The Code Adjudicator may recommend corrective and disciplinary action, subject to input from legal counsel, which may include a warning letter or reprimand, demotion, loss of salary increase or bonus, suspension without pay, termination of employment, civil action or criminal prosecution.
 - (e) In conducting their investigation, the Code Adjudicator shall use their reasonable best efforts to protect the confidentiality and anonymity (as applicable) of the Whistleblower, subject to the Code Adjudicator's need to conduct a thorough investigation and subject to section IV below. While the Code Adjudicator must use reasonable best efforts to maintain confidentiality, it may be necessary to identify the Whistleblower or it may be possible for third parties to deduce the Whistleblower's identity. For these reasons, anonymity and confidentiality cannot be guaranteed.
 - (i) Using their best judgement, the Code Adjudicator shall advise any person named in a complaint or concern at an appropriate time during the investigation. If appropriate, the person named will have an opportunity to respond to the

complaint or concern in writing, and that response will be included in the final report of the Code Adjudicator.

- (ii) The Code Adjudicator shall report any valid inquiries or complaints received, including the results of their investigation, to the Board of Directors.
- (iii) The Code Adjudicator shall report at least annually to the Board of Directors on this Policy and their activities under it and shall immediately report on any matters under this Policy relating to UTS' internal controls and the integrity of its operations and financial results.
- (iv) The Code Adjudicator shall retain secure records regarding all complaints reported for a period of no less than two (2) years.

The Whistleblower shall receive a report within a reasonable period of time after the initial report, regarding the investigation, disposition or resolution of the issue.

PROHIBITION AGAINST INTERFERING WITH AN INVESTIGATION

No person shall willfully obstruct anyone involved in an investigation of wrongdoing or reprisal.

Any person who willfully obstructs anyone involved in an investigation of wrongdoing or reprisal is subject to disciplinary measures, including suspension or dismissal.

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 or reprisal.

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 or reprisal is subject to disciplinary measures, including suspension or dismissal.

PROHIBITION AGAINST COUNSELLING INTERFERENCE WITH AN INVESTIGATION

No person shall direct, counsel or cause in any manner any person to obstruct anyone involved in an investigation of wrongdoing or reprisal.

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 or reprisal.

Any person who directs, counsels or causes in any manner any person to obstruct anyone involved in an investigation of wrongdoing is subject to disciplinary measures, including suspension or dismissal.

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.

WHISTLEBLOWER'S IDENTITY

The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this Policy to the extent reasonably possible. As set out above, it may be necessary for the Code Adjudicator to disclose the Whistleblower's identity in the interests of conducting a thorough and fair investigation. As well, police may require the disclosure of the Whistleblower's identity in the course of a criminal proceeding.

COLLECTIVE BARGAINING AGREEMENTS AND OTHER POLICIES AND PROCEDURES

Where a Whistleblower's complaint falls within the purview of a collective bargaining agreement or another UTS policy or procedure (including without limit the Workplace Harassment Policy, the Workplace Violence Policy or the Anti-Racism Policy), the Code Adjudicator may, in their discretion, in the case of a complaint which falls within the purview of a collective bargaining agreement, refer the complainant to such agreement, and in the case of a complaint which falls within the purview of another UTS policy or procedure refer the complaint to the Principal, unless the subject of the complaint is the Principal, or other appropriate person to be dealt with under the more applicable policy. In either case, having made such a referral, the relevant complaint will no longer be dealt with under this Policy and the complainant will be informed in writing of the same.

REVISIONS AND AMENDMENTS

Revisions, amendments or alterations to this Policy can only be implemented following consideration and approval by the UTS Board of Directors.