
Policy 23

PUBLIC INTEREST DISCLOSURE

“WHISTLEBLOWER”

Purpose

The Board of Education of School District No. 39 (Vancouver) 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 current employees, past employees and trustees 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 Administrative Procedure is to establish a process, in compliance with the PIDA, current employees, former employees and trustees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

This policy is supported by AP# 176

1. Scope of Policy

This policy applies to alleged wrongdoing related to the District’s operations or current and past employees (including trustees). This policy does not displace other mechanisms set out in policy for addressing and enforcing standards of conduct, disputes, complaints, or grievances, including issues of discrimination, bullying and harassment, occupational health and safety, or disputes over employment matters or under collective agreements.

2. Definitions

“**Advice**” means advice that may be requested in respect of making a disclosure or a complaint about a reprisal under this policy or the PIDA;

“**Discloser**” means an employee who makes a disclosure, seeks advice or makes a complaint about a reprisal;

“**Disclosure**” means a report of wrongdoing made under this policy;

“**Employee**” refers to a past or present employee of the District;

“**FIPPA**” means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto;

“**Investigation**” means an investigation undertaken by the District under this policy or by the Ombudsperson under the PIDA;

“**Personal Information**” has the same meaning set out in FIPPA, namely “recorded information about an identifiable individual”, and includes any information from which the identity of the discloser or any person who is accused of wrongdoing or participates in an investigation can be deduced or inferred;

“**PIDA**” means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

“**Procedure**” means the District’s Administrative Procedure AP# 176 associated with this policy;

“**Reprisal**” means the imposition of, and any threat to impose discipline, demotion, termination or any other act that adversely affects the employment or working conditions of a member of personnel because they made a disclosure, sought advice, made a complaint about a reprisal or participated in an investigation;

“**Wrongdoing**” refers to:

- a. a serious act or omission that, if proven, would constitute an offence under an enactment of the laws of British Columbia or Canada;
- b. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee’s duties or functions;
- c. a serious misuse of public funds or public assets;
- d. gross or systematic mismanagement;
- e. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

3. Statement of Principles

- The District is committed to supporting ethical conduct in its operations and seeks to foster a culture in which employees are encouraged to disclose wrongdoing, including by receiving, investigating and responding to disclosures and by providing information and training about the PIDA, this policy and the supporting Procedure AP# 176.
- The District will investigate disclosures that it receives under this policy. Investigations under this policy will be carried out in accordance with the principles of procedural fairness and natural justice.
- The District will not tolerate reprisals against any employee who, in good faith, makes a request for advice, makes a disclosure, participates in an investigation, or makes a complaint under this policy.
- The District is committed to protecting the privacy of disclosers, persons accused of wrongdoing and those who participate in investigations in a manner that is consistent with its obligations under the PIDA and FIPPA.

4. Privacy and Confidentiality

All personal Information that the District collects, uses or shares in the course of receiving or responding to a disclosure, a request for advice, a complaint of a reprisal, or conducting an investigation will be treated as confidential and will only be used and disclosed as described in this policy, the procedure, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

5. Reporting

Each year, the Superintendent shall prepare, in accordance with the requirements of the PIDA, and make available to the public, an annual report concerning all disclosures received, any investigations undertaken and any findings of wrongdoing. All reporting under this policy will be in compliance with the requirements of FIPPA.

6. Responsibility

The Superintendent is responsible for the administration of this policy and shall ensure that training and instruction is available to all employees concerning this policy, AP# 176 and the PIDA.

The Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior team members.

Legal Reference: Public Interest Disclosure Act
 Board Policy Handbook
 Vancouver School Board Administrative Procedures Manual

Adopted: May 1, 2023

Effective: December 1, 2023