

BOARD OF EDUCATION

SCHOOL DISTRICT NO. 35 (LANGLEY)

POLICY MANUAL

Policy No. 6860

SUBJECT: WHISTLE BLOWER PROTECTION

Date Revised 2014 06 02

The Board of Education is committed to the highest standards of ethical conduct, integrity and accountability. The Board has a responsibility for the stewardship of District resources. The Board encourages employees, acting in good faith, to report what the employee reasonably believes to be true and reasonably believes to be a substantive improper activity.

Reportable Activity

- An unlawful act, whether civil or criminal;
- Questionable accounting practices;
- Falsifying District records;
- Theft of cash, goods, services, time or fraud;
- Inappropriate use of District assets or funds;
- Decision making for personal gain;
- A dangerous practice likely to cause physical harm or damage to property, and,
- Retaliation, repercussion or reprisal for reporting under the Policy

This list is not all-inclusive but is intended to give an indication of the kind of conduct which may be considered as ‘reportable activity.’

Authority

- The responsibility for the day to day administration and enforcement of this policy rests with the Superintendent 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 Board and its Unions relative to grievance procedures, and to any other terms and conditions of employment.

Duty to Disclose

The Board expects that an employee who is aware of or witnessed any improper activity or wrong doing will bring the matter to the attention of Superintendent, Secretary Treasurer or Board Chair and give the District a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances.

All reports are considered confidential and may be made anonymously.

Protection of Employee and Employer

Employee

Any employee(s) who files a report under this Policy will be protected if the employee(s):

- Provided the information in good faith;
- Believes it to be substantially true;
- Does not act maliciously or make false allegations; and,
- Does not seek any personal or financial gain.

All reports under this policy will be handled with strict confidentiality and personally identifiable information from the report will only be shared to the extent necessary to conduct a complete and fair investigation.

No retaliation, including dismissal or demotion may result from reporting in good faith under this Policy.

If an investigation reveals that the report was frivolously, fraudulently or maliciously made or undertaken for improper motives or made in bad faith or without reasonable and probable basis, disciplinary action may be taken.

Employer

Nothing in this Policy 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 the information.

Reporting a Complaint

- Employees and stakeholders should submit claims about any reportable activity to the Superintendent, Secretary Treasurer or Board Chair at the School Board Office by either confidential email or regular mail. The reports may also be made to the Board’s legal counsel at:
 - Harris and Company
Attention: Keith Mitchell
14th Floor, 550 Burrard Street
Vancouver, BC V6C 2B5
- The report should contain particulars of the alleged improper activity and the name(s) and affiliation of each person involved.

Investigation Procedure

- Upon receiving a complaint, the Superintendent, Secretary Treasurer or Board Chair will record the receipt of the complaint and determine whether the matter is, in fact, a reportable activity under this procedure.
- If the complaint is determined to be a legitimate reportable activity, he or she will open an investigation file and commence an investigation in a timely manner.
- The investigation 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 will not impede or obstruct any investigation.
- The Superintendent, Secretary Treasurer or Board Chair may enlist outside legal, accounting or other advisors, as appropriate, to assist in conducting the investigation.
- It is the obligation of all employees to cooperate in an investigation.
- Confidentiality will be maintained and the identity(s) of the person(s) involved, subject to the need to conduct a full and impartial investigation and remedy any violations of law or the Board's Policies.
- If the investigation establishes that improper activity has occurred, the Board will take appropriate corrective action in a timely manner.
- Records of all formal and informal resolutions, hearings and reviews will be kept by the Superintendent or Secretary Treasurer.

Annual Report

The Superintendent or Secretary Treasurer shall submit to the Board, in an 'in-camera' meeting, an annual summary of actions taken under this Policy. The summary will include reports received and acted upon during the school year, July 1st to June 30.