



## XXXX: Public Interest Disclosure Administrative Procedure (AP)

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### **PURPOSE**

The Board of Education of School District No. 70, Pacific Rim 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 Procedures is to establish a process, in compliance with PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

### **BACKGROUND**

Public Interest Disclosure Act (“PIDA”) came into effect in the public sector in December 2019 and expanding to School Districts in December 2023. PIDA is intended to be a “whistleblower” protection in which Employees and former Employees are able to raise concern of serious or systemic issues of wrongdoing without risk of retaliation.

### **DEFINITIONS**

Capitalized terms in this Procedure have the meanings set out in the Policy, and the following additional terms shall have the following meanings.

“**Designated Officer**” means the Superintendent and any other senior member of the School District designated by the Superintendent from time to time, which includes, in accordance with section “Referral of a Designated Officer” of this Procedure and the Secretary Treasurer;

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

“**Ombudsperson**” means the Ombudsperson of British Columbia;

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

“**Protection Official**” means:

- a. in respect of a health-related matter, the provincial health officer,
- b. in respect of an environmental matter, the agency responsible for the *Emergency Program Act*,  
or
- c. 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

- a. 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
  - b. the teachers and other staff members associated with the unit, and
  - c. the facilities associated with the unit,
- and includes a Provincial resource program and a distributed learning school operated by a board;

**“Supervisor”** includes

- a. an Employee’s direct management supervisor,
- b. for School-based Employees, the Principal or any Vice-Principal at the School where the Employee is assigned;

**“Urgent Risk”** arises there is a reasonable belief that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.

**PROCEDURAL REGULATIONS**

**Who May Make a Disclosure:**

1. An Employee may report Wrongdoing under this Policy if alleged Wrongdoing occurred or was discovered while the Employee was employed or engaged by School District 70.
2. Reports received from members of the public, school trustees, or from Employees who were not employed with the School District at the time that the alleged Wrongdoing occurred or was discovered are outside the scope of the Policy and this Procedure

**How to Make a Disclosure:**

1. An Employee who reasonably believes that a wrongdoing has been committed or is about to be committed may make a disclosure to the person’s Supervisor, the Superintendent, a Designated Officer other than the Superintendent or the Ombudsperson.
2. A Disclosure should be submitted in writing using the Disclosure Form or in other written form and include the following information:
  - a) A description of Wrongdoing;
  - b) The name of the person(s) alleged to be responsible for or to have participated in the Wrongdoing;
  - c) The date or expected date of the Wrongdoing;



- d) If the Wrongdoing relates to an obligation under a statute or enactment, the name of the statute or enactment; and
  - e) Whether the Wrongdoing has already been reported, and if so, to whom and a description of the response received.
3. A Disclosure may be submitted to School District 70 on an anonymous basis but must contain sufficient information to permit School District 70 to conduct a full and fair investigation into the alleged Wrongdoing. If a disclosure does not contain sufficient detail to permit an investigation, School District 70 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 Office 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 of 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, and 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.

#### Cases of Urgent Risk:

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.

Before making a Public Disclosure of Urgent Risk, an Employee must consult with and follow the direction of a relevant Protection Official such as a Public Health Officer, Emergency Management BC, or the RCMP. Employees must follow direction if the Protection Officer does not consider the risk necessary of a Public Disclosure. Employees must refrain from disclosing, publishing or sharing Personal Information except as necessary to address the Urgent Risk as well as refrain from disclosing any information that is privileged or subject to restriction on disclosure as per PIDA or any other enactment of British Columbia or Canada including legal advice, litigation or another ground of common law. If an Employee is unsure about Personal Information, privileged or other information which may be disclosed as part of the public disclosure, they must seek appropriate advice and refer to the Public Interest Disclosure Act.

If a Public Disclosure is made, the Employee who makes the disclosure is expected to provide notification to their supervisor or the Superintendent about the Public Disclosure or submit a Disclosure. If a public Disclosure is not made as a direction of a Protection Officer, the Employee is expected to report the Urgent Risk without delay to the Superintendent or Designated Officer.



Referral to Designated Officer:

Each Supervisor and any other Employee who receives a Disclosure under this policy must promptly refer it, including all Disclosure Forms and other supporting material, to the appropriate Designated Officer as follows:

1. Unless the allegations concern alleged Wrongdoing by the Superintendent, the Disclosures should first be referred to the Superintendent who may delegate their duties under this policy to any other Designated Officer;
2. If the allegations concern alleged Wrongdoing by the Superintendent, then the Disclosure should be referred to a Designated Officer other than the Superintendent to assess whether the Disclosure falls within the scope of PIDA or this Policy. If so, the Disclosure and any supporting material should be referred to the Office of the Ombudsperson.

Responsibilities of the Designated Officer:

The Designated Officer is responsible for:

1. Receiving and responding to any Disclosure;
2. Receiving and responding to reports made about Urgent Risks;
3. If belief that an Urgent Risk exists, may make a report to the relevant Protection Officer;
4. Review allegations of Wrongdoing in a Disclosure to determine if they fall in the scope of PIDA or this Policy;
5. Refer the allegations or Disclosures which fall outside the scope of PIDA or this Policy to the appropriate authority or dispute resolution process;
6. If the Disclosure refers to Wrongdoing at another government institute, refer the Disclosure to that institution;
7. Seek clarification of allegations of Wrongdoing from the Discloser;
8. Initiate an Investigation into allegations of Wrongdoing;
9. Assess the risk of any Reprisals to the Discloser and take appropriate action, if any, to mitigate risk;
10. Manager communications with Discloser and Respondent;
11. Notify Discloser and Respondent of the outcome of the Investigation;
12. Ensure that all Personal Information received by School District 70 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 make a Disclosure in good faith and with reasonable belief that Wrongdoing has or is expected to occur. Employees must refrain from engaging in Reprisals and report all Reprisals in accordance with this Administrative Procedure and PIDA, as well as maintain confidentiality of Personal Information received in connection with a Disclosure, request for Advice or Investigation in accordance with the Policy, this Administrative Procedure and PIDA. Employees must provide their reasonable cooperation with Investigations by School District 70 or the Ombudsperson.



All Employees are responsible for seeking advice if uncertain on whether to make a Disclosure or Public Disclosure for an Urgent Risk and comply with requirements of this Administrative Procedure and PIDA concerning Urgent Risks.

Investigations:

1. Every person involved in receiving, reviewing and investigating Disclosures must carry out those functions in a prompt, fair and proportionate manner as appropriate under PIDA.
2. School District 70 shall seek to complete all Investigations within 90 Calendar days of receiving the Disclosure, this timeframe may be adjusted by the Designated Officer to accommodate the nature and complexity of the allegations.
3. The Designated Officer may expand the scope of an Investigation beyond allegations set out in the Disclosure if any other potential Wrongdoing is discovered during the Investigation.
4. All Investigations shall be conducted by an internal or external Investigator with sufficient qualifications and experience to carry out the Investigation, though the overall accountability and responsibility of the Investigation remains with the Designated Officer.
5. The Designated Officer may consult with the Ombudsperson regarding a Disclosure or allegations in whole or part, provided notice of the referral is provided to the Discloser.
6. The Designated Officer may refuse to investigate or postpone or stop an investigation if they reasonably believe;
  - a. The Disclosure does not provide adequate particulars for the Wrongdoing;
  - b. The Disclosure is frivolous, has not been made in good faith, has not been made by a person entitled to make Disclosures under the Policy or PIDA or does not deal with Wrongdoing;
  - c. The Investigation does not serve a useful purpose or cannot be reasonably conducted due to the passage or length of time between the date of alleged Wrongdoing and the date of Disclosure;
  - d. The Investigation does not serve a useful purpose as the subject matter of the disclosure has or is being appropriately dealt with;
  - e. The Disclosure relates solely to Public Policy Decision;
  - f. The allegations are or have been appropriately investigated by the Ombudsperson, School District 70 or other appropriate authority;
  - g. The Investigation may compromise another Investigation or PIDA otherwise requires or permits School District 70 to suspend or stop the Investigation.
7. Subject to School District 70's obligations under FIPPA and the process of making a Disclosure, the Discloser and Respondent(s) will be provided with a summary of School District 70's findings, including a notice of finding any Wrongdoing, a summary of the reasons supporting any findings, and any recommendations to address the findings.

Privacy and Confidentiality

All Personal Information which School District 70 collects, uses or shares in connection with a Disclosure, request for Advice or an Investigation shall be treated as confidential and only used or described as in the Policy, Administrative Procedure and PIDA unless otherwise permitted under FIPPA and other required laws. All Personal Information that is collected, used or shared by School District 70 in the course of an Investigation shall be limited to the Personal Information that is reasonably required for the process.



Any person who, receives information about the identity of the Discloser for the purpose of investigating the Disclosure shall maintain the identity of the Discloser in confidence and may only share or use the information for the purpose described in the Policy or PIDA unless consent is given by the discloser or are authorized or required by PIDA or other laws.

School District 70 shall ensure there is a reasonable amount of security measures in place to protect all Personal Information that School District 70 collects or uses in the course of a Disclosure, request for Advice, or Investigation, including ensuring the information is subject to appropriate controls to ensure that it is only shared internally on a need-to-know basis.

### Reprisals

School District 70 will not tolerate Reprisals against Employees. Any Employee who believe they have been the subject of a Reprisal may make a complaint to the Ombudsperson, who may investigate in accordance with PIDA. Any person who engages in any Reprisals shall be subject to disciplinary action up to and including, for an Employee, dismissal for cause.

### RESOURCES

- Board policy #XXXX: Public Interest Disclosure
- The *Public Interest Disclosure Act*: [Public Interest Disclosure Act \(gov.bc.ca\)](http://gov.bc.ca)
- The *Ombudsperson of British Columbia*: [Office of the Ombudsperson - Office of the Ombudsperson \(bcombudsperson.ca\)](http://bcombudsperson.ca)
- The Ombudsperson PIDA Investigation Information Page: [chief-executive-responsibilities-08-17-2021.pdf \(bcombudsperson.ca\)](http://bcombudsperson.ca)