



## Administrative Procedure 403

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# WHISTLE BLOWER PROTECTION

## Background

The District is committed to the highest standards of ethical conduct, integrity and accountability. The District has a responsibility for the stewardship of District resources. The District 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.

Possible reportable activities are as follows:

- 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 administrative procedure

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.'

The responsibility for the day to day administration and enforcement of this administrative procedure rests with the Secretary-Treasurer.

The provisions of this administrative procedure 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.

## Procedures

### 1. Duty to Disclose

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

1.2. All reports are considered confidential and may be made anonymously.

## 2. Protection of Employee and Employer

### 2.1. Employee

2.1.1. Any employee(s) who files a report under this administrative procedure will be protected if the employee(s):

2.1.1.1. Provided the information in good faith.

2.1.1.2. Believes it to be substantially true.

2.1.1.3. Does not act maliciously or make false allegations; and,

2.1.1.4. Does not seek any personal or financial gain.

2.1.2. All reports under this administrative procedure 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.

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

2.1.4. 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.

### 2.2. Employer

2.2.1. Nothing in this administrative procedure shall be deemed to diminish or impair the rights of the District to manage its employees under any policy, administrative procedure or collective agreement; or to prohibit any personnel action which otherwise would have been taken regardless of the reporting of the information.

## 3. Reporting a Complaint

3.1. Employees and stakeholders are to submit claims about any reportable activity to the Secretary-Treasurer at the District office by either confidential email or regular mail. The reports may also be made to the District's legal counsel at:

3.1.1. Harris and Company  
14th Floor, 550 Burrard Street  
Vancouver, BC V6C 2B5

3.2. The report is to contain particulars of the alleged improper activity and the name(s) and affiliation of each person involved.

## 4. Investigation Procedure

4.1. Upon receiving a complaint, the Secretary-Treasurer will record the receipt of the complaint and determine whether the matter is, in fact, a reportable activity under this administrative procedure.

- 4.2. 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.
- 4.3. 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.
- 4.4. Employees will not impede or obstruct any investigation.
- 4.5. The Secretary-Treasurer may enlist outside legal, accounting or other advisors, as appropriate, to assist in conducting the investigation.
- 4.6. It is the obligation of all employees to cooperate in an investigation.
- 4.7. 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, the Board's policies or District administrative procedures.
- 4.8. If the investigation establishes that improper activity has occurred, the District will take appropriate corrective action in a timely manner.
- 4.9. Records of all formal and informal resolutions, hearings and reviews will be kept by the Secretary-Treasurer.

Reference: Sections 17, 18, 20, 22, 23, 65, 85 School Act

Adopted: June 2, 2014

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