

POLICY 150 Public Interest Disclosure

The Board of Education of School District No. 83 (North Okanagan-Shuswap) ("School District") 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 employees 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 PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

This Policy does not displace other mechanisms set out in School District Policy and Administrative Procedures 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.

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 or seeks Advice or makes a complaint about a Reprisal.

Disclosure: means a report of Wrongdoing made under this Policy and includes allegations of Wrongdoing received by the School District from the Ombudsperson or another government institution for investigation in accordance with PIDA.

Employee: refers to a past and present employee of the School District.

FIPPA: means the *Freedom of Information and Protection of Privacy Act*, and all regulations thereto.

Investigation: means an investigation undertaken by the School District under this Policy or by the Ombudsperson under 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.

Reprisal: means the imposition of, and any threat to impose, discipline, demotion, termination, or any other act that adversely affects employment or working condition of an Employee because they made a Disclosure, sought Advice, made a complaint about a Reprisal, or participated in an Investigation.

Urgent Risk: arises when a member of Personnel reasonably believes 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.

Wrongdoing refers to:

- a) a serious act or omission that, if proven, would constitute an offence under an enactment 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.

STATEMENT OF PRINCIPLES

The School 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 PIDA, this Policy and the Procedures.

The School 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 School District will not commit or 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 School 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 PIDA and FIPPA.

PRIVACY AND CONFIDENTIALITY

All Personal Information that the School 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 be used and disclosed as described in this Policy, the Procedures, PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

REPORTING

Each year, the Superintendent, or designate, shall prepare, in accordance with the requirements of PIDA, and make available, a report concerning any Disclosures received, Investigations undertaken and findings of Wrongdoing. All reporting under this Policy will be in compliance with the requirements of FIPPA.

RESPONSIBILITY

The Superintendent, or designate, is responsible for the administration of this Policy and shall ensure that training and instruction is available to all Employees concerning this Policy, the Procedures and PIDA.