

Policy Title:	Whistleblower Policy
Policy ID:	#4-428
Manual Classification:	Section 4 – Corporate Services
Approved by:	Board of Governors
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Next Policy Review Date:	December 2021
Contacts for Policy Interpretation:	Vice-President, Corporate Services & CFO

1.0 - Policy Overview

Any member of the Fleming College community has the right to make reports in good faith about serious wrongdoing by other College community members without concern of retaliation or reprisal.

“Serious wrongdoing” includes but is not limited to:

- Criminal offenses
- Willful and flagrant breach of federal, provincial or municipal laws or College policy, procedure or regulation;
- Negligent, improper or gross mismanagement of College or public resources; and
- Substantial and specific danger to the environment or public health and safety.

The procedure established by this policy is to be used where no other College policy or procedure is available for that purpose.

2.0 - Purpose

This policy is intended to ensure that College operations are conducted ethically and with integrity, consistent with all legal statutes and professional requirements established by public policy, the Ontario Colleges of Applied Arts and Technology Act (2002), Ontario Regulation 34/03 under the Act and the Binding Policy Directives of the Minister of Colleges and Universities.

This Policy encourages members of the Fleming College community to report improper activity and wrongdoing without fear of retaliation or reprisal.

3.0 - Definitions and Acronyms

The following definitions and/or acronyms apply in this Policy:

College	The Sir Sandford Fleming College of Applied Arts and Technology as a legal entity.
College Community	Any person who studies, teaches, conducts research at or works at, or under, the auspices of the College and includes without limitation, employees or contractors; appointees (including volunteer board members); students; visitors; and any other person while they are acting on behalf of, or at the request of the College.
Disclose	The reporting of improper activity and/or wrongdoing in an honest and responsible manner in accordance with this Policy.
Discloser	The College community member who has submitted a complaint or statement about improper activity or wrongdoing.
Improper activity or wrongdoing	Any activity related to the College that is in violation of federal, provincial or municipal laws or regulations, is a serious violation of College policy, involves gross misconduct, gross incompetence, gross inefficiency, and/or the making of false claims or statements.
Investigator	The person or persons investigating improper activity and/or wrongdoing alleged in a report to the Recipient and may be the recipient.
Recipient	The party receiving the complaint, report or statement including, as the case may be, the College President, his or her designate, or the Chair of the Board of Governors.
Respondent	The member or members of the College community alleged to be engaged in improper activity or wrongdoing.
Retaliation or reprisal	Any adverse action by the College including disciplinary action, dismissal, any other negative treatment of the threat to do any of the foregoing, against an individual who has reported concerns and/or filed a complaint pursuant to this Policy.

Whistleblowing or Disclosure

The reporting of information by a College community member that is evidence of serious wrongdoing. It may also be described as “safe”, “good faith” or “protected” disclosure. Whistleblowing is **not** raising individual concerns, appeals, complaints, grievances, or issues associated with matters such as, but not limited to: academic appeals, student or employee conduct or harassment, discrimination, accessibility, copyright, intellectual property, individual health and safety, management or employee performance, or provisions contained in collective agreements or legal statute, where other resolution processes exist.

4.0 - Scope

This policy applies to the College and all members of the Fleming College community.

5.0 - General Principles

5.1 - Overview

- a) If any member of the College community reasonably knows or has reason to believe that member(s) of the College community is (are) engaged in serious wrongdoing, or improper activity or wrongdoing that is not addressed by another College policy or mechanism or an external mechanism, they may file a CONFIDENTIAL complaint (either verbal or written), report or statement with the President or his or her designate. In the event it is the College President or his or her designate who is the subject of the disclosure, the disclosure may be made to the Chair of the Board of Governors. In the case of a verbal submission, the complaint must be documented verbatim to avoid any subsequent risk of misinterpretation or embellishment.
- b) The Recipient shall receive, investigate and resolve the matter to the fullest extent possible as set out in this Policy.
- c) In the event an internal solution is not available and depending on the nature of the complaint, report or statement, the Recipient may refer the matter to the Minister of Colleges and Universities or other external agency, commission, tribunal and/or entity for resolution.

5.2– Anonymous Allegations

- a) Anonymous allegations will only be accepted in writing and will be acted upon if the evidence collected during the preliminary investigation indicates the disclosure can be properly investigated, has merit, and is in the public

interest.

- b) Complaints, reports and disclosures made anonymously shall be received and reviewed to determine whether the matter should be fully investigated, has merit and is in the public interest.

5.3 – Protection from Reprisal

- a) The College shall not retaliate against any Discloser who in good faith files an honest and responsible complaint, report or disclosure in accordance with this Policy, or disclose information to an external agency/body against the College or any member of the College community, on the basis of a reasonable and honest belief that the disclosure is true and in the public interest.
- b) Any Discloser who files a complaint, report or disclosure pursuant to this Policy in good faith and does not knowingly provide false or materially inaccurate information shall be protected from retaliation and reprisal.
- c) Where a Discloser files a complaint, report or disclosure in accordance with this Policy in bad faith or knowingly provides false or materially inaccurate information, the Discloser may be subject to disciplinary action, including written reprimand, suspension, demotion, expulsion or dismissal, within the limitations of collective agreements where applicable, and all applicable legislation.
- d) Past performance, length of service or position within the College shall not protect an individual from being the object of an investigation.

5.4 – Reports

- a) Any matter requiring investigation is to be reported to the Board of Governors and shall include steps taken, findings and resolutions.
- b) Such reports will be presented in-camera.

6.0 - Related Documents

- Administrative Operating Procedure #4-428 OP, *Whistleblower*
- Governance Policy #1-102 O, *Risk Oversight*

History of Amendments/Reviews

Approved by Board of Governors June 22, 2016

Revisions approved by Board of Governors November 25, 2020