

WHISTLEBLOWER PROTECTION

Background

The District is committed to the highest standards of openness, honesty and accountability. Employees are often the first to realize that there may be something seriously wrong within the District. The District encourages employees, acting in good faith, to report what the employee reasonably believes to be true and reasonably believes to be an improper activity by District officers or employees.

The District is strongly committed to upholding ethical standards in the District. All employees, and others performing work on behalf of the District, are expected to conduct themselves in a professional manner, adhere to applicable laws, Board policies and administrative procedures that apply to their work activities in addition to demonstrating ethical behaviour in all their decisions and interactions.

The District expects employees, and others that the District deals with, who have serious concerns about any aspect of the District's operations with respect to potential evidence of wrongdoing, to come forward and voice those concerns.

Definitions

District – is the Board of Education of School District No. 67 (Okanagan Skaha).

Employee – applies to all officers, directors and employees of the District as well as to all other stakeholders having an interest in the District including suppliers, consultants and contractors.

Good Faith – is evident when a report is made without malice or consideration of personal benefit and the employee has a reasonable basis to believe that the report is true.

Reportable Activity – is any unlawful, illegal or inappropriate behavior and can include:

- An unlawful act, whether civil or criminal
- Questionable accounting practices
- Falsifying District records
- Theft of cash, goods, services or time
- A dangerous practice likely to cause physical harm or damage to property
- Abuse of power or authority
- Retaliation for reporting under this Administrative Procedure

Procedures

1. Authority

- 1.1. The responsibility for the day to day administration and enforcement of this Administrative Procedure rests with the Director of Instruction – Human Resources.
- 1.2. The provisions of this Administrative Procedure are independent of, and supplemental to, the provisions of collective agreements between the District and its unions relative to grievance procedures, and to any other terms and conditions of employment.

2. Duty to Disclose

- 2.1. The District expects that an employee who is aware of any improper activity or wrongdoing will bring the matter to the attention of the Director of Instruction – Human Resources and give the District a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances.

3. Protection of Employee and Employer

3.1. Employee

- 3.1.1. Any employee who files a report or raises a concern under this Administrative Procedure will be protected if the employee:
 - 3.1.1.1. Provides the information in good faith;
 - 3.1.1.2. Believes it to be substantially true;
 - 3.1.1.3. Does not act maliciously or make false allegations; and
 - 3.1.1.4. Does not seek any personal or financial gain.
- 3.1.2. All reports under this Administrative Procedure will be handled with strict confidentiality and personally identifiable information from the report will be shared only to the extent necessary to conduct a complete and fair investigation.
- 3.1.3. If an employee files a report or raises a concern under this Administrative Procedure, the District will not retaliate against him or her in any manner, including dismissal or demotion, due to the reporting.
- 3.1.4. If an investigation reveals that the report was frivolously made or undertaken for improper motives or made in bad faith or without reasonable and probable basis, disciplinary action may be taken.

3.2. Employer

- 3.2.1. 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 information.

4. Reporting a Complaint

- 4.1. Employees and stakeholders may submit a complaint about any Reportable Activity to the Director of Instruction – Human Resources at the District Office, in writing via email or by written letter form submitted in confidence to either the Director of Instruction – Human Resources.
- 4.2. It is important for employees or stakeholders making a complaint to understand that the investigation of a complaint will be most effective if they have provided their name and contact information, when submitting a complaint.

5. Investigation

- 5.1. Upon receiving a complaint, the Director of Instruction – Human Resources will record the receipt of the complaint and determine whether the matter is, in fact, a Reportable Activity under this Administrative Procedure.
- 5.2. If the Director of Instruction – Human Resources determines that the complaint is a legitimate Reportable Activity, he or she will open a file and commence an investigation
- 5.3. 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. Reasonable actions will be taken to prevent retaliation against anyone making a good faith report or participating in an investigation.
- 5.4. Investigation
 - 5.4.1. The Director of Instruction – Human Resources may enlist senior management and/or 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.
 - 5.4.2. The Director of Instruction – Human Resources will enlist the appropriate outside legal, accounting or other advisor to conduct any investigation, when investigating senior management (including principals and vice-principals). 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.
- 5.5. 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, the Board's policies, or administrative procedures.
- 5.6. If an investigation establishes that an employee has engaged in improper activity or reportable activity, the District will take immediate and appropriate corrective action.

Annual Report

- 5.7. The Director of Instruction – Human Resources shall submit to the Superintendent, an annual summary of actions taken under this Administrative Procedure. The summary will include reports received and acted upon during the school year, July 1 to June 30.

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

Adopted: November 2019

Revised: