



Policy 2.50 Public Interest Disclosure/Whistleblower Protection

Rationale:

The Board of Education expects all employees, and others performing work on behalf of the District, to conduct themselves in a professional manner; adhere to applicable laws, regulations, policies and administrative practices that apply to their work activities; and demonstrate honesty, integrity and accountability in all their decisions and interactions.

Accordingly, and consistent with the provisions of the British Columbia *Public Interest Disclosure Act* ("PIDA"), the Board encourages and supports employees in bringing forward reports of unlawful acts and acts of wrongdoing.

The purpose of this Policy and related Administrative Practices is to establish a process, in compliance with the PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

This Policy applies to alleged wrongdoing related to the School District's operations or employees. This Policy does not displace other mechanisms set out in Board Policy or District Administrative Practices for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

1. Definitions

In this Policy the following capitalized terms are defined as indicated:

- 1.1. "Advice" means advice that may be requested in respect of making a Disclosure or a complaint about a Reprisal under this Policy or the PIDA;
- 1.2. "Discloser" means an Employee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;
- 1.3. "Disclosure" means a report of Wrongdoing made under this Policy;
- 1.4. "Employee" refers to a past and present employee of the School District

Legislative References: *Public Interest Disclosure Act* and *Freedom of Information and Protection of Privacy Act*

Collective Agreement References: Nil

Date of Adoption: June 13, 2018

Amended: June 14, 2023; Dec 13, 2023



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- 1.5. “FOIPPA” means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;
 - 1.6. “Investigation” means an investigation undertaken by the School District under this Policy or by the Ombudsperson under the PIDA;
 - 1.7. “Personal Information” has the same meaning set out in FOIPPA, namely “recorded information about an identifiable individual”, and includes any information from which the identity of the Discloser or any person who is accused of Wrongdoing or participates in an Investigation can be deduced or inferred;
 - 1.8. “PIDA” means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;
 - 1.9. “Practice” means the School District’s Administrative Practice(s) associated with this Policy;
 - 1.10. “Reprisal” means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of a Discloser because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;
 - 1.11. “Wrongdoing” refers to:
 - 1.11.1. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
 - 1.11.2. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
 - 1.11.3. a serious misuse of public funds or public assets;
 - 1.11.4. gross or systematic mismanagement; or
 - 1.11.5. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.



2. Statement of Principles

- 2.1. The School District is committed to supporting ethical conduct in its operations, and seeks to foster a culture in which Employees are encouraged to disclose Wrongdoing, including by receiving, investigating and responding to Disclosures and by providing information and training about the PIDA, this Policy and associated Administrative Practices.
- 2.2. The School District will investigate Disclosures that it receives under this Policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.
- 2.3. The School District will not commit or tolerate Reprisals against any Employees who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation, or makes a complaint under this Policy.
- 2.4. The School District is committed to protecting the privacy of Disclosers, persons accused of Wrongdoing and those who participate in Investigations in a manner that is consistent with its obligations under the PIDA and FOIPPA.

3. Privacy and Confidentiality

- 3.1. All Personal Information that the School District collects, uses, or shares in the course of receiving or responding to a Disclosure, a request for Advice, a complaint of a Reprisal, or conducting an Investigation, will be treated as confidential and will be used and disclosed as described in this Policy, the Administrative Practices, the PIDA or as otherwise permitted or required under FOIPPA and other applicable laws.

4. Reporting

- 4.1. Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken, and findings of Wrongdoing. All reporting under this Policy will be in compliance with the requirements of FOIPPA.



5. Responsibility

- 5.1. The Superintendent shall ensure that training and instruction is available to all Employees concerning this Policy and the PIPA.
- 5.2. Unless the allegations concern alleged Wrongdoing by the Superintendent, the Superintendent is responsible for the administration of this Policy.
- 5.3. In the event that the Superintendent is unavailable to perform their duties under this Policy, the Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior members of staff.
- 5.4. Individuals who knowingly make a false complaint of wrongdoing and/or who provide false information about a complaint are in violation of this Policy and subject to disciplinary and/or corrective action, up to and including termination of employment.