

<b>Procedure Title:</b>	Whistleblower Procedure
<b>Procedure ID:</b>	#OP 4-428
<b>Manual Classification:</b>	Section 4 – Corporate Services
<b>Linked to Policy:</b>	#4-428- Whistleblower
<b>Approved by Senior Management Team:</b>	November 10, 2020
<b>Revision Date(s):</b>	Original: June 22, 2016 Revisions: November 10, 2020
<b>Effective Date:</b>	December 1, 2020
<b>Next Review Date:</b>	December 2021
<b>Contacts for Procedure</b>	Vice-President, Corporate Services & CFO
<b>Interpretation:</b>	

## **1.0 – Purpose**

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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:

- 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.

This procedure sets out the process and guidelines to facilitate safe disclosure and the investigation of alleged wrongdoing.

Terms not defined in this Procedure have the same meaning found in the College's Whistleblower Policy.

## **2.0 – Procedure**

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### **2.1 – Reporting Concerns**

- a) The Discloser should report alleged serious wrongdoing and/or improper activity either verbally or in writing, and in a timely manner (preferably within thirty (30) days of discovering the activity) to the College President or his or

her designate. The individual may make the report in one or more of the following ways:

- i. Reports may be submitted by mail or in a sealed envelope to: Attn: President 599 Brealey Dr, Peterborough, ON K9J 7B1;
  - ii. Reports may be submitted by e-mail to [whistleblowing@flemingcollege.ca](mailto:whistleblowing@flemingcollege.ca)  
Reports implicating the College President or his or her designate should not be submitted to [whistleblowing@flemingcollege.ca](mailto:whistleblowing@flemingcollege.ca) as the College President or his or her designate monitor this e-mail address; or
  - iii. Verbally in person, via telephone or webconferencing system with the College President or his or her designate. In the case of a verbal submission, the complaint must be documented verbatim to avoid any risk of subsequent misinterpretation or embellishment.
- b) In the event the College President or his or her designate are the subject of the complaint, the disclosure may be made to the Chair of the Board of Governors. The individual may make the report in one or more of the following ways:
- i. Reports may be submitted by mail or in a sealed envelope to the attention of the appropriate person or persons noted above, addressed as follows: 599 Brealey Dr, Peterborough, ON K9J 7B1;
  - ii. Reports may be submitted by e-mail directly to the appropriate person or persons noted above; or
  - iii. Verbally in person, via telephone or webconferencing system with the appropriate person or persons noted above. In the case of a verbal submission, the complaint must be documented verbatim to avoid any risk of subsequent misinterpretation or embellishment.
- c) The report shall identify with reasonable detail:
- i. specific incidents, acts or decisions believed to constitute improper activity and/or wrongdoing;
  - ii. the circumstances surrounding the improper activity and/or wrongdoing, including relevant dates, times and locations of the activity;
  - iii. the individual(s) involved in and/or responsible for the activity; and
  - iv. the rationale for invoking the Whistleblower policy, i.e. explain why no other internal or external mechanism is available to address the activity.
- d) The report should include the Discloser's name and contact information, except for those reports submitted by Disclosers who wish to remain anonymous, who shall **clearly** indicate this wish. Anonymous allegations will only be accepted in writing.
- e) If the Discloser wishes to discuss his or her report verbally with the Recipient, the Discloser shall freely do so verbally, or clearly indicate this wish in his or

her written report and include a telephone number or other contact information.

## **2.2– Assessment and Investigation**

- a) The Recipient shall notify the Discloser of receipt of the report in writing within five (5) business days, unless the report is anonymous.
- b) The Recipient shall conduct a preliminary review of the report within seven (7) days of its receipt to determine a reasonable course of action taking into account:
  - i. whether the Discloser provided sufficient detail in the report to proceed with an investigation of the activity and/or Respondent, and
  - ii. whether the Whistleblower Policy applies to the activity and/or Respondent, i.e. has the Discloser availed themselves of any other applicable relief mechanisms.
- c) If, in the Recipient's sole opinion, the report warrants investigation, the Recipient shall investigate or shall engage one (1) or more individuals to investigate the report in such a manner that is appropriate in the circumstances in the Investigator's sole opinion, including speaking with the Discloser, the Respondent(s), obtaining and reviewing relevant documentation and undertaking any other activities deemed necessary to investigate the report thoroughly.
- d) All investigations shall be conducted in a manner consistent with this Policy, all other College policies and all relevant legislation. The investigations shall be conducted in a fair, impartial, confidential and timely manner.
- e) Where more than one (1) report is received in relation to the same improper activity and/or wrongdoing and these reports warrant investigation, a single investigation may be conducted rather than multiple separate investigations.
- f) Upon the timely completion of an investigation, the Investigator shall complete a written report outlining
  - i. the nature of the matter,
  - ii. details of the conduct of the investigation,
  - iii. the findings of the investigation, and
  - iv. the recommended resolution of the matter.

**NOTE: The Discloser shall not receive a copy of the Investigator's report.**

- g) Where an investigation confirms improper activity and/or wrongdoing, the

Recipient shall,

- i. address the improper activity and/or wrongdoing using appropriate measures and means including remedying any harm done where possible,
  - ii. implement preventative procedures,
  - iii. discipline wrongdoers, and
  - iv. inform the Discloser in writing of the findings of the investigation and any actions taken pursuant to those findings within the limitations of collective agreements to which the College is subject and all applicable legislation (unless the report was submitted anonymously).
- h) Where an investigation does not confirm wrongdoing, the Recipient shall inform the Discloser in writing of the findings of the investigation (unless the report was submitted anonymously) within the limitations of collective agreements to which the College is subject and all applicable legislation.
- i) If, at any time during an investigation, the Investigator determines that the Discloser's report is without merit, made in bad faith or contains knowingly false or materially inaccurate information, the Investigator shall terminate the investigation forthwith and notify the Discloser in writing of the termination and the reasons for the termination of the investigation (unless the report was submitted anonymously).
- j) Where the Investigator, in his or her sole opinion, deems the Discloser's conduct in submitting a report without merit, made in bad faith or containing knowingly false or materially inaccurate information so egregious as to warrant discipline, the Investigator may recommend sanctions against the Discloser within the limitations of collective agreements to which the College is subject and all applicable legislation.
- k) At the conclusion of all of the foregoing, the investigation is formally closed.

### **3.0 – Records**

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#### **3.1 – Collection, Retention and Security**

- a) The College collects personal information under authority of the *Ontario Colleges of Applied Arts and Technology Act S.O. 2002, c. 8, Sched. F* and in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31. (FIPPA).
- b) All records related to the Discloser's statement and any ensuing investigation shall be safeguarded at all times to ensure confidentiality. The College shall retain the records in accordance with the College's document retention policy

and all applicable legislation.

### **3.2 – Use and Disclosure**

- a) The College shall use the personal information Disclosers provide to the extent necessary to prepare a report, conduct an investigation and respond to the identified concern, which may include notifying involved parties, as necessary.
- b) The Discloser's written statements and records related to investigations may be subject to an access to information request pursuant to FIPPA. In the event that any of the Discloser's personal information is subject to an access request under FIPPA, the Discloser shall be notified and provided with the opportunity to make representations regarding disclosure (unless the report was submitted anonymously).

### **4.0 – Related Documents**

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- College Policy #4-428, Whistleblower

### **5.0 – History of Amendments & Reviews**

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Approved by Board of Governors June 22, 2016

Revisions approved by SMT November 10, 2020