



## ADMINISTRATIVE PROCEDURE WHISTLE-BLOWER PROTECTION

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### PURPOSE

The Board of Education of the Burnaby School District (“District”) is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The District encourages and supports all personnel in reporting unlawful acts and other acts of wrongdoing in a manner consistent with the provisions of the British Columbia Public Interest Disclosure Act (“PIDA”). The purpose of the Policy and related Procedures 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.

### Definitions

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

“Designated Officer” means the Superintendent and any other senior member of the District designated by the Superintendent, including the Secretary -Treasurer, and the Chair of the Board of Education;

“Disclosure Form” means the form attached to this Procedure as Appendix 1 ;

“Ombudsperson” means the Ombudsperson of British Columbia;

“Policy” means the District’s Public Interest Disclosure Policy;

“Protection Official” means:

1. in respect of a health- related matter, the provincial health officer,
2. in respect of an environmental matter, the agency responsible for the Emergency Program Act, or
3. in any other case, a police force in British Columbia.

“Respondent” means a person against whom allegations of wrongdoing, or a complaint of reprisal is made;

“School” means:

1. a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction;
2. the teachers and other staff members associated with the unit, and
3. the facilities associated with the unit, and includes a Provincial resource program and a distributed learning school operated by a board;

“Supervisor” includes:

1. an employee’s direct management supervisor,
2. for School -

3. A disclosure may be submitted to the District on an anonymous basis, but must contain sufficient information to permit the District to conduct a full and fair investigation into the alleged wrongdoing. If a disclosure does not contain sufficient detail to permit investigation, the District may take no action with respect to the disclosure. Any notices required to be given to a discloser under this Policy or PIDA will not be provided to an anonymous discloser, except at the discretion of the Designated Officer and where the disclosure has provided contact information.
4. A discloser who is considering making a disclosure may request advice from any of their union representative or employee association representative, a lawyer, their Supervisor, a Designated Officer, or the Ombudsperson.
5. A discloser should not make a disclosure to a person if the allegations relate, in whole or in part, to alleged wrongdoing by that person. Any person who receives a disclosure and reasonably believes that the allegations of wrongdoing relate to their own acts or omissions must refer the allegations of wrongdoing to another person under this Policy with responsibility for receiving a disclosure.

#### How to Make a Disclosure About Urgent Risk

1. PIDA permits employees to make public disclosures if the employee reasonably believes that a matter poses an urgent risk. An urgent risk only arises if there is reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.
2. Before making a public disclosure of an urgent risk the employee must:
  - a. Consult with the relevant Protection Official (public health officer, Emergency Management BC, or police) ;
  - b. Receive and follow the direction of that Protection Official, including if the Protection Official directs the employee not to make the public disclosure ;
  - c. Refrain from disclosing, publishing or otherwise sharing personal information except as necessary to address the urgent risk ;
  - d. Refrain from disclosing any information that is privileged or subject to a restriction

## Referral to Designated Officer

Each supervisor and any other employee who receives a disclosure under this Policy must promptly refer it, including all disclosures forms and other materials supplied, to the appropriate Designated Office<sup>1</sup>

11. Notify the discloser and the respondent of the outcome of the investigation in accordance with the section Investigations , below ; and
12. In accordance with the Privacy and Confidentiality section of this Procedure, ensure that all personal information received by the District related to the disclosure, request for advice or any investigation is appropriately protected against such risks as unauthorized access, collection, use, disclosure, theft or loss in accordance with FIPPA and PIDA.

### Responsibilities of Employees

All employees are responsible to:

1. Make any disclosures in good faith and on the basis of a reasonable belief that wrongdoing has or is expected to occur;
2. Refrain from engaging in reprisals and report all reprisals in accordance with this Procedure and PIDA;
3. Maintain the confidentiality of personal information received in connection with a disclosure, request for advice or investigation in accordance with the Policy, this Procedure, and PIDA;
4. Provide their reasonable cooperation with investigations by the District or the Ombudsperson;
5. Seek appropriate advice if uncertain about whether to make a disclosure or a public disclosure of an urgent risk; and
6. Comply with the requirements of this Procedure and PIDA concerning urgent risks.

### Investigations

1. Every person involved in receiving, reviewing and investigating disclosures must carry out those functions in an expeditious, fair and proportionate manner as appropriate in the circumstances and as required under PIDA.
2. The District shall seek to complete all investigations within 90 calendar days of receipt of a disclosure, but the Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.
3. The Designated Officer may expand the scope of any investigation beyond the allegations set out in the disclosure to ensure that any potential wrongdoing discovered during an Investigation is investigated.
4. All investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the Investigation, though overall responsibility and accountability for the investigation remains with the Designated Officer.

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5. The Designated Officer may consult with the Ombudsperson regarding a disclosure or refer allegations of wrongdoing in whole or in part to the Ombudsperson, provided that notice of the referral is provided to the applicable discloser.
  6. The Designated Officer may refuse to investigate or postpone or stop an Investigation if the Designated Officer reasonably believes that:
    - a. The disclosure does not provide adequate particulars of the wrongdoing;
    - b. The disclosure is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a disclosure under the Policy or PIDA, or does not deal with wrongdoing;
    - c. The investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged wrongdoing and the date of the disclosure;
    - d. The investigation of the disclosure would serve no useful purpose because the subject matter of the disclosure is being, or has been, appropriately dealt with;
    - e. The disclosure relates solely to a public policy decision;
    - f. The allegations are already being or have been appropriately investigated by the Ombudsperson, the District or other appropriate authority;
    - g. The investigation may compromise another investigation; or
    - h. PIDA otherwise requires or permits the District to suspend or stop the investigation.
  7. Subject to the District's obligations under FIPPA and the section How to Make a Disclosure, above, the discloser and the respondent(s) will be provided with a summary of the District's findings, including:
    - a. notice of any finding of wrongdoing;
    - b. a summary of the reasons supporting any finding of wrongdoing;
    - c. any recommendations to address findings of wrongdoing.

### Privacy and Confidentiality

1. All personal information that the District collects, uses or shares in connection with a disclosure, request for advice, or an investigation shall be treated as confidential and shall be used and disclosed by the District only as described in the Policy, the Procedures and PIDA unless otherwise permitted or required under FIPPA or other applicable laws.
2. Personal information that is collected, used or shared by the District in the course of receiving, responding to or investigating a disclosure or a request for advice on a reprisal shall be limited to the personal information that is reasonably required for these purposes.
3. Any person who receives information about the identity of a discloser for the purposes of investigating the disclosure shall maintain the identity of the discloser in confidence and may only use or share that information for the purposes described in this Policy or PIDA, except with the consent of the discloser or as authorized or required by PIDA or other applicable laws.
4. The District shall ensure there are reasonable security measures in place to protect all personal information that the District collects or uses in the course of receiving or responding to a disclosure, a request for advice, or conducting an investigation. The

District will ensure that such information is subject to appropriate controls to ensure that it is only shared internally on a need-to-know basis.

## Reprisals

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