



SD 42 PROCEDURE: 7110.1

WHISTLE BLOWER PROTECTION

INTRODUCTION

The Board of Education (“Board”) is committed to the highest standards of openness, honesty and accountability. Employees are often the first to realize there may be something seriously wrong within the School District (“District”). The Board 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.

DEFINITIONS

For the purpose of this procedure:

Board – is the Board of Education, School District No. 42 (Maple Ridge-Pitt Meadows)

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 the report is true.

Reportable Activity – is any unlawful, illegal, unwanted action or inappropriate/unethical behavior and can include:

- An unlawful act, whether civil or criminal;
- Questionable accounting practices;
- Falsifying District records;
- Theft of cash, goods, services, time or fraud;
- A dangerous practice likely to cause physical harm or damage to property; and
- Retaliation, reverberation or reprisal for reporting under the Policy.

This list is not all inclusive but is intended to give an indication of the kind of conduct which may be considered as ‘reportable activity’.

This does not include personal actions taken in the course of conducting the District’s business where such matters are most appropriately addressed by reference to the applicable collective agreement or employment contract.

Report – is an oral or written disclosure of information made through the processes described below.

DUTY TO DISCLOSE

THE Board expects that an employee who is aware/witnessed of any improper activity or wrongdoing will bring the matter to the attention of the Board and give the District a reasonable opportunity to investigate and take corrective actions appropriate to the circumstances.

PROTECTION OF EMPLOYEE AND EMPLOYER

Employee:

Any employee who files a report or raises a concern under this Policy will be protected if the employee:

- Provides the information in good faith;
- Believes it to be substantially true;
- Does not act maliciously or make false allegations; and
- Does not seek any personal or financial gain.

All reports under this Policy 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.

If an employee files a report or raises a concern under this Policy, the District will not retaliate against him or her in any manner, including dismissal or demotion, because of the reporting.

If an investigation reveals that the report was frivolously fraudulent or malicious complaint made or undertaken for improper motives or made in bad faith or without reasonable and probable basis, disciplinary action may be taken.

Employer:

Nothing in the Policy shall be deemed to diminish or impair the rights of the District to manage its employees under any Policy or collective agreement; or to prohibit any personnel action which otherwise would have been taken regardless of the reporting of information.

REPORTING A COMPLAINT

Employees and stakeholders may submit a complaint about any Reportable Activity to the Board Chairperson (“Chair”), Superintendent or Secretary Treasurer at the School Board Office, in either of the following ways:

- Confidential email; and
- Completing a Complaint Report Form by regular mail.

INVESTIGATION

Upon receiving a complaint, Chair, the Superintendent or Secretary Treasurer will record the receipt of the complaint and determine whether the matter is, in fact, a Reportable Activity under this Procedure.

If the Chair, Superintendent or Secretary Treasurer determines the complaint is a legitimate Reportable Activity, he or she will open a file and commence an investigation in a timely manner.

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.

The Chair, Superintendent or Secretary Treasurer 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.

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 or the Board's policies.

If an investigation establishes that an employee has engaged in improper activity or reportable activity the Board will take immediate and appropriate corrective action.

RECORD OF PROCEEDINGS

Records of all formal and informal resolutions, hearings, and reviews will be kept by the appropriate person: Chair, Superintendent or Secretary Treasurer.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations.

ANNUAL REPORT

The Chair, Superintendent or Secretary Treasurer shall submit to the Board, in a Closed Board meeting, an annual summary of actions taken under this Policy. The summary will include reports received and acted upon during the school year, July 1st to June 30th.

RECEIVED: May 30, 2012