

# Whistleblower Protection Regulation

## 6270-10 | Whistleblower Protection Regulation

Date Approved: November 24 2015

Date Amended: July 31 2019

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### A. Authority

1. The responsibility for the day to day administration and enforcement of this regulation rests with the Secretary-Treasurer.
2. The provisions of this regulation 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.

### B. Definitions for the purpose of this regulation:

1. Board – is the Board of Education of School District No. 52 (Prince Rupert).
2. Reporter – refers to all trustees, senior executives and employees of the Board as well as to all other stakeholders having an interest in the Board including suppliers, consultants and contractors.
3. Good Faith – is evident when a report is made without malice or consideration of personal benefit and the reporter has a reasonable basis to believe that the report is true.
4. Reportable Activity – is any unlawful, illegal or inappropriate behaviour and can include:
5. An unlawful act, whether civil or criminal;
6. Questionable accounting practices;
7. Falsifying Board records;
8. Theft of cash, goods, services or time;
9. Inappropriate use of district assets;
10. A decision made for personal gain;
11. A dangerous practice likely to cause physical harm or damage to property;
12. Abuse of power or authority; and
13. Retaliation, repercussion or reprisal for reporting under this regulation.

This list is not all-inclusive but is intended to give an indication of the kind of conduct which may be considered a Reportable Activity.

A Reportable Activity does not include personnel actions taken in the course of conducting the Board's business where such matters are most appropriately addressed by reference to the applicable collective agreement.

1. Report – is an oral or written disclosure of information made through the processes described in this regulation.

### C. Duty to Disclose

1. The Board expects that a reporter who is aware of any improper activity or wrongdoing will bring the matter to the attention of the Board and give the Board a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances.

#### **D. Protection of Reporter and District**

##### 1. Reporter

1. Any reporter who files a report or raises a concern under this regulation will be protected if the reporter:
  1. Provides the information in good faith;
  2. Believes it to be substantially true;
  3. Is not acting maliciously or making false allegations; and
  4. Is not seeking any personal or financial gain.
1. All reports under this regulation 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.
2. If a reporter files a report or raises a concern under this regulation, the Board will not retaliate against the reporter in any manner, including dismissal or demotion, because of the reporting.
3. If an investigation reveals that the report was:
  1. frivolously, fraudulently or maliciously made; or
  2. undertaken for improper motives; or
  3. made in bad faith; or
  4. made without reasonable and probable basis,

Disciplinary action may be taken.

##### 1. District

1. Nothing in this regulation will be deemed to diminish or impair the rights of the Board
  1. to manage its employees under any policy or collective agreement; or
  2. to prohibit any personnel action which otherwise would have been taken regardless of the reporting of information.

#### **E. Reporting a Complaint**

1. Reporters may submit a complaint about any Reportable Activity to the Secretary Treasurer or the Director, Human Resources at the School Board Office, submitted in confidence via email or by written letter.
2. Reports may also be made to the district's legal counsel:

Harris & Company LLP Attention: Sari Wiens, 14th Floor, Bentall 5, 550 Burrard Street Vancouver, BC V6C 2B5

1. It is important for reporters making a complaint to understand that the investigation of a complaint will be most effective if they provide their name and contact information when submitting a complaint.

## **F. Investigation**

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 regulation.
2. If it is determined that the complaint is a legitimate Reportable Activity, the Secretary Treasurer will open a file and commence an investigation.
3. The investigation generally will include, but will not be limited to discussions with:
  1. the reporter;
  2. the party against whom the allegations have been made; and
  3. any witnesses,

as appropriate.

1. It is the obligation of all reporters to cooperate in any investigation. Reporters will not obstruct or impede any investigation.
2. Reasonable actions will be taken to prevent retaliation against anyone making a good faith report or participating in an investigation.
3. Outside Advisors
  1. The Secretary Treasurer may enlist Senior Management and / or appropriate outside legal, accounting or other advisors, as appropriate, to assist in conducting any investigation.
  2. All investigators will be independent and unbiased both in fact and appearance. Investigators have a duty of fairness, objectivity, thoroughness and observance of legal and professional standards.
1. 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 or the Board's policies.
2. If an investigation establishes that improper activity has occurred, the Board will take immediate and appropriate corrective action.

## **G. Annual Report**

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