



SCHOOL DISTRICT NO. 64

PROCEDURE 132

Public Interest Disclosure/Whistleblower Protection

*"Inspire learners, Integrate sustainability,
Involve community"*

Section: Governance

Dates of Revisions:

Date of Adoption and

Resolution Number: June 13, 2018- 76/18

1. Employees are expected to make reports and participate in investigations under this policy in good faith, which means that they must be acting on belief in the truth of the report or the accuracy of any evidence they may provide in support of the report. They must be acting without malice, without an ulterior purpose and shall not be motivated by personal gain.
2. Employees who do not wish to be identified in connection with a report should clearly indicate this preference in the report. However, it is important for employees or stakeholders making a complaint to understand that anonymous complaints may be challenging to fully investigate.
3. Reports of workplace wrongdoings
 - a. may be made to an immediate supervisor, the Board chairperson or the superintendent or secretary treasurer, in person, by telephone, or in writing (confidential email, fax or letter)
 - b. will be handled with strict confidentiality, and
 - c. personally identifiable information from the report will be shared only to the extent necessary to conduct a complete and fair investigation.
4. If an employee files a report or raises a concern under this policy, the district will not retaliate against him or her in any manner, including dismissal or demotion, because of reporting.
5. If an investigation reveals that the report was frivolously fraudulent or malicious complaint made or undertaken for improper motives or made in bad faith, or without reasonable and probable basis, disciplinary action may be taken.
6. For the purposes of this policy reportable activities include any serious wrongful conduct in connection with the District's programs or operations, including without being limited to :
 - a. the violation of any laws of British Columbia or Canada, including the Criminal Code of Canada, or other applicable laws;

- b. the material breach of the District's Policies or Regulations;
- c. misappropriation of District funds, resources or questionable accounting practices;
- d. fraud or falsifying District records; theft of cash, goods, services or time;
- e. any intentional, reckless or dangerous practice that could reasonably be expected to cause physical harm to any person or damage to District property;
- f. abuse of power or authority; and
- g. retaliation against any person making a report or participating in an investigation under the Policy.

7. Investigation: Upon receiving a complaint, the following procedure will be followed:

- a. the superintendent or secretary treasurer will record the receipt of the complaint and determine whether the matter is, in fact, a concern under this procedure.
- b. If the superintendent or secretary treasurer determines the complaint is legitimate, he or she will open a file and commence an investigation in a timely manner.
- c. The investigation generally will include, but will not be limited to, discussions with the reporting employee, the party against whom the allegations have been made, and witnesses, as appropriate. Employees shall not obstruct or impede any investigation.
- d. Reasonable actions will be taken to prevent retaliation against anyone making a good faith report or participating in an investigation.
- e. The superintendent or secretary treasurer may enlist outside legal, accounting or other advisors, as appropriate, to assist in conducting any investigation. All investigators shall be independent and unbiased both in fact and appearance. Investigators have a duty of fairness, objectivity, thoroughness and observance of legal and professional standards.
- f. It is the obligation of all employees to cooperate in any investigation. Those responsible for the investigation will maintain confidentiality of the allegations and the identity of the person involved, subject to the need to conduct a full and impartial investigation and remedy any violations of law or the board's policies.
- g. If an investigation establishes that an employee has engaged in improper activity or reportable activity, the district will take immediate and appropriate corrective action.

8. The provisions of this policy and procedure

- a. are independent of, and supplemental to, the provisions of collective agreements

between the School District and its Unions relative to grievance procedures and to any other terms and conditions of employment; and

- b. nothing in the policy and procedure shall be deemed to diminish or impair the rights of the district to manage its employees under any policy or collective agreement; or to prohibit any personnel action which otherwise would have been taken regardless of the reporting of information.
9. Record of Proceedings: Records of all formal and informal resolutions, hearings, and reviews will be kept by the appropriate person: superintendent or secretary treasurer. Any records concerning employees will be maintained in accordance with all applicable laws and regulations.
10. Annual Report: The Superintendent of Schools or Secretary Treasurer shall submit to the Board, in an in-camera board meeting, an annual summary of actions taken under this policy. The summary will include reports received and acted upon during the school year, as defined by the annual school calendar.

Resource:

- Bill M-207-20156, the Whistleblowers Protection Act