

SD42 PROCEDURE 7100.2

LEGAL PROCEEDINGS AND LEGAL DOCUMENTS

PURPOSE

This administrative procedure outlines expectations and processes for employees who in the course of their duties are required to respond to legal documents, provide information, or participate in legal or quasi-legal proceedings.

The procedure is intended to ensure:

- Consistent, lawful, and coordinated responses to legal matters
- Protection of student and employee privacy
- Appropriate use of legal counsel and district authority
- Clarity of roles and responsibilities for employees and supervisors

SCOPE

This procedure applies to all employees of the District who, in their professional capacity, may be required to:

- Receive, respond to, or act upon legal documents
- Provide information, records, or statements for legal purposes
- Participate in legal or quasi-legal proceedings

This includes, but is not limited to:

- Court proceedings (e.g., family law, civil matters)
- Administrative tribunals (e.g., labour arbitration, human rights, regulatory bodies)
- Police or Ministry investigations
- Requests for sworn statements, affidavits, or witness testimony

DEFINITIONS

Legal Documents may include, but are not limited to:

- Subpoenas or summons to attend court
- Court orders (e.g., custody, access, protection orders)
- Orders to produce records as required by regulatory authorities including tribunals
- Requests for affidavits or statutory declarations

Legal Proceedings include any formal process before a court, tribunal, or regulatory body where evidence may be presented, or decisions rendered.

GUIDING PRINCIPLES

- Employees act within their professional role under the authority of the District
- Legal matters involving the District or arising from an employee's role are coordinated centrally
- Privacy, confidentiality, and accuracy are paramount.
- Employees are supported by the District when working appropriately within the scope of their duties
- Employees must not independently provide information, records, statements, affidavits, testimony, or other responses in relation to legal proceedings arising from their employment or professional duties without District authorization or direction

ROLES AND RESPONSIBILITIES

Employee Responsibilities

Employees who receive or become aware of a legal document or request related to their role must adhere to the following requirements:

Notification

- Immediately notify their supervisor upon receipt of any legal document or request
- Provide a copy of the document as soon as possible

Non-Response Without Direction

- Not respond directly to legal requests, legal counsel, or external parties without direction from the District
- Not provide records, statements, or commentary independently without District direction

Confidentiality

- Maintain strict confidentiality regarding the matter
- Limit discussion to those directly responsible to oversee and/or prepare the District's response

Accuracy and Integrity

- Ensure that any information, records, or statements provided are accurate, complete, and factual
- Not alter, omit, or destroy any records without the district's authorization

Participation

- Participate in meetings, preparation, or proceedings as directed
- Attend legal proceedings when required

Supervisor Responsibilities

Supervisors who are notified of a legal matter must:

- Acknowledge receipt (confirmation only) and ensure all related documentation is secured
- Immediately escalate the matter to the appropriate District designate (e.g., zone lead, Superintendent, Human Resources, or Secretary-Treasurer)
- Not provide direction to the employee concerning the matter beyond immediate safety or procedural steps unless otherwise authorized
- Support the employee in understanding expectations and next steps

District Responsibilities

The District will be responsible for:

Coordination

- Determining the appropriate response to all legal documents and proceedings
- Engaging legal counsel where required
- Coordinating all communication with external legal parties

Direction

- Providing clear instruction to employees regarding:
 - Whether and how to respond to legal inquiries, documents and proceedings
 - What information may be disclosed
 - Participation in proceedings

Support

- Preparing employees for participation in legal proceedings (e.g., witness preparation)
- Providing clarification of roles (e.g., fact witness vs. representative of the District)

Risk and Compliance

- Ensuring compliance with applicable legislation, including privacy obligations
- Assessing implications for student safety, employee conduct, and District operations

LEGAL DOCUMENTS AND REQUIRED ACTIONS

Subpoenas / Summons

- Must be treated as legally binding
- Upon receipt, employees must immediately notify their supervisor
- The District will determine:
 - Whether legal counsel is required
 - Preparation and attendance expectations

Court Orders

- Must be provided to the school or District office as soon as possible
- The District will:
 - Interpret the order
 - Provide direction for implementation

Requests for Affidavits or Statements

- All such requests must be reviewed and authorized by the District
- Employees must not prepare or submit affidavits or statements independently

Requests for Records

- All requests for records must be directed to the District
- Disclosure will occur only in accordance with applicable legislation and District procedures

PARTICIPATION IN LEGAL PROCEEDINGS

Where an employee is required to participate in a legal proceeding the District will clarify the employee's role and will provide support to prepare and participate as appropriate.

In all circumstances employees will be required to:

- Provide truthful and factual information
- Limit responses to their professional knowledge and role

PRIVACY AND CONFIDENTIALITY

All legal matters must be managed in accordance with privacy legislation, including the British Columbia Freedom of Information and Protection of Privacy Act.

Employees must:

- Only access and share information necessary for the legal matter
- Not disclose personal or confidential information without authorization
- Follow District's privacy policy and procedures

INTERACTION WITH EXTERNAL AGENCIES

Where legal matters involve external agencies (e.g., police, child protection, regulatory bodies):

- Employees must follow District direction regarding communication and information sharing
- Statutory reporting obligations (e.g., child protection) remain in effect and must be followed

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