

AP 177

How to Make a Disclosure

An Employee who reasonably believes that a Wrongdoing has been committed or is about to be committed may make a Disclosure to any of the following:

- a) That person's supervisor;
- b) The Superintendent;
- c) A Designate other than the Superintendent; or
- d) The Ombudsperson. [link](#)

- c) Refrain from disclosing, publishing or otherwise sharing Personal Information except as necessary to address the Urgent Risk;
 - d) Refrain from disclosing any information that is privileged or subject to a restriction on disclosure under PIDA or any other enactment of British Columbia or Canada, including legal advice privilege, litigation privilege or another ground of common law privilege; and
 - e) Seek appropriate advice if uncertain about what Personal Information, privileged or other information may be disclosed as part of a public disclosure.
3. An Employee who makes a public disclosure in relation to an Urgent Risk is expected to provide timely notification to their supervisor or the Superintendent about the public disclosure or submit a disclosure form.
 4. If the Employee decides not to make a public disclosure or is directed by a Protection Official not to do so, the Employee is nevertheless expected to report Urgent Risks without delay to the Superintendent or a Designate.

Referral to Designate

1. Each Supervisor and any other Employee who receives a Disclosure under this Procedure must promptly refer it, including all Disclosures Forms and other materials supplied, to the appropriate Designate as follows:
 - a) Unless the allegations concern alleged Wrongdoing by the Superintendent, the Disclosure shall first be referred to the Superintendent who may delegate their duties under the Procedure and this Procedure to any other Designate;
 - b) If the allegations concern alleged Wrongdoing by the Superintendent, then the Disclosure should be referred to the Office of the Ombudsperson.

Responsibilities of the Designate

The Designate is responsible to:

- a) Receive and respond to any Disclosure;
- b) Receive and respond to reports made about Urgent Risks;
- c) If the Designate reasonably believes that an Urgent Risk exists, the Designate may make a report to the relevant Protection Official;
- d) Review allegations of Wrongdoing in a Disclosure and determine if they fall within the scope of PIDA or the Procedure;
- e) Refer disclosures or allegations falling outside the scope of PIDA or this Procedure to the appropriate authority or dispute resolution process, as applicable;
- f) If a Disclosure relates to Wrongdoing at another government body that is subject to PIDA, refer the Disclosure to that institution;
- g) Seek clarification of the allegations of Wrongdoing from the Discloser or referring institution as needed;
- h) If appropriate, initiate an Investigation into allegations of Wrongdoing;
- i) Assess the risk of any Reprisal to the Discloser and take appropriate action, if any, to mitigate that risk;
- j) Manage communications with the Discloser and Respondent;
- k) Notify the Discloser and the Respondent of the outcome of the Investigation; and

- c) 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;
 - d) The investigation of the Disclosure would serve no useful purpose because the subject matter of the Disclosure is being or has been appropriately dealt with;
 - e) The Disclosure relates solely to a public procedure decision;
 - f) The allegations are already being or have been appropriately investigated by the Ombudsperson, the School District or other appropriate authority;
 - g) The Investigation may compromise another investigation; or
 - h) PIDA otherwise requires or permits the School District to suspend or stop the Investigation.
7. Subject to the School District's obligations under, the Discloser and the Respondent(s) will be provided with a summary of the School District's findings, including:
- a) Notice of any finding of Wrongdoing;
 - b) A summary of the reasons supporting any finding of Wrongdoing;
 - c) Any recommendations to address findings of Wrongdoing.

Privacy and Confidentiality

1. All Personal Information that the School District collects, uses or shares in connection with a Disclosure, 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 Procedure, the Procedures and PIDA unless ()] T E T E M C \$ p a n # / C I D 2 1 t o n l y a s d e s c r i b e d 9 B D C q 0 b s a g h d s a g a F 3 1 1 T f c F 3

Report of the Inquiry

The report of the inquiry shall be shared with the Respondent in a confidential manner. The only documented copy of the complaint to be retained by the District will remain in the Superintendent's or Designate's office.

Potential Outcomes of the Inquiry

The Superintendent may refer portions of the report to legal advisors or members of the Senior District Leadership Team, and may consult confidentially with others (e.g., officers of associations) to assist in the determination of the appropriate action to be taken in respect of the complaint.

In the event that the Superintendent determines that the Board will need to be informed, the Superintendent will abide by any required language contained within in the personal contract of the excluded Employee or collective agreement for unionized staff members.

Reporting Outcomes

Unless precluded by FIPPA, the Superintendent will advise the Complainant, in writing, of the general nature of its decision in regard to the complaint. The Complainant shall be informed of his or her right to make use of the services of the Ombudsman's Office, if desired.

Reference: Sections 17, 18, 20, 22, 23, 65, 85 of the *School Act*
Public Interest Disclosure Act
Employment Standards Act
Freedom of Information and Protection of Privacy Act
Labour Relations Code