

# ADMINISTRATIVE REGULATIONS

TITLE: PUBLIC INTEREST DISCLOSURE

CATEGORY: PERSONNEL

NUMBER: 2105

---

## I. Rationale:

The Board of Education of School District No. 46 (“Board”) is guided by its values of ethics and responsibility in its operations, programs, and services and to promoting a culture of openness and transparency. The School District encourages and supports all personnel 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”).

## II. Definitions:

- A. **“Designated Officer”** means the Superintendent and any other senior member of Personnel designated by the Superintendent from time to time, which includes, in accordance with section III.A. of this regulation, the Chair of the Board of Education;
- B. **“FOIPPA”** means the *Freedom of Information and Protection of Privacy Act*;
- C. **“Ombudsperson”** means the Ombudsperson of British Columbia.
- D. **“PIDA”** means the Public Interest Disclosure Act of British Columbia;
- E. **“Supervisor”** includes
  - 1. an Employee’s direct management supervisor,
  - 2. for School-based Employees, the Principal or any Vice-Principal at the School where the Employee is assigned;
- F. **“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.
- G. **“Wrongdoing”** refers to:
  - 1. a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;
  - 2. 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;
  - 3. a serious misuse of public funds or public assets;
  - 4. gross or systematic mismanagement;

# ADMINISTRATIVE REGULATIONS

TITLE: PUBLIC INTEREST DISCLOSURE  
CATEGORY: PERSONNEL  
NUMBER: 2105

---

5. knowingly directing or counselling a person to commit any act or omission described in paragraphs (a) to (d) above.

### III. How to Make a Disclosure:

- A. An Employee may make a disclosure to their Supervisor, Superintendent, Designated Officer, or Ombudsperson, using the Disclosure Form or in another written form. If the allegation of wrongdoing relates to alleged actions of the Superintendent, the disclosure should be made to the Office of the Ombudsperson.
- B. A disclosure should include the following information, if known:
  1. a description of the wrongdoing;
  2. the name of the person(s) alleged to be responsible for or to have participated in the wrongdoing;
  3. the date or expected date of the wrongdoing;
  4. if the wrongdoing relates to an obligation under a statute or enactment, the name of that statute or enactment; and
  5. whether the wrongdoing has already been reported, and if so, to whom and a description of the response received.
- C. Disclosures may be made anonymously, but must contain sufficient information for a full and fair investigation. If the disclosure lacks detail, no action may be taken, and anonymous disclosers may not receive notices required by this policy or PIDA, except at the discretion of the Designated Officer.
- D. Before making a disclosure about an Urgent Risk, the discloser must:
  1. consult with the relevant Protection Official (either the provincial health officer, Emergency Management BC, or a police force in British Columbia), and
  2. if the Protection Official agrees that there is an Urgent Risk, the Employee may make a public disclosure, and
  3. inform the Superintendent or a Designated Officer as soon as possible after making the disclosure.
- E. Personnel may request advice from their union representative or employee association representative, a lawyer, their Supervisor, Designated Officer, or Ombudsperson.

# ADMINISTRATIVE REGULATIONS

TITLE: PUBLIC INTEREST DISCLOSURE

CATEGORY: PERSONNEL

NUMBER: 2105

---

## IV. Responsibilities of Employees

A. All Employees are responsible to:

1. make any disclosures in good faith and on the basis of a reasonable belief that wrongdoing has or is expected to occur;
2. refrain from engaging in reprisals and report all reprisals in accordance with this regulation and the PIDA;
3. maintain the confidentiality of personal information received in connection with a disclosure, referral, request for advice or investigation in accordance with this regulation and the PIDA;
4. provide their reasonable cooperation with investigations by the School District or the Ombudsperson;
5. seek appropriate advice if an Employee is uncertain about whether to make a disclosure or a public disclosure of an Urgent Risk; and
6. comply with the requirements of this regulation and the PIDA concerning Urgent Risks.

## V. Investigations

- A. Every person involved in receiving, reviewing and investigating disclosures, referrals or complaints of reprisals must carry out those function in an expeditious, fair and proportionate manner as appropriate in the circumstances and as required under the PIDA.
- B. The School District shall seek to complete all investigations within 90 calendar days of receipt of a disclosure or referral or complaint of reprisals, but the Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.
- C. The Designated Officer may expand the scope of any investigation beyond the allegations set out in the disclosure or referral to ensure that any potential wrongdoing discovered during an investigation is investigated.
- D. All investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the investigation.
- E. The Designated Officer may consult with the Ombudsperson regarding a disclosure or refer allegations of wrongdoing in whole or in part to the Ombudsperson, provided that notice of the referral is provided to the discloser.

# ADMINISTRATIVE REGULATIONS

TITLE: PUBLIC INTEREST DISCLOSURE

CATEGORY: PERSONNEL

NUMBER: 2105

---

- F. The Designated Officer may refuse to investigate or postpone or stop an investigation if the Designated Officer reasonably believes that:
1. the disclosure or referral does not provide adequate particulars of the wrongdoing;
  2. the disclosure or referral is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a disclosure or referral under the regulation or the PIDA, or does not deal with wrongdoing;
  3. the investigation would serve no useful purpose or could not reasonably be conducted due to the passage or length of time between the date of the alleged wrongdoing and the date of the disclosure or referral;
  4. the disclosure relates solely to a public policy decision;
  5. the allegations are already being or have been appropriately investigated by the Ombudsperson, the School District or other appropriate authority;
  6. the investigation may compromise another investigation; or
  7. the PIDA otherwise requires or permits the School District to suspend or stop the investigation.
- G. Subject to the School District's obligations under FOIPPA and section III. C., the discloser and the respondent(s) will be provided with a summary of the School District's findings, including:
1. notice of any finding of wrongdoing,
  2. a summary of the reasons supporting any finding of wrongdoing;
  3. any recommendations to address findings of wrongdoing.

## VI. Privacy and Confidentiality

- A. All Personal Information that the School District collects, uses or shares in connection with a disclosure, referral, or request for advice, or an investigation shall be treated as confidential and shall be used and disclosed by the School District only as described in the regulation and the PIDA unless otherwise permitted or required under FOIPPA or other applicable laws.
- B. Personal Information that is collected, used or shared by the School District in the course of receiving, responding to or investigating a disclosure, a request for advice, a referral, or a complaint of a Reprisal shall be limited to the Personal Information that is reasonably required for these purposes.

# ADMINISTRATIVE REGULATIONS

TITLE: PUBLIC INTEREST DISCLOSURE

CATEGORY: PERSONNEL

NUMBER: 2105

---

## VII. Reprisals

- A. The School District will not tolerate reprisals against employees.
- B. Any Employee who believes that they have been the subject of a Reprisal may make a complaint to the Ombudsperson, who may investigate in accordance with the procedures set out in PIDA.
- C. An employee who engages in reprisals shall be subject to disciplinary action up to and including dismissal for just cause.

### Forms:

- Appendix A: Public Interest Disclosure Reporting Form
- Appendix B: Annual Report of the Board of Education of School District No. 46 (Sunshine Coast) Under the Public Interest Disclosure Act

**Received:** January 2024

**References:** Policy 22 (Whistle Blower Protection / Public Interest Disclosure), *Public Interest Disclosure Act, Freedom of Information and Privacy Protection Act*