

Policy K-9

Procedures for Policy K-9, Reporting Suspected Wrongdoing  
Cross Reference: The Public Interest Disclosure Act (Whistleblower Protection)  
<https://web2.gov.mb.ca/laws/statutes/ccsm/p217e.php>

This Procedure applies to all trustees, employees and volunteers of the Turtle Mountain School Division. It also applies to persons or organizations external to the Division. All staff within Turtle Mountain School Division will be reminded of this policy/procedure on an annual basis. It is the responsibility of all Division personnel and volunteers to report any evidence of violations, suspected violations or wrongdoings regarding:

1. a contravention of a federal or provincial act or regulation that could result in liability for the Division or could significantly harm the Division's reputation or public image;
2. an act or omission that creates danger to life, physical or mental health, safety of persons, or to the environment;
3. mismanagement inconsistent with laws, regulations, and Division procedures, including waste of financial resources, abuse of managerial authority, mismanagement, or loss/theft of public assets;
4. financial fraud with respect to the finances of the Division or a school/department operated by the Division;
5. time theft (i.e., a fraudulent act where an employee collects pay for time not actually worked);
6. deliberate non-compliance with Division policies and procedures; and
7. directing or counseling a person to commit any of the above. Any other stakeholder or member of the public, having an interest in the Division, is encouraged to report such complaints as outlined above.

No Reprisal

The Division prohibits reprisals or threats of reprisals against individuals or employees acting in good faith, who report incidents of suspected wrongdoing, seek advice about making a disclosure, cooperate in any subsequent investigation, act as witnesses in any subsequent investigation, or act in compliance with the Procedure.

For the sake of clarity, a reprisal is any measure taken against an individual or employee that adversely affects his or her employment or appointment and includes, but is not limited to ending or threatening to end an individual or employee's employment or appointment, disciplining or suspending or threatening to discipline or suspend an individual or employee, imposing or threatening to impose a penalty related to employment or appointment of an individual or employee, intimidating, coercing, harassing or discriminating against an individual or employee in relation to his or her employment or appointment. An employee who retaliates against such a person is subject to discipline up to and including termination of employment and/or vendor or volunteer services. Any complainant who feels they have been the subject of retaliation should immediately report their concerns to their supervisor or other appropriate individual of authority.

Complaint Procedures

This Procedure is intended to encourage Division personnel and others to raise serious concerns regarding conduct within the Division. A complainant may submit a complaint on a confidential basis in writing, in person or both. Division personnel should discuss concerns or submit complaints to their immediate supervisor. If the individual is not comfortable addressing the matter with his/her supervisor or the individual is not satisfied with their supervisor's response, the individual is encouraged to address the matter with a School Administrator or the Superintendent/CEO. School Administrators are required to report suspected violations to the Superintendent/CEO, who has the responsibility to investigate all reported violations. The complainant's identity will be protected (kept confidential to the extent possible) during the investigation of the complaint. In all cases, the person who is alleged to have committed the infraction will be made aware of the complaint at an appropriate point during the

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investigation. The anonymity of complainants cannot be assured where legal proceedings arise as a consequence of the complaint. All Division personnel have a duty to cooperate in the investigation of a complaint. Refusal to cooperate in a complaint investigation may result in the Division personnel being subject to disciplinary action.

Providing Details on the Subject Matter of the Complaint

All complainants must complete the Reporting Suspected Wrongdoing Form. The complainant should give as much information as possible on the subject matter of the complaint so that the information is sufficient to enable a full investigation. Relevant information includes: name of the individual(s) involved, where and when an incident occurred, and other relevant details pertaining to the incident or practice.

How Complaint Will be Managed

Upon receiving a complaint, the action taken will depend on the nature of the issue that has been reported. If the Superintendent/CEO or designate determines that the complaint does not fall under the authority of this Procedure, the complaint will be addressed according to the appropriate Administrative Procedure(s). The Superintendent/CEO or designate will notify the complainant and acknowledge receipt of the complaint within 5 business days. Complaints will be managed in one of the following ways. The Superintendent/CEO or designate is responsible for investigating and resolving most complaints under this Procedure. In some circumstances, these individuals may seek the assistance of other Division personnel in investigating the complaint. For example, the Superintendent/CEO may enlist the assistance of the Secretary-Treasurer in a complaint concerning a financial matter. Under no circumstances will a matter be referred to a person who is the subject of the complaint or is otherwise an inappropriate person to assist with the investigation. The Superintendent/CEO or designate will address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Superintendent/CEO or designate will notify the Board of any such complaint and work with the Board until the matter is resolved. If the complaint concerns the Superintendent/CEO or a trustee, the complaint should be made directly to the Chairperson of the Board of Trustees. In this case, the Chairperson of the Board will engage an appropriate external investigator to investigate the complaint.

Reports to the Board of Trustees

The Superintendent/CEO or Board Chairperson (in the case of a complaint concerning the Superintendent/CEO or trustee) will advise the Board of Trustees of all complaints and summary results of the investigations on an as needed basis.

Preservation of Records

The Division shall retain as part of their confidential records, any complaints and any resulting investigations according to the Division's Records Management Administrative Procedure. This shall include the making of written summaries of any oral complaints.

Acting in Good Faith

Complainants are required under this Procedure to act in good faith when making a complaint. The complainant must have reasonable grounds to believe a violation or potential violation has occurred. Any malicious allegations that prove to be unsubstantiated, or allegations made that were known to be false, will be viewed as a serious offence and will be subject to discipline up to and including discharge in the case of Division personnel, and severing of the relationship in the case of volunteers.

Notification and Orientation to Procedure

All Division facilities will post information and make available Reporting Suspected Wrongdoing Forms in visible and accessible locations within their facilities. School Administrators and Department Supervisors will review the full text of this Procedure with Division personnel as a new employee and to all personnel on an annual basis. Review will orient Division personnel to the Whistleblower Administrative Procedure and all attendant rights and obligations. The full text of the Procedure will also be available on the Division's website and included in any appropriate Division handbooks. Any

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questions about the interpretation of this Procedure may be directed to School Leaders, Supervisors, or Superintendents.