

## COLLEGE POLICY

<b>Whistleblower Policy</b>	
<b>Policy ID:</b>	#4-428
<b>Manual Classification:</b>	Section 4 – Finance and Administration
<b>Approved by Board of Governors:</b>	<i>Original:</i> June 22, 2016
<b>Effective Date:</b>	September 1, 2016
<b>Next Policy Review Date:</b>	2021
<b>Administrative Contact for Policy Interpretation:</b>	Vice-President Finance and Administration
<b>Linked to an Operating Procedure:</b>	<input checked="" type="checkbox"/> Yes #4-428 OP <i>Whistleblower</i> <input type="checkbox"/> No

### Policy Statement

Any member of the Fleming College community has 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, breach of College policy or illegal activity, and there is no existing confidential internal policy or mechanism available to raise issues of a public concern that constitute: a criminal offence; negligent, improper or gross mismanagement of any College or public funds; a serious, wilful and flagrant breach of federal, provincial or municipal statute or College policy, procedure or regulation, and/or substantial and specific danger to the environment or public health and safety.

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

### Scope

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

### Definitions/Acronyms

**College:** means the Sir Sandford Fleming College of Applied Arts and Technology as a legal entity.

**Fleming College Community:** means 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, visiting scholars and any other person while they are acting on behalf of or at the request of the College.

**Whistleblowing or Disclosure:** the release or disclosure of information that is evidence of improper activity or a violation of law. It may also be described as “safe”, “good faith” or “protected” disclosure.

**Disclose:** means the reporting of improper activity and/or wrongdoing in an honest and responsible manner in accordance with this Policy.

**Discloser:** is the Fleming College community member who has submitted a complaint or statement about improper activity or wrongdoing.

**Improper activity or wrongdoing:** is 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, or gross inefficiency, and/or the making of false claims or statements.

**Investigator:** means the person or persons investigating improper activity and/or wrongdoing alleged in a report to the Recipient and may be the recipient.

**Recipient:** means 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

**Retaliation or reprisal:** is any adverse action by the College including disciplinary action, dismissal, any other negative treatment or the threat to do any of the foregoing, against an individual who has reported concerns and/or filed a complaint pursuant to this Policy.

**Respondent:** is the member or members of the College community alleged to be engaged in improper activity or wrongdoing.

### **General Principles**

1. If any member of the College community reasonably knows or has reason to believe that the College or another member of the College community is engaged in improper activity or wrongdoing that is not addressed by another College policy or mechanism or an external mechanism, he or she may file a CONFIDENTIAL written complaint, 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
2. The Recipient shall receive, investigate and resolve the matter to the fullest extent possible as set out in this Policy.
3. 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 Training, Colleges and Universities or other external agency, commission, tribunal and/or entity for resolution.

### **Anonymous Allegations**

1. Anonymous allegations will only 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.
2. 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.

### **Protection from Reprisal**

1. 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.
2. 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.
3. 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 to which the College is subject and all applicable legislation.
4. Past performance, length of service or position within the College shall not protect an individual from being the object of an investigation.

## Reports

Any matter requiring investigation is reported to the Board of Governors and shall include steps taken, findings and resolutions.

## Related Documents

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

## Appendices

N/A

## History of Amendments/Reviews:

Section(s)	Date	Comments
NEW policy	created 2016	<ul style="list-style-type: none"><li>• Board approval of policy (Resolution BoG June22-2016 #5)</li></ul>