Board Governance Policy

POLICY CATEGORY: GOVERNANCE/ BOARD PROCESS	**POLICY NUMBER:** B13
POLICY TITLE: WHISTLE BOWING	**EFFECTIVE:** FEBRUARY 2010
LAST REVISED: APRIL 2019	

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
- 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:

- the Board of Governors;
- employees of the College;
- students, volunteers, visiting scholars and any other persons while they are acting on behalf of or at the request of the College; and
- 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 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 in one or more of the following ways:

[1] Reports can be submitted online at ClearView Connects.

Reports submitted online are automatically encrypted, and individual IP addresses are not tracked. The information received will then be transmitted to Mohawk College anonymously for review and investigation.

[2] Reports can be submitted by calling the ClearView Hotline at 1-833-859-9869. The call is not recorded, and caller ID is not used. The report is entered into the ClearView system by a Clearview agent, using the caller's exact words.

If a caller choses to call the Hotline and leave a voicemail report, the message will be entered into the ClearView system by Clearview exactly as it was left, and the voicemail message is deleted. Caller ID is not used.

[3] Reports can be submitted by mail to: ClearView Connects, P.O. Box 110171, Toronto, Ontario, M1E 1N0.

Anonymous handwritten reports are transcribed into the Clearview system, and the transcribed reports are scanned and uploaded. Once entered into the ClearView system, all original hard copies are destroyed. Only ClearView personnel can access the P.O. Box.

[4] Reports may be submitted by email to whistleblowing@mohawkcollege.ca.

(Reports implicating the General Counsel and Corporate Secretary should not be submitted to whistleblowing@mohawkcollege.ca as the General Counsel and Corporate Secretary monitors this email address.)

[5] Reports can be submitted in a sealed envelope, addressed as follows:

General Counsel and Corporate Secretary
Mohawk College of Applied Arts and Technology
135 Fennell Avenue West
Hamilton, ON L9C OE5

If a report implicates the General Counsel and Corporate Secretary, it may be filed through the online anonymous reporting tool, which includes a feature re-directing such reports away from

the General Counsel and Corporate Secretary, or in a sealed envelope addressed to the President of Mohawk College.

If the report implicates the General Counsel and Corporate Secretary and the President, it may be filed through the online anonymous reporting tool, which includes a featuring re-directing the report away from the General Counsel and Corporate Secretary and the President, or in a sealed envelope addressed to the Chair of the Board of Governors of Mohawk College.

If reporters wish to remain anonymous but use a reporting method in which the reporter's identity is disclosed, the request to remain anonymous should be clearly stated in the written communication. The investigation will attempt to protect the reporter's identity to the extent possible. However, the interests of fairness may ultimately require that the reporter's identity, if known, be provided to one or more persons. Reporters wishing to remain anonymous are therefore encouraged to report using the anonymous feature available on the Clearview system.

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

Where a reporter has submitted an identical report by two or more of the above-noted reporting mechanisms, the reporter should state that fact such in the submission(s).

Investigation

The General Counsel and Corporate Secretary shall receive, 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.

Another appropriate College official will investigate reports implicating the General Counsel and Corporate Secretary.

A report may be closed, or consolidated if, at the time of filing, a substantially similar report 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 the investigation is in the college's interest.

Outcomes

The General Counsel and Corporate Secretary or designate shall contact the reporter, where possible, 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. 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: APRIL 2019
NEXT POLICY REVIEW DATE: APRIL 2022