

Disclosure of Wrongdoing Policy

Policy Overview

This policy confirms the Halifax Regional School Board commitment to support accountability, transparency and public confidence through the fair and timely investigation of alleged wrongdoing.

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Policy and Procedures History

- Policy and Procedures approved: May 28, 2008
- Policy revised: October 28, 2015
- Policy and Procedures revised: May 31, 2017

1.0 Legislative Context

- 1.1 All practices to encourage and respond to Disclosure of Wrongdoing will comply with the following legislation, policies and procedures:

- 1.1.1 *The Public Interest Disclosure of Wrongdoing Act & Regulations, 2010;*
- 1.1.2 *Nova Scotia Education Act;*
- 1.1.3 *Freedom of Information and Protection of Privacy Act;*
- 1.1.4 *HRSB Respectful Workplace (Harassment) Policy (D.010);*
- 1.1.5 *HRSB Progressive Discipline for Board Employees Policy (D.006);*
- 1.1.6 *HRSB Occupational Health and Safety Policy (D.002)*

- 1.2 The Halifax Regional School Board is committed to ensuring that disclosure of wrongdoing for employees is in accordance with all terms and conditions of employment, including collective agreements.

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2.0 Principles

To support accountability, transparency and public confidence, the following general principles will apply in regards to Disclosure of Wrongdoing:

- 2.1 The Halifax Regional School Board is committed to maintaining the highest ethical standards and professional values in pursuit of public confidence;
- 2.2 The Halifax Regional School Board believes its employees are committed to acting professionally, with integrity and in the best interest of students and the public;
- 2.3 Employees are encouraged to come forward if they believe that Wrongdoing has taken place;
- 2.4 All Disclosures of Wrongdoing will be investigated and pursued in good faith, however; the Halifax Regional School Board is not obligated to investigate anonymous complaints;
- 2.5 All employees shall cooperate to the fullest extent possible in any investigation of an alleged Wrongdoing.
- 2.6 Employees will be protected from Reprisal Action when making a Disclosure of Wrongdoing under this policy.

3.0 Application of this Policy

- 3.1 This policy applies to all employees of the Halifax Regional School Board. If an employee deems it would not be appropriate to disclose the matter to the Superintendent, or designate, the employee may disclose the matter to the Chair of the Governing Board.

4.0 Annual Report to the Governing Board

- 4.1 The Superintendent (or designate) will submit an Annual Report on this Policy to the Governing Board if any disclosures are received. The report will include the number of disclosures received, addressed and outstanding.
- 4.2 Notwithstanding 4.1, the Superintendent (or designate) shall inform the Governing Board within thirty (30) calendar days of any disclosures made pursuant to this policy. Such notification will only include that a disclosure has been made and not provide details that may place the Governing Board in conflict should they be required to adjudicate the matter in the future.

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5.0 Authorization

- 5.1 The Superintendent is authorized to develop and implement procedures in support of this policy.

6.0 Policy Review

- 6.1 This policy will be reviewed every five (5) years or on an as needed basis.

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1.0 Roles and Responsibilities

- 1.1 The Director of Human Resource Services (or designate) is responsible for:
 - 1.1.1 Oversight of the Disclosure of Wrongdoing policy and these procedures including but not limited to education, training and implementation;
 - 1.1.2 Responding to any Disclosures of Wrongdoing that are reported in accordance with these procedures;
 - 1.1.3 Assigning an internal or external investigator;
 - 1.1.4 Periodically reviewing these procedures;
- 1.2 The Direct Supervisor is responsible for:
 - 1.2.1 Ensuring employees are aware of the Disclosure of Wrongdoing policy and procedures;
 - 1.2.2 Submitting a report in writing to the Director of Human Resource Services (or a designate), within 14 days of receiving the disclosure from an employee;

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1.2.3 Responding to any Disclosure of Wrongdoing that is reported in accordance with these procedures.

1.3 Employees are responsible for:

1.3.1 Acting in accordance with these procedures.

2.0 Making a Disclosure

Employees are expected to follow a systematic approach in disclosing wrongdoing.

2.1 All disclosures must be made in written form (Appendix B), unless there is serious and imminent danger.

2.2 Disclosures should be factually accurate and as complete as possible and should include the following:

2.2.1 A description of the Wrongdoing;

2.2.2 The name of the person or persons alleged to have committed the Wrongdoing or may be about to commit a Wrongdoing;

2.2.3 The date(s) of the Wrongdoing;

2.2.4 Whether a disclosure has been made previously and to whom;

2.2.5 Signature of person submitting the disclosure.

2.3 Disclosures must be made as soon as possible, but no later than one year after the employee is made aware of the incident.

2.4 The Halifax Regional School Board is not obligated to investigate anonymous complaints.

2.5 Employees may consult with their Union at any time during the disclosure process and have a right to Union representation at all meetings.

3.0 Options for Disclosure of Wrongdoing

Employees have several options in disclosing Wrongdoing:

3.1 Any employee who reasonably believes that they are being asked to commit a Wrongdoing, or who believes that a Wrongdoing has been committed or is about to be committed, may disclose the matter to their immediate supervisor;

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- 3.2 If an employee has disclosed to their supervisor under Section 3.1 and reasonably believes the matter is not being appropriately addressed by their immediate supervisor, or if the employee deems it would not be appropriate to disclose the matter to their immediate supervisor, may disclose the matter to their Director/Coordinator;
- 3.3 If an employee has disclosed to their Director/Coordinator under Section 3.2 and reasonably believes the matter is not being appropriately addressed by their Director/Coordinator or if the employee deems it would not be appropriate to disclose the matter to their Director/Coordinator, may disclose the matter to the Superintendent or designate.

4.0 Imminent and Serious Danger

- 4.1 An employee may make a Disclosure of Wrongdoing to a police agency if they reasonably believe that it is necessary to do so to prevent imminent and serious danger to the life, health or safety of a person or persons and there is not sufficient time to make the disclosure using the process identified in this policy;
- 4.2 In all other circumstances, the Halifax Regional School Board encourages employees to follow these procedures.

5.0 Response to a Disclosure of Wrongdoing

- 5.1 All investigations will be conducted by the Department of Human Resource Services. The person receiving the disclosure will submit a report in writing to the Director of Human Resource Services (or designate) within 14 days of receiving the information;
- 5.2 All investigations will be conducted as quickly as possible;
- 5.3 A Disclosure of Wrongdoing will receive a preliminary response within 30 days of receipt of information. The response will be in writing and may include any of the following:
 - 5.3.1 Acknowledgement of the disclosure;
 - 5.3.2 Status of the investigation;
 - 5.3.3 A determination that no Wrongdoing has been found and no further action will be taken.
- 5.4 Upon completing a full investigation, the designated person(s) reviewing the file will prepare a report containing findings and any recommendations about the Disclosure of Wrongdoing. This report will be received by the Director of Human

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Resource Services, unless the Director of Human Resource Services is the alleged wrongdoer, in which case the report will be received by the Superintendent.

6.0 Confidentiality

- 6.1 While confidentiality cannot be guaranteed, the Halifax Regional School Board will strive to maintain confidentiality in the following ways:
 - 6.1.1 To the extent possible, investigations involving Wrongdoing will be conducted in a private and confidential manner;
 - 6.1.2 To the extent possible, the Halifax Regional School Board will protect the identity of persons involved in the disclosure process and employees, witnesses and persons, about whom the allegations of Wrongdoing are being made, shall be protected from publication;
 - 6.1.3 No persons shall knowingly publicly disclose any information that comes to their knowledge in the performance of their duties under this policy. Public disclosure of this nature may result in disciplinary action under Section 8.0 of these procedures.

7.0 False or Misleading Disclosures

- 7.1 No persons shall knowingly make false or misleading statements in a Disclosure of Wrongdoing or in the course of any investigation of Wrongdoing. False or misleading statements of this nature may result in disciplinary action pursuant to the HRSB Progressive Discipline policy D.006.

8.0 Disciplinary Action

- 8.1 An employee may be subject to appropriate disciplinary action, including, but not limited to suspension, termination of employment or demotion, if the employee:
 - 8.1.1 Commits a Wrongdoing;
 - 8.1.2 Takes a Reprisal Action against an employee who makes a disclosure in good faith;
 - 8.1.3 Makes a Disclosure of a Wrongdoing that is false, misleading, frivolous, vexatious or in bad faith;
 - 8.1.4 Publicly discloses information that comes to their knowledge in performance of their duties under these procedures.

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9.0 Procedural Fairness for the Alleged Wrongdoer

- 9.1 An employee accused of Wrongdoing has a right to answer any allegations that may result in the employer making a report or recommendation that adversely affects them;
- 9.2 All investigations will balance the protection and confidentiality of the person disclosing the Wrongdoing with the confidentiality and rights of alleged wrongdoer;
- 9.3 Employees may consult with their Union at any time during the process of investigation and have a right to Union representation at all meetings;
- 9.4 If deemed appropriate, and if permitted under any applicable Collective Agreement, an employee may be placed on paid leave while the alleged Wrongdoing is being investigated.

10.0 Protection Against Reprisal Action

- 10.1 Employees shall be protected against Reprisal Action when making a Disclosure of Wrongdoing under this policy;
- 10.2 No person shall take a Reprisal Action against an employee who makes a Disclosure of Wrongdoing in good faith;
- 10.3 An employee who feels that a Reprisal Action has been taken against him or her may file a written complaint to the Director of Human Resource Services (or designate);
- 10.4 A report of Reprisal Action will be addressed in the same manner as any Disclosure of Wrongdoing under the policy and similar procedures will apply.

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Appendix A

Definitions

Employee means a person working for the Halifax Regional School Board, including probationary, permanent, casual, term, or seconded employees.

Gross Mismanagement means a deliberate act or omission showing a reckless or willful disregard for the efficient management of significant School Board resources.

Reprisal Action means action taken against an employee who has made a Disclosure of Wrongdoing, in good faith, under this policy. Reprisal actions include:

- A disciplinary measure;
- Demotion of the employee;
- Termination of the employee;
- Any measure that adversely affects the employment or working conditions of the employee; or
- A threat to take any of the aforementioned measures.

Wrongdoing includes:

- conduct that contravenes to Provincial or federal statutes or regulations, including but not limited to the Education Act and Regulations under the Act, if the contravention relates to the official activities of employees or any public funds or assets;
- Gross Mismanagement;
- any act or an omission that creates a substantial and specific danger to the life, health or safety of a person or persons;
- knowingly directing or counseling a person to commit a wrongdoing; or
- taking a Reprisal Action against an employee.

Wrongdoing does not include:

- Complaints involving Harassment as defined by the Halifax Regional School Board's Respectful Workplace Policy (Harassment) (D.010). Please refer to that policy to process all related complaints.

Appendix B
Disclosure of Wrongdoing Form

***Confidentiality:** To the extent possible, the Halifax Regional School Board will protect the identity of persons involved in the disclosure process and employees, witnesses and persons, about whom the allegations of Wrongdoing are being made, shall be protected from publication.*

To be completed by Employee
Name: Department/School:
Nature of the Wrongdoing: <i>(Please describe in detail the events surrounding the complaint. Please include dates, time, locations, persons present, substance of statements and conversations, etc. Please be as factual as possible. If you must express an opinion, please make it clear that you are doing so.)</i> If you need additional space, please use multiple pages. <i>Note: When you are finished, please reread your statement in its entirety. Make any necessary changes and initial those changes. Then initial each sheet in the top left-hand corner.</i>
Date(s) of the Wrongdoing:
Name of person alleged to have committed or to commit the Wrongdoing:
Department/school and position of alleged wrongdoer:
Has the disclosure been made before? If yes, to whom and when (name, position, department, date):

I affirm that the above statement is true to the best of my knowledge.

Person making statement:

Signature:

Date:

Contact Information

Email:

Phone:

To be completed by Human Resource Services

Person receiving statement:

Signature:

Date: