

REGULATION #7110.1

WHISTLE BLOWING

1. Introduction

The Surrey Board of Education of School District No. 36 (Surrey) (“District”) is committed to upholding ethical standards in the operation administration of the district, and recognizes that it has a responsibility to appropriately safeguard students and staff and the property and assets of the district. The purpose of this regulation is to provide a process through which employees and other stakeholders may make, in good faith, reports of wrongful conduct under the district’s [Whistle Blowing Policy](#) (“Policy”) without fear of reprisal.

2. Reportable Activity

For the purposes of the policy and this regulation, a “Reportable Activity” is any serious wrongful conduct in connection with the district’s programs or operations, including:

- a) The violation of any laws of British Columbia or Canada, including the Criminal Code of Canada, or other applicable laws.
- b) The material breach of the district’s policies or regulations.
- c) Misappropriation of district funds, resources or questionable accounting practices.
- d) Fraud or falsifying district records.
- e) Theft of cash, goods, services or time.
- f) Any intentional, reckless or dangerous practice that could reasonably be expected to cause physical harm to any person or damage to district property.
- g) Abuse of power or authority.
- h) Retaliation against any person making a report or participating in an investigation under the policy.

This above list is not exhaustive but is intended to give an indication of the type of conduct which may be the subject of a report under this Regulation and [Policy #7110 – Whistle Blowing](#).

A reportable activity does not include complaints about the legitimate exercise of managerial authority or other personnel actions which are subject to the grievance procedure or other processes under applicable collective agreements.

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3. Duty to Disclose

An employee who has a reasonable belief that any reportable activity is occurring is expected to bring the matter to the attention of the district in accordance with the processes set out in this regulation, and to participate upon request in any investigation under [Policy #7110 – Whistle Blowing](#) and this regulation.

4. Duty to Act in Good Faith

Employees are expected to make reports and participate in investigations under this regulation in good faith, which means that they must be acting on a good faith belief in the truth of the report or the accuracy of any evidence they may provide in support of the report. They must be acting without malice, without an ulterior purpose and shall not be motivated by personal gain.

Employees found to have made any report maliciously, frivolously, vexatiously, in bad faith, or without a reasonable belief in the truth of the report or the evidence provided in support of the report, may be subject to disciplinary action.

5. No Retaliation

No employee shall be subject to retaliation or any repercussion for making a report or participating in an investigation under [Policy #7110 – Whistle Blowing](#), provided that the employee is acting in good faith and based on a reasonably held belief in the truth of the allegations in the report or the evidence presented in support of the allegations.

6. Confidentiality

The district will endeavour to handle reports under this policy confidentially, and personally identifiable information from the report will be shared only as reasonable and necessary to conduct a complete and fair investigation as required by law.

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7. Management Rights

Nothing in this 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 management from taking any disciplinary or other personnel actions.

8. Reporting a Complaint

Employees and stakeholders may submit a report about any reportable activity to the superintendent or, if the report concerns the conduct of the superintendent, then to the secretary-treasurer at the district. The secretary-treasurer shall report to the chairperson of the board of education concerning any report regarding the conduct of the superintendent.

A report may be made by:

- a) Confidential email.
- b) Completing a [Complaint Report Form](#) by regular mail.

A confidential email address and Complaint Report Forms will be made available to employees on the district's website.

Employees who do not wish to be identified in connection with a report should clearly indicate this preference in the report. However, it is important for employees or stakeholders making a complaint to understand that anonymous complaints may be challenging to fully investigate.

9. Investigation

Upon receiving a complaint, 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 regulation.

If the superintendent or, as applicable, the secretary-treasurer determines that the complaint is a legitimate reportable activity, he or she will commence an investigation.

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The superintendent or, as applicable, the secretary-treasurer may enlist senior management and or outside legal, accounting or other advisors, as appropriate, to assist in conducting any investigation.

It is the obligation of all employees to cooperate in any investigation, and employees seeking to hinder or obstruct an investigation may be subject to disciplinary action.

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

10. Annual Report:

The superintendent, shall submit to the board, in-camera, 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.

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Approved: 2009-06-25

X-Ref: [Policy #7212](#)
[Policy #7213](#)
[Form 7110.1](#)