



Board Governance Policy Manual

POLICY CATEGORY: GOVERNANCE/ BOARD PROCESS POLICY NUMBER: B13

POLICY TITLE: WHISTLE BLOWING EFFECTIVE: FEBRUARY 2010

LAST REVISED: NOVEMBER 2015

PURPOSE

This policy establishes a process for College community members to make reports in good faith about serious wrongdoing by other College community members without concern about retaliation. "Serious wrongdoing" includes:

- criminal offenses, or other willful violations of federal, provincial or municipal law;
- gross mismanagement of College or public resources; and/or
- substantial and specific danger to the environment or public health, safety, or the environment.

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

APPLICATION AND SCOPE

This policy applies to all College community members, including:

- employees of the College;
- the Board of Governors;
- students, volunteers, visiting scholars and any other persons while they are acting on behalf of or at the request of the College; or
- any agent, vendor, subcontractor, contractor, or company providing a product or service to the College, or who is involved in a request for proposal/tender process issued by the College.

"Whistle blowing" means the reporting of information by a College community member that is evidence of serious wrongdoing. Whistle blowing 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 or safety, management or employee

performance, or provisions contained in collective agreements or legal statute, where other resolution processes exist.

PRINCIPLES

Filing a Report

If any College community member reasonably knows or has reason to believe that another College community member is engaged in serious wrongdoing, the individual may make a report to the General Counsel and Corporate Secretary by mail in a sealed envelope, or by email to whistleblowing@mohawkcollege.ca.

Envelopes should be labeled as follows:

General Counsel and Corporate Secretary
Mohawk College of Applied Arts and Technology
135 Fennell Avenue West
Hamilton, ON L9C 1E9

If the report is against the General Counsel and Corporate Secretary, then the report should be sent directly to the College President via sealed envelope or electronic mail address. If the report implicates both the General Counsel and Corporate Secretary and the College President, reports should be made by sealed envelope to the Board Chair.

If the reporter wishes to remain anonymous, this should be clearly stated in the written communication. The investigation will attempt to protect the discloser's identity to the extent possible. However, the interests of fairness may require that the reporter's identity be provided to one or more persons.

If the individual wishes to verbally discuss any matter, this request should be made in the report, which should include a telephone number or other contact information.

Investigation

The General Counsel and Corporate Secretary shall receive, determine, investigate and resolve, where appropriate, all reports made under this policy. The General Counsel and Corporate Secretary may delegate the investigation to other College community members, or third parties, as appropriate. The investigator shall not have any personal or direct interest in the matter being investigated.

A report may be rejected, or consolidated, if at the time of filing a substantially similar complaint is currently under investigation.

Anonymous reports will only be acted upon if the evidence collected during the preliminary investigation establishes that the report can be properly investigated, has merit, and is in the public interest.

Outcomes

The General Counsel and Corporate Secretary or designate shall contact the reporter within a reasonable time after the preliminary investigation.

Upon completion of the investigation a formal report will be generated that will recommend, where necessary, resolutions of the matters raised by the report. Recommendations will be provided to members of the Senior Leadership Team, the Mohawk Executive Group or Board of Governors, as appropriate. These recommendations may include civil or criminal proceedings if sufficient evidence is present. Reporters do not receive a copy of the report.

In the event an internal solution is not available, and depending on the nature of the issues raised by the report, the matter may be referred to the external auditors of the College, the Minister of Training, Colleges and Universities or other legal avenues, including law enforcement, for resolution.

Record Keeping

The General Counsel and Corporate Secretary will keep a written record of all reports for a period of no less than seven years.

Protection of Whistle Blowers

The College will not retaliate against any College community member who, in good faith, makes a complaint or disclosure in accordance with this policy. If a person makes a complaint/disclosure under this policy in bad faith, or knowingly provides false or materially inaccurate information, that person shall be subject to disciplinary sanctions, which may include termination of employment.

MONITORING

The General Counsel and Corporate Secretary will provide an annual report to the Board of Governors on any ongoing or completed investigations. Reports will include steps taken to resolve the matters raised in each report. All reports to the Board will be presented *in-camera*.

EST. FEB 2010, ITEM 419.C.9.1.1

POLICY REVIEW DATE: NOVEMBER 2015

NEXT POLICY REVIEW DATE: FEBRUARY 2018/19