

# SAFE DISCLOSURE OF COMPLAINTS RELATED TO STAFF INCLUDING MANAGEMENT ~~COMPLAINTS RELATED TO A MEMBER OF THE MANAGEMENT TEAM~~

## Purpose

The District is committed to honesty, integrity, and accountability in its operations, programs, and services and to promoting a culture of openness and transparency. The 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”).

This administrative procedure outlines a process, in compliance with the PIDA, for individuals to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

## Background

From time to time complaints may be made about alleged inappropriate action by a member of the District. Complaints against any employee may be made including members of the management team. All complaints will be dealt with expeditiously. Some forms of complaint are covered by procedures established through legislation, collective agreement, or other practices to which the District and its employees are committed. In every case complaints of this type will be handled in accordance with those procedures. Complaints not covered by such procedures shall be handled in accordance with this Administrative Procedure.

The District expects that all employees will demonstrate exemplary behaviour so as to maintain and increase public confidence and respect for the public school system. Expectations for exemplary behaviour of management shall be as those described in relevant documents of the BC Principals and Vice-Principals Association (BCPVPA), the BC School Superintendents’ Association (BCSSA), the BC Association of School Business Officials (BCASBO) and other similar associations.

The District expects that established procedures will be followed in respect of all complaints, including means of making judgments about the relative significance of those complaints. Any actions taken in relation to complaints shall be fully consistent with provincial legislation or regulation, with Board policy, with administrative procedures and with collective agreements, where these are relevant to the issue at hand.

## Definitions

“Complainant” means the individual who has brought forward a report of Wrongdoing.

“Designated Officer” refers to the individual appointed by the Superintendent to;

- a) provide information and advice to individuals making a report;
- b) protect the confidentiality of individuals seeking advice or making reports under the Act;

- c) Manage and investigate reports of Wrongdoing in accordance with the policies and procedures of the District and the associated collective agreements where applicable; and
- d) Communicate the results of an investigation to the appropriate parties.

“Disclosure” means a report of Wrongdoing made under this procedure.

“PIDA” means the *Public Interest Disclosure Act* of British Columbia.

“Reprisal” means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working conditions of a member of Personnel because they made a Disclosure, sought advice, made a complaint about a Reprisal or participated in an investigation.

“Respondent” refers to the individual(s) who are named within the Disclosure as being responsible for the alleged misconduct.

“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.

## Procedures

1. This Administrative Procedure is to reflect all the principles of natural justice, and actions will be undertaken in such a way as to reduce any tensions or emotional reactions that the complaint may generate.
2. A parent or student complainant wishing to appeal any decision, or lack of decision, by a District official that is covered by the scope of the Board Policy 16 – Appeals Bylaw shall utilize the procedure in that policy. Where the complaint is the proper subject for an investigation or grievance under a collective agreement with the **District** the collective agreement provisions shall be used.
3. Any complaint made by an excluded employee against a member of the management team shall be considered using this Administrative Procedure.
4. Students, parents and employees are to be reminded of the existence of this Administrative Procedure on an annual basis.
5. **All personal information that the District collects, uses or shares in the course of receiving or responding to a Disclosure, a request for advice, a complaint of Reprisal or while conducting an investigation will be treated as confidential and will be used and disclosed as described in this Procedure, the PIDA or as otherwise permitted or required under FIPPA and other applicable laws.**

6. The handling of complaints are to be done so as to preclude the potential for retribution or Reprisals against those making complaints. **The District will not commit or tolerate Reprisals against any individuals who, in good faith, make a request for Advice, make a Disclosure, participate in an investigation or make a complaint under this Procedure.**

## 7. Initiating a Complaint

7.1. In order for these procedures to be activated, a complaint must be made in writing to, or in person at a meeting with the Superintendent, the Secretary-Treasurer, Assistant Superintendent, or the Director of Human Resources. Written complaints, or meeting notes signed by the complainant, received by the Board or an individual trustee, by another member of the management team, or by any other employee will be referred immediately to the Superintendent, unless the Superintendent is the subject of the complaint (in that case, see clause 7.2 below). Anonymous complaints will **only be investigated where the report provides sufficient detail to conduct a fair investigation.**

7.2. If the Superintendent is the subject of the complaint, the matter will be referred to the Board Chair, who may determine that the process may be dealt with internally or through the services of an enquirer not connected to the District, to complete the rest of these procedures.

7.3. When a complaint is received, the Superintendent **or Designated Officer** will acknowledge receipt and inform the **Respondent** that a complaint has been made, along with a general statement of the nature of the complaint.

## 8. Preliminary Inquiry

8.1. The Superintendent will undertake a preliminary inquiry to determine whether the facts of the complaint warrant further inquiry. If the Superintendent decides that the facts do not warrant further inquiry, the complainant will be so notified in writing. The Superintendent will then advise in writing the **Respondent** that the facts of the complaint, notwithstanding the nature of the complaint, have been judged not to warrant further inquiry. Appeals from the decision of the Superintendent may be made, where deemed necessary, by the Complainant through Board Policy 16 – Appeals Bylaw.

## 9. Inquiry Procedures

9.1. If the Superintendent determines that the facts of the complaint warrant further inquiry, he or she will give written notification to:

9.1.1. The **Respondent** who is the subject of the complaint, that a complaint is to be inquired into, with a general statement as to the nature of the complaint, and the identity of the Complainant, and where appropriate invite the Respondent to involve representation from their respective Association, should one exist and they choose to do so,

9.1.2. The Board, confidentially, that a complaint is to be inquired into, with a general statement as to the nature of the complaint, along with the source of the complaint, and the name of **Respondent** against whom the complaint has been made,

9.1.3. The Complainant, that an inquiry into the complaint will be conducted.

- 9.2. **After an initial review of the Complaint and conversation with the Respondent, the Superintendent** will determine the nature of the inquiry that will be conducted, and may determine that the inquiry will be conducted through a process internal to the District, or through the services of an inquirer not connected to the District.
- 9.3. The decision of the Superintendent as to the nature of the inquiry will be communicated to the **Respondent** against whom the complaint has been made.
- 9.4. The Superintendent will ensure that the inquiry is conducted as expeditiously and thoroughly as possible, given the particular nature of the complaint.

## 10. Report of the Inquiry

- 10.1. 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 or Designated Officer's** office.

## 11. Potential Outcomes of the Inquiry

- 11.1. The Superintendent may refer portions of the report to legal advisors, members of the Executive, or the Director of Human Resources, 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.
- 11.2. 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**.

## 12. Reporting Outcomes

- 12.1. Unless precluded by the Freedom of Information and Protection of Privacy Act ("**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 School Act  
**Public Interest Disclosure Act**  
Employment Standards Act  
Freedom of Information and Protection of Privacy Act  
Human Rights Code  
Labour Relations Code  
Collective Agreements

Approved: November 2020

## **COMPLAINTS RELATED TO A MEMBER OF THE MANAGEMENT TEAM**

### **Background**

From time to time complaints may be made about alleged inappropriate action by a member of the management team, including the Superintendent, Assistant Superintendent, Secretary-Treasurer, Directors, Managers, Principals, and Vice-Principals. All complaints will be dealt with expeditiously. Some forms of complaint are covered by procedures established through legislation, collective agreement, or other practices to which the District and its employees are committed. In every case complaints of this type will be handled in accordance with those procedures. Complaints not covered by such procedures shall be handled in accordance with this Administrative Procedure.

The District expects that members of its management team will demonstrate exemplary behaviour so as to maintain and increase public confidence and respect for the public school system.

The District expects that established procedures will be followed in respect of all complaints, including means of making judgments about the relative significance of those complaints. Any actions taken in relation to complaints shall be fully consistent with provincial legislation or regulation, with Board policy, with administrative procedures and with collective agreements, where these are relevant to the issue at hand.

### **Procedures**

1. This Administrative Procedure is to reflect all the principles of natural justice, and actions will be undertaken in such a way as to reduce any tensions or emotional reactions that the complaint may generate.
2. A parent or student complainant wishing to appeal any decision, or lack of decision, by a District official that is covered by the scope of the Board Policy 16 – Appeals Bylaw shall utilize the procedure in that policy. Where the complaint is the proper subject for an investigation or grievance under a collective agreement with the Board the collective agreement provisions shall be used.
3. Any complaint made by an excluded employee against a member of the management team shall be considered using this Administrative Procedure.
4. Students, parents and employees are to be reminded of the existence of this Administrative Procedure on an annual basis.
5. The handling of complaints are to be done so as to preclude the potential for retribution or reprisals against those making complaints.
6. Expectations for exemplary behaviour shall be as those described in relevant documents of the B.C. Principals' and Vice-Principals' Association, the B.C. School Superintendents' Association, the B.C. Secretary-Treasurers' Association and other similar associations.

## 7. Initiating a Complaint

- 7.1. In order for these procedures to be activated, a complaint must be made in writing to, or in person at a meeting with the Superintendent, the Secretary-Treasurer, Assistant Superintendent, or the Director of Human Resources. Written complaints, or meeting notes signed by the complainant, received by the Board or an individual trustee, by another member of the management team, or by any other employee will be referred immediately to the Superintendent, unless the Superintendent is the subject of the complaint (in that case, see clause 8.2 below). Anonymous complaints will not be addressed under this Administrative Procedure.
- 7.2. If the Superintendent is the subject of the complaint, the matter will be referred to the Board Chair, who may determine that the process may be dealt with internally or through the services of an enquirer not connected to the District, to complete the rest of these procedures.
- 7.3. When a complaint is received, the Superintendent will acknowledge receipt and inform the member of the management team that a complaint has been made, along with a general statement of the nature of the complaint.

## 8. Preliminary Inquiry

- 8.1. The Superintendent will undertake a preliminary inquiry to determine whether the facts of the complaint warrant further inquiry. If the Superintendent decides that the facts do not warrant further inquiry, the complainant will be so notified in writing. The Superintendent will then advise in writing the member of the management team that the facts of the complaint, notwithstanding the nature of the complaint, have been judged not to warrant further inquiry. Appeals from the decision of the Superintendent may be made, where deemed necessary, by the complainant through Board Policy 16 – Appeals Bylaw. Copies of correspondence referred to in this section will be kept in the Superintendent’s Office file.

## 9. Inquiry Procedures

- 9.1. If the Superintendent determines that the facts of the complaint warrant further inquiry, he or she will give written notification to:
  - 9.1.1. The member of the management team who is the subject of the complaint, that a complaint is to be inquired into, with a general statement as to the nature of the complaint, and the identity of the complainant, and where appropriate invite the member to involve the Administrators’ Association, should they choose to do so,
  - 9.1.2. The Board, confidentially, that a complaint is to be inquired into, with a general statement as to the nature of the complaint, along with the source of the complaint, and the name of the management team member against whom the complaint has been made,
  - 9.1.3. The complainant, that an inquiry into the complaint will be conducted.
- 9.2. The Superintendent will invite the management team member against whom the complaint has been made to provide his or her opinion as to the nature of the inquiry that should be conducted. The member of the management team against whom the complaint has been made is entitled to make a presentation to the Superintendent, assisted by an advocate, if he or she wishes. The Superintendent will then determine the nature of the inquiry that will be conducted, and may determine that the inquiry will

be conducted through a process internal to the District, or through the services of an inquirer not connected to the District.

9.3. The decision of the Superintendent as to the nature of the inquiry will be communicated to the member of the management team against whom the complaint has been made.

9.4. The Superintendent will ensure that the inquiry is conducted as expeditiously and thoroughly as possible, given the particular nature of the complaint.

## 10. Report of the Inquiry

10.1. The report of the inquiry shall be a confidential document and will be reviewed with the member of the management team against whom the complaint was made. The only copy to be retained by the District will remain in the Superintendent's Office file.

## 11. Potential Outcomes of the Inquiry

11.1. The Superintendent may refer portions of the report to legal advisors, members of the Executive, or the Director of Human Resources, 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.

11.2. In the event that the Superintendent determines that the Board will need to be informed, the Superintendent will abide by any required language in the personal contract of the excluded employee.

11.3. Any decision that involves employment consequences for a member of the management team will be subject to the individual provisions of the applicable contract of employment and any recourse to the Courts or other adjudicative provisions in the employment contract.

## 12. Reporting Outcomes

12.1. Unless precluded by the Freedom of Information and Protection of Privacy Act, 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 School Act  
Employment Standards Act  
Freedom of Information and Protection of Privacy Act  
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