

WHISTLE BLOWER PROTECTION

PREAMBLE

The Board of Education of School District No. 71 ("School District") is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all personnel in bringing forward reports of unlawful acts and acts of wrongdoing in a manner consistent with the provisions of the British Columbia *Public Interest Disclosure Act* ("PIDA").

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

POLICY

The Board is committed to upholding ethical standards in the school district. All employees, and others performing work on behalf of the district, are expected to conduct themselves in a professional manner, adhere to applicable laws and board policies and regulations that apply to their work activities in addition to demonstrating ethical behavior in all their decisions and interactions.

The Board expects employees who have serious concerns about any aspect of the district's operations with respect to potential evidence of wrongdoing, to come forward and voice those concerns.

AUTHORITY

The responsibility for the day-to-day administration and enforcement of this Policy rests with the Superintendent of Schools and the Secretary-Treasurer as authorized by the Board of Education. The provisions of this Policy are independent of, and supplemental to, the provisions of collective agreements between the District and its Unions relative to grievance procedures, and to any other terms and conditions of employment.

This Policy is consistent with the statutory responsibility falling from the *Public Interest Disclosure Act* (PIDA), which becomes effective December 01, 2023. This Policy applies to alleged wrongdoing related to the School District's operations or personnel. This Policy does not displace other mechanisms set out in School District Policy 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.

REGULATION

DEFINITIONS

In this Policy and the Administrative Procedures, the following capitalized terms are defined as indicated:

“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;

“Discloser” means an Employee or Trustee who makes a Disclosure or seeks Advice or makes a complaint about a Reprisal;

“Discloser” means an Employee or Trustee who makes a Disclosure;

“Disclosure” means a report of Wrongdoing made under this Policy;

“Employee” refers to a past and present employee of the School District;

“FIPPA” means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;

“Investigation” means an investigation undertaken by the School District under this Policy or by the Ombudsperson under the PIDA;

“Personal Information” has the same meaning set out in FIPPA, 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;

“Personnel” means Employees and Trustees;

“PIDA” means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

“Procedure” means the School District’s Administrative Procedure associated with this Policy, as amended;

“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 member of Personnel because they made a Disclosure, sought Advice, made a complaint about a Reprisal or participated in an Investigation;

“Trustee” means a past or present member of the School District’s Board of Education; and

“Wrongdoing” refers to:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
- b. 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;
- c. a serious misuse of public funds or public assets;
- d. gross or systematic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

STATEMENT OF PRINCIPLES

- The School District is committed to supporting ethical conduct in its operations and seeks to foster a culture in which Employees and Trustees 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 the Procedures.
- 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.
- The School District will not commit or tolerate Reprisals against any Employee or Trustee who, in good faith, makes a request for Advice, makes a Disclosure, participates in an Investigation, or makes a complaint under this Policy.
- 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 FIPPA.

PRIVACY AND CONFIDENTIALITY

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 Procedures, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

REPORTING

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. The annual report prepared by the Superintendent shall be presented to the Board of Education prior to submission. All reporting under this Policy will be in compliance with the requirements of FIPPA.

RESPONSIBILITY

The Superintendent is responsible for the administration of this Policy and shall ensure that training and instruction is available to all Employees and Trustees concerning this Policy, the Procedures and the PIDA. In the event that the Superintendent is unable or 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 Personnel.

DUTY TO DISCLOSE

The Board expects that an employee who is aware of any improper activity or wrongdoing will bring the matter to the attention of the Board and give the district a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances. The reportable activity will be reported in a timely manner.

Adopted: November 28, 2023
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