**UNFINISHED BUSINESS**
**Reporting to Public Session, Tuesday, June 25, 2024**

## 1. Policies and Administrative Procedures – Notice of Motion

The Board of Education, through its Policy Committee, has been working to review and update its current policies leading to a complete restructuring of the policy manual. In alignment with this process, the Superintendent will be reviewing and updating existing administrative procedures. The policies and administrative procedures attached have been sent out for circulation as Notice of Motion, and no comments were received in the timeline allotted.

**Recommendation:**

THAT the Board of Education receive this information and that Policies #4, #22 and #25, and Administrative Procedures – Privacy Management Program, Privacy Breach Management Procedure, Whistle-Blower Protection and Whistle-Blower Protection – Appendix 1, as presented, be approved for insertion into the Policy Manual.

AND FURTHER, that the Board of Education receive this information and that Policies #2, #3, #5 and #6, as presented, be deferred to the Board Meeting on September 24, 2024.

BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

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# Board Report

Date: June 25, 2024
To: Board of Education – Public Meeting
From: Karim Hachlaf, Superintendent
Subject: Policy and Administrative Procedure Approval

**Background:**

The Policy Committee presented the following draft policies to the Board at the May 28, 2024 Board Meeting:

1. Policy #2 – Role of the Board
2. Policy #3 – Role of the Trustee
3. Policy #4 – Trustee Code of Conduct
4. Policy #5 – Delegation of Authority
5. Policy #6 – Role of the Superintendent
6. Policy #22 – Public Interest Disclosure Policy
7. Policy #25 – Burnaby School District Privacy Policy
8. Administrative Procedure – Privacy Management Program
9. Administrative Procedure – Privacy Breach Management Procedure
10. Administrative Procedure – Whistle-Blower Protection
11. Administrative Procedure – Whistle-Blower Protection – Appendix 1

The Board approved the circulation of the draft policies through a Notice of Motion, which was released on May 29, 2024. Feedback or comments were to be received by June 19, 2024. No feedback was received for Board consideration.

**Recommendation:**

THAT the Board of Education receive this information and that Policies #4, #22 and #25, and Administrative Procedures – Privacy Management Program, Privacy Breach Management Procedure, Whistle-Blower Protection and Whistle-Blower Protection – Appendix 1, as presented, be approved for insertion into the Policy Manual.

AND FURTHER, that the Board of Education receive this information and that Policies #2, #3, #5 and #6, as presented, be deferred to the Board Meeting on September 24, 2024.

BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# POLICY #2

# ROLE OF THE BOARD

## PREAMBLE

As the corporate entity established by provincial legislation and given authority by the *School Act* and attendant Regulations and the corporate body elected by the electors that support the Burnaby School District, the Board of Education is responsible for the development of policies to guide the provision of educational services to students attending District schools and programs in keeping with the requirements of government legislation and the values of the electorate.

## POLICY

**THE BOARD IS THEREFORE CHARGED WITH THE RESPONSIBILITY OF PROVIDING AN EDUCATION SYSTEM THAT IS ORGANIZED AND OPERATED IN THE BEST INTERESTS OF THE STUDENTS IT SERVES. IT EXERCISES THIS RESPONSIBILITY THROUGH SETTING OF CLEAR STRATEGIC DIRECTION AND THE WISE USE OF RESOURCES IN ALIGNMENT WITH THE STRATEGIC PLAN AND DISTRICT VALUES AND GOALS.**

**THE BOARD IS ALSO COMMITTED TO RECONCILIATION AND WILL WORK TOGETHER WITH THE HOST FIRST NATIONS COMMUNITY, INCLUDING THE XʷMƏƟKʷƏYʔƏM (MUSQUEAM), SḴWX̱WÚ7MESH (SQUAMISH), SƏLILWƏTAɬ (TSLEIL-WAUTUTH), AND KʷIKʷƏƛ̓ƏM (KWIKWETLEM) PEOPLES IN ENSURING THE EDUCATION SYSTEM IT IS RESPONSIBLE FOR ADDRESSES THE NEEDS OF ALL STUDENTS.**

## RESPONSIBILITIES

**Specific Areas of Responsibility for the Board of Education are:**

1. Accountability to the Provincial Government

The Board shall:

a. Act in accordance with all statutory requirements of the Government of British Columbia to implement educational standards and policies.
b. Perform Board functions required by governing legislation and existing Board policy.

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2. Development and Maintenance of a Culture of Student Learning

The Board shall:

a. Ensure Board agendas reflect the Board's commitment to improve student success for all students.
b. Ensure the Burnaby School District (BSD) strategic plan reflects the District's values and references student learning key results.
c. Ensure the Enhancing Student Learning Report (ESLR) is reviewed at least annually to identify significant trends and issues that inform action to be taken by the Board.
d. Ensure the Indigenous Education Enhancement Agreement is reviewed at least annually to identify trends and issues that inform action to be taken by the Board to improve learning outcomes for Indigenous students.
e. Ensure resources for approved initiatives to improve student outcomes are included in the annual operating budget.
f. Increase opportunities for students to have input into the learning priorities, including encouraging input through Student Voice.
g. Ensure the effectiveness of the Superintendent's leadership in improving student outcomes is assessed annually.

3. Accountability to and Engagement of Community

The Board shall:

a. Make decisions that reflect community values and represent the interests of the entire District.
b. Ensure that inclusion, diversity and anti-racism strategies guide the district in all decisions to create a safe, supportive and welcoming community for all individuals.
c. Establish processes and provide opportunities for community engagement by providing accepting, safe, supportive, and inviting school communities.
d. Communicate the strategic plan and report outcomes including student performance results indicated by the Enhancing Student Learning Report (ESLR) to the community at least once annually.
e. Develop procedure for appeals as required by statute and/or Board policy.
f. Provide for two-way communication between the Board, partner groups and Rights Holders.
g. Increase engagement and collaboration and information sharing with community partners and families.
h. Meet regularly with municipal and provincial government representatives and as required with other entities, including Rights Holders, to achieve desired educational outcomes.
i. Model a culture of respect and integrity.

4. Planning

The Board shall:

a. Provide overall direction for the District by establishing Foundational Statements which include the Burnaby vision, mission statement, values and beliefs.
b. Approve the Board's strategic plan for the District.

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c. Ensure that an Education Technology Plan and a Long-Range Facility Plan are established and maintained on an ongoing basis.
d. Annually set priorities, monitor key results and govern the implementation of the Enhancing Student Learning Report aligned with the District's strategic plan.
e. Monitor progress toward the achievement of student outcomes and other desired results as indicated in the Enhancing Student Learning Report
f. Annually evaluate the effectiveness of the District in achieving established priorities and key results.

5. Policy

The Board shall:

a. Determine policies which outline how the Board is to function.
b. Delegate authority to the Superintendent and define commensurate accountabilities.
c. Identify the purpose to be achieved and the criteria for a new policy.
d. Make the final decision as to the approval of all policies for the Board Policy Manual.
e. Develop, assess, review and revise policies as required to ensure intended results are being achieved and that policies are consistent with legislation.
f. Ensure motions which are intended to have continuing effect are integrated into existing or new policy statements.

6. Board/Superintendent Relations

The Board shall:

a. Select the Superintendent.
b. Provide the Superintendent with clear corporate direction.
c. Delegate in writing administrative authority and identify responsibility subject to the provisions and restrictions in provincial legislation and regulations.
d. Annually evaluate the Superintendent in accordance with a pre-established written performance appraisal mechanism.
e. Annually review the Superintendent's compensation.
f. Respect the authority of the Superintendent to carry out executive action and support the Superintendent's actions which are exercised within the delegated discretionary powers of the position.
g. Respect and make effective the role of the Superintendent.

7. Advocacy

The Board shall:

a. Participate in sessions and make decisions regarding British Columbia School Trustees Association (BCSTA) and British Columbia Public Sector Employers' Association (BCPSEA) issues.
b. Advance positions and priorities including through the BCSTA where applicable.
c. Act as an advocate for public education and the District.
d. Address external issues in a manner consistent with District values.

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e. Develop an annual plan for advocacy including focus, key messages, relationships and mechanisms.
f. Promote regular meetings and maintain timely, frank and constructive communication with locally elected officials including representation on municipal committees and host First Nations and Indigenous families attending Burnaby schools.
g. Arrange meetings with elected municipal/provincial/federal government officials to communicate and garner support for Burnaby School District priorities and directions.

8. Board Development

The Board shall:

a. Annually evaluate the Board's effectiveness in a written documented process.
b. Annually develop a Board development plan aligned with priorities and Board evaluation outcomes.

9. Fiscal Accountability

The Board shall:

a. Approve budget process and timelines for annual budget deliberations at the outset of the budget process.
b. In collaboration with the Superintendent, identify budget assumptions and draft priorities to be used in the creation of the draft annual operating budget.
c. Approve the annual budget which ensures resources available are allocated to achieve desired results.
d. Annually approve the district's annual five-year capital plan submission.
e. At least once per the Board's term review the Long-Range Facilities Plan to ensure directions contained therein best meet long-term facility needs.
f. Appoint or reappoint the auditor and approve the terms of engagement.
g. Review the recommendation from the Finance Committee and provide the final approval of the annual financial statements for submission to the Ministry of Education and Child Care.
h. Review annually the audit report and management letter and approve those recommendations to be implemented.
i. Annually review the District risk register to ensure alignment with the budget, the enhancing student learning report and the strategic plan.
j. Make decisions regarding ratification of any memoranda of agreement in local bargaining matters.
k. Approve the acquisition and disposition of land and buildings.
l. Approve the amended annual budget.
m. Ensure the Superintendent's fiscal accountability indicators (Policy #6 – Role of Superintendent) are met.
n. Approve borrowing for capital expenditures within provincial restrictions.
o. Approve transfer of funds to/from restricted and non-restricted surplus funds in accordance with the accumulated operating surplus policy.

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Additional Responsibilities

The Board Shall:

1. Approve an annual calendar in accordance with legislation and collective agreements and where applicable, local school calendars.

2. Approve Board Authority Authorized Courses.

3. Provide direction at the commencement of a naming or renaming process and approve the naming or renaming of educational facilities.

4. Establish parameters for early retirement incentive plans.

5. Recognize students, staff and community members.

6. Approve contracts and agreements as required by legislation.

7. Approve changes to student fee schedules.

8. Hear unresolved student or staff complaints of discrimination or harassment that cannot be heard by the Superintendent.

9. Approve the implementation and cessation of District programs.

10. Review and approve Board compensation and expense rates annually.

11. Approve catchment areas for schools.

12. Approve changes in the current K-7 and 8-12 grade configurations.

13. Approve the reopening of a closed school.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References: Policy #6
Statutory: Sections 65, 85 *School Act*
Other:

BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# POLICY #3

# ROLE OF THE TRUSTEE

## PREAMBLE

Trustees are elected in accordance with the Local Government Act. The British Columbia *School Act* prescribes eligibility requirements for running for the office of School Trustee. The *School Act* gives no individual authority to Trustees. As members of the corporate Board, Trustees are accountable to the public for the collective decisions of the Board, and for the delivery and quality of educational services. A Trustee must serve the community as an elected representative, but the Trustee's primary task is to act as a member of a corporate Board.

Trustees bring a range of skills, experience, knowledge, values, beliefs and opinions to their role, often with little connection to the various aspects of education. Their diversity ensures that Board processes are truly democratic and contribute to sound decision-making. This diversity also helps Trustees provide a balance between the interests of a broader community and the interests of those involved in the delivery of education.

## POLICY

**A TRUSTEE MUST FIRST AND FOREMOST BE CONCERNED WITH THE INTERESTS OF THE BOARD. THE ROLE OF THE TRUSTEE IS TO CONTRIBUTE TO THE BOARD AS IT CARRIES OUT ITS MANDATE TO ACHIEVE ITS VISION AND GOALS RELATED TO STUDENT SUCCESS AND THE DEVELOPMENT OF AN IMPROVED LEARNING ENVIRONMENT. THE OATH OF OFFICE TAKEN BY EACH TRUSTEE WHEN ASSUMING OFFICE BINDS THAT PERSON TO WORK DILIGENTLY AND FAITHFULLY IN THE CAUSE OF PUBLIC EDUCATION AND WITH THE BOARD'S GOALS AND VALUES IN MIND.**

**THE BOARD SHALL INDEMNIFY A TRUSTEE IN ACCORDANCE WITH THE INDEMNIFICATION BY-LAW.**

## RESPONSIBILITIES

**Primary and Specific Areas of Responsibility for a Burnaby Schools Trustee are:**

Primary Responsibilities of Individual Trustees

The Trustee shall:

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1. Become familiar with the goals of the District's strategic plan and the values contained in the plan and promote those goals and values in all actions undertaken in their term of office.

2. Commit to advancing Reconciliation work that the Board has identified and undertaken.

3. Carry out their responsibilities and the work of the Board in good faith and with reasonable diligence, recognizing they have a shared public duty to advance the work of the school Board.

Specific Responsibilities of Individual Trustees

The Trustee shall:

1. Become familiar with District policies and procedures, meeting agendas and reports in order to participate in Board business.

2. Support majority decisions of the Board to advance the work of the Board and monitor progress to ensure decisions are implemented.

3. Refer governance queries, issues and problems not covered by Board policy to the Board for discussion and decision.

4. Report operational queries, issues and problems raised by a parent or community member about a school practice to the Superintendent or designate.

5. Arrange personal contact with staff through the Superintendent, as applicable.

6. Keep the Board and the Superintendent informed in a timely manner of all matters coming to their attention that might affect the District.

7. Provide the Superintendent with counsel and advice, giving the benefit of the Trustee's judgment, experience and familiarity with the community.

8. Attend meetings of the Board; participate in, and contribute to, the decisions of the Board in order to provide the best solutions possible for the education of students within the District.

9. Attend committee meetings or meetings as a Board representative, as assigned, and report to the Board in a timely manner.

10. When delegated responsibility, will exercise such authority within the defined terms of reference in a responsible and effective way, recognizing the Trustee's primary task is to act as a member of a corporate Board.

11. Participate in Board/Trustee development sessions so that the quality of leadership and service in the District can be enhanced.

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12. Share the materials and ideas gained from individual Trustee development activities with fellow Trustees at the next available opportunity.

13. Stay current with respect to regional, provincial, national and international educational issues and trends.

14. Act as a liaison to assigned schools to engage with the school principal and represent the Board when a Board representative is desired at school functions.

15. Strive to develop a positive and respectful learning and working culture both within the Board and the District.

16. Continue to carry out duties with integrity and responsibility during a Trustee election period in Burnaby.

17. Become familiar with and adhere to the Trustee Code of Conduct and report any violation of the Code to the Board during a closed session.

**Orientation**

As a result of elections, the Board may experience changes in membership. To ensure continuity and facilitate a smooth transition from one Board to the next following an election, Trustees must be adequately briefed concerning existing Board policy and practice, statutory requirements, initiatives and approved long-range plans.

The Board believes an orientation program is necessary for effective trusteeship.

1. The District will offer an orientation program for all Trustees following an election that provides information on:
    a. Role of the Trustee and the Board;
    b. Organizational structures and procedures of the District;
    c. Board policy, agendas, meetings and minutes;
    d. Existing District initiatives, annual reports, budgets, financial statements and long-range plans;
    e. District programs and services;
    f. Board's function as an appeal body;
    g. Statutory and regulatory requirements, including responsibilities with regard to conflict of interest; and
    h. Trustee remuneration and expenses.

2. The District will provide financial support for Trustees, as part of their professional development allocation, to attend British Columbia School Trustees Association sponsored orientation seminars.

3. The Board Chair and Superintendent are responsible for ensuring the development and implementation of the District's orientation program for Trustees. The Superintendent shall ensure each Trustee has access to the Board Policy Handbook and Administrative

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Procedures Manual at the organizational meeting following a general election or at the first regular meeting of the Board following a by-election.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References:
Statutory: Sections 49, 50, 52, 65, 85 *School Act*
*Local Government Act*
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# POLICY #4

# TRUSTEE CODE OF CONDUCT

## POLICY

**THIS POLICY IS DESIGNED TO CLARIFY THE ROLE, RESPONSIBILITY, AND CONDUCT OF MEMBERS OF THE BOARD OF EDUCATION OF THE BURNABY SCHOOL DISTRICT. AS A MEMBER OF THE BOARD OF EDUCATION, ~~DEMOCRATICALLY ELECTED~~ TRUSTEES ARE EXPECTED TO GOVERN IN A FAIR AND ETHICAL MANNER AND TO BE ROLE MODELS IN THE COMMUNITY. TRUSTEES MUST COMPLY WITH THE BYLAWS AND POLICIES OF THE BOARD, THE PROVISIONS OF THE *SCHOOL ACT* AND ANY OTHER RELEVANT LEGISLATION. TRUSTEES MUST ACT IN A MANNER CONSISTENT WITH THE OATH OF OFFICE.**

**TRUSTEES FULLY ACKNOWLEDGE THE CRITICAL TRUST INVESTED IN THE BOARD OF EDUCATION BY THE ELECTORATE AND ARE DEDICATED TO GOVERNING THE AFFAIRS AND BUSINESS OF BURNABY SCHOOL DISTRICT IN A PROFESSIONAL MANNER. TRUSTEES REPRESENT THE BROAD NEEDS OF THE ENTIRE SCHOOL DISTRICT AND THE COMMUNITY, ALLOCATING RESOURCES EFFICIENTLY ~~, INCLUSIVELY,~~ AND RESPONSIBLY IN THE BEST INTEREST OF ALL STUDENTS.**

**TRUSTEES ADVOCATE FOR PUBLIC EDUCATION AND PROMOTE THE MISSION, VISION, AND VALUES OF THE DISTRICT TO OTHER LEVELS OF GOVERNMENT AND RELEVANT BODIES. THE BOARD OF EDUCATION IS COMMITTED TO PROVIDING HIGH QUALITY EDUCATION FOR ALL STUDENTS WITHIN A SUPPORTIVE, ACCESSIBLE, EQUITABLE AND ENRICHED LEARNING ENVIRONMENT. TRUSTEES WILL UPHOLD THE COMMITMENTS ARTICULATED IN THE TRUSTEE CODE OF CONDUCT AND ADDRESS ANY VIOLATION AT A CLOSED MEETING OF THE BOARD OF EDUCATION.**

## CODE OF CONDUCT

### Confidentiality

Trustees must observe confidentiality with respect to discussions that take place during private Board and Committee meetings and special private meetings of the Board and with respect to any personal, privileged, or confidential information obtained in their capacity as a Trustee and any legal advice given to the Board.

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Trustees shall not release privileged information in any format to the public until the Board has done so in an official capacity.

Should a Trustee fail to comply with the confidentiality requirement of this Policy, the Board may, in addition to imposing consequences for a breach of this Code of Conduct, pursue available legal avenues. The Board will not indemnify or compensate a Trustee for legal costs incurred in response to any action related to a Trustee's breach of their duty of confidentiality where that breach is intentional or amounts to willful ~~gross~~ negligence.

**Conflict of Interest**

In compliance with sections 55 to 64 of the *School Act,* Trustees must avoid any conflict of interest. A conflict of interest includes a direct or indirect pecuniary interest. Pecuniary interest is defined in the *School Act* as an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56 of the *School Act*.

1. If a Trustee has any pecuniary interest in any matter, the Trustee must disclose the nature of that interest before any Board consideration of the matter.

2. A Trustee who has any pecuniary interest in any matter must not take part in the discussion of or vote on any question in respect of the matter.

3. A Trustee who has any pecuniary interest must leave a meeting that is not open to the public during the time the matter is under discussion. "Meeting" includes any regular, special, committee or other meeting of the Board.

4. If a Trustee who has any pecuniary interest does not attend a meeting where the matter was discussed, the Trustee must disclose their interest at the first meeting after the meeting where the matter was discussed.

5. Any declaration of pecuniary interest including the nature of that interest must be recorded in the minutes of meetings open to the public. Any declaration of interest made in meetings not open to the public, but not the nature of that interest, must be recorded in the minutes of the next open meeting.

6. A Trustee who has any conflict of interest with respect to bargaining must disclose the nature of that interest to the Secretary Treasurer of the Board.

7. A Trustee who has any pecuniary interest in any matter must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.

8. A Trustee may request guidance from other Trustees, the Superintendent, and the Secretary Treasurer regarding conflict of interest matters (direct, indirect or deemed).

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## Decision Making

Trustees must keep an open mind when considering matters before the Board and must not prejudge an issue.

Trustees shall base decisions upon all available facts in each situation and vote their honest and unbiased conviction in every case, recognizing that their primary duty is to represent the District in the best interest of all learners and the Burnaby community.

Each Trustee will devote time, thought and study of the issues to provide effective decision-making.

## Relationships

Trustees will maintain the highest standards of civility and respect accorded to public office and refrain from unwarranted criticism of the Board, fellow trustees, or District employees. Trustees will work cooperatively with their fellow board members ~~in a spirit of harmony and co-operation~~, including when differences of opinion arise.

Trustees will recognize the Superintendent, the Secretary-Treasurer, and the senior leadership team as executive officers of the Board of Education and ensure that they and their staff can provide objective reports and guidance to the Board without undue pressure or influence.

Trustees shall represent the Board in all Board related matters with decorum and refrain from making discrediting comments about others, engaging in unwarranted criticism, or taking private action that could compromise the integrity or authority of the Board.

Trustees shall make themselves aware of their obligations outlined in the BC *Human Rights Code*.

## Integrity

Trustees will ~~do everything possible to~~ maintain the integrity, confidence and dignity of the office of School Trustee.

Trustees must not use their position for personal advantage or for the advantage of friends, associates or family and must avoid conflicts of interest not specifically addressed in the *School Act*. A Trustee must declare when such a conflict of interest arises and must not take part in a discussion of or vote on the matter or attempt to influence the Board's decision on the matter.

Trustees should not accept gifts from anyone who receives services from, does business with or wants to do business with the District. Trustees may be able to accept gifts of nominal values that are given as an expression of courtesy or hospitality.

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**Inclusivity**

Trustees will welcome and encourage active participation by community residents, organizations, learners, parents and staff in the District to develop and support high quality~~the best~~ programs, which meet the educational needs of all learners.

Trustees will recognize their duty to represent and advocate for the best interests of all learners in the community, including Indigenous communities and First Nations.

Trustees will strive to ~~shall~~ foster a culture that embraces diversity and is inclusive and respectful.~~of anti-oppression and acceptance of all exists in the School District. Anti-oppression includes, but is not limited to, anti-racism, anti-ableism, anti-2SLGBTQIA+.~~

**Responsibility**

Trustees will not attempt to exercise individual authority with respect to Board matters, except as explicitly permitted by policies of the Board.

Trustees may interact with the Superintendent and staff; however, individual Trustees must recognize that the authority of the Board to delegate specific and general administrative and management duties to one or more of its employees derives from the Board's corporate status and must comply with applicable Bylaws or Board policy.

Trustees will not express opinions on individual staff performance unless explicitly authorized by Bylaw, Board policy or an official Board process.

Trustees recognize that only the Board and not individual Trustees, may assess the Superintendent's performance.

Trustees will carefully review all information packages in preparation for discussion at all scheduled meetings of the Board of Education and its committees.

Trustees will abide by majority decisions of the Board of Education and adhere to all Board Policies.

Trustees will endeavour to participate in~~take advantage of~~ educational conferences, workshops, and training sessions made available by local or provincial affiliations to become acquainted with current educational topics and trends.

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## APPENDIX

### Trustee Code of Conduct Sanctions

Trustees are required to conduct themselves in an ethical and prudent manner in compliance with the Trustee Code of Conduct (the "Code"). Failure by trustees to conduct themselves in compliance with the Code will represent a violation of the Code. A violation of the Code may result in the Board of Education instituting sanctions, should ~~all~~ other processes to resolve the violation of the Code be exhausted without resolution.

To assist the Board of Education in self-governance, Trustees who wish to report an infraction under the Trustee Code of Conduct are guided by ~~may follow~~ the processes below.

A Trustee who believes that a fellow Trustee has violated the Code is encouraged to seek resolution of the matter through the Informal Complaint Process, when possible, prior to commencing an official complaint under the Code.

It is recognized that for reasons which may include the nature of the issue of concern or the way it has come to a Trustee's attention, informal measures may not be appropriate.

All serious and/or reoccurring breaches of the Code by a Trustee will be investigated following the Official Complaint Process.

### Informal Complaint Process

It is recognized that a violation of the Code may occur that is relatively minor or committed inadvertently or due to an error of judgment made in good faith. In such instances the priority shall be to alert the offending Trustee to the violation and their obligations under the Code.

Under the informal complaint process, both the complainant and the subject of the complaint~~offending and offended Trustee~~ shall seek resolution in an informal, cooperative fashion marked by mutual respect, seeking to understand with an openness to growth and improvement, following these steps:

1. The Trustee who believes a violation has occurred will engage in an individual private conversation with the Trustee affected.

2. Failing resolution through the private conversation the parties will engage the Board Chair, Vice-Chair or designate to gain resolution. If the concern is with the Board Chair, the concern should be raised with the Vice-Chair.

3. The Chair and at the Chair's discretion the Vice-Chair will attempt to resolve the matter to the satisfaction of the Trustees involved.

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Every attempt should be made for the informal complaint process to be completed within 30 days of the alleged violation of the Code.

If resolution through the informal complaint process is not possible, the Official Complaint Process will be followed.

**Official Complaint Process**

1. If a resolution under the informal complaint process has been unsuccessful, the complainant~~ing trustee~~ who wishes to commence an official complaint under the Code shall file a letter of complaint with the Board Chair indicating the nature of the complaint and the section or sections of the Code that are alleged to have been violated by the Trustee.

2. The Trustee against whom ~~is alleged to have violated~~ the Code of Conduct has been made ~~and all other Trustees~~ shall receive ~~be forwarded~~ a confidential copy of the letter of complaint as part of the ~~confidential~~ agenda materials for a closed (in-camera) meeting. All other Trustees will also be provided a copy of the letter. Public disclosure of the filing, notification, content and nature of the complaint by another Trustee shall be deemed to be a violation of the Code and any resulting decision taken by the Board of Education may be disclosed by the Board Chair only at the direction of the Board of Education, following the disposition of the original complaint by the Board of Education at a Code hearing.

3. The Board Chair shall convene, as soon as is reasonable, a closed (in-camera) meeting of the Board of Education to allow for a Code of Conduct Hearing of the alleged violation of the Code.

4. At the closed (in-camera) meeting of the Board of Education, the Board Chair shall indicate, at the commencement of the meeting, the nature of the business to be transacted and emphasize that procedural fairness and the rules of natural justice shall govern the formal inquiry.

5. Prior to any submissions about the complaint, all preliminary matters including whether ~~adaption to~~ the process for the hearing should be amended or whether one (1) or more Trustees may have a conflict of interest in making a decision regarding the complaint, shall be dealt with.

6. If it is determined that a Trustee is in a conflict of interest, the Trustee shall not participate in deliberations or vote in respect of any resolution. However, the Trustee shall be present as required to maintain quorum of the Board of Education. The remaining Trustees who are not in a conflict of interest are the "Voting Trustees".

7. The sequence of the Code of Conduct Hearing shall be in keeping with the following, which is intended to provide a fair opportunity for both parties to be heard and to respond as appropriate. Neither party is obligated to make submissions or to respond to questions.

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a. The complainanting Trustee shall provide a presentation which may be written or oral or both. The complaining Trustee may opt to rely on the written complaint in place of this presentation;
b. The respondent Trustee shall provide a presentation which may be written or oral or both;
c. The complainanting Trustee shall then be given an opportunity to reply to the respondent Trustee's presentation;
d. The respondent Trustee shall then be provided a further opportunity to respond to the complainanting Trustee's presentation and subsequent remarks;
e. The remaining Trustees of the Board of Education shall be given the opportunity to ask questions of both parties;
f. The complainanting Trustee shall be given the opportunity to make final comments; and
g. The respondent Trustee shall be given the opportunity to make final comments.

8. Following the presentations by the complainanting Trustee and the respondent Trustee, they and all persons other than the Voting Trustees shall be required to leave the room, and the Voting Trustees shall deliberate in private, without assistance from staff. The Board of Education may, however, in its discretion, call upon legal advisors to assist them on points of law or upon staff in respect of any points of information or to provide administrative direction or for assistance in the drafting of a resolution.

9. If the Voting Trustees in deliberation require further information or clarification, the complainanting and respondent Trustees shall return to the meeting, and the requests made in the presence of both. If the information is not readily available, the Chair may request a recess or, if necessary, an adjournment of the hearing to a later date.

10. If an investigation by an external party is requested by a majority of the Voting Trustees the hearing will be adjourned and such investigation will be conducted in accordance with the procedures of natural justice and a report of the same will be made to the Board of Education upon the hearing reconvening, with an opportunity for submissions to be made by the complainanting and respondent Trustees in respect of the same. The Board of Education may, in its discretion, call upon legal advisors to assist them in the event an investigation is requested.

11. In the event the hearing is not adjourned for the provision of additional information or the completion of an investigation, the Voting Trustees in deliberation may draft a resolution(s) indicating what action, if any, may be taken regarding the complaint and either the complainanting Trustee or the respondent Trustee.

12. In the event the hearing is adjourned for the provision of additional information or the completion of an investigation, the Chair shall reconvene the Code of Conduct Hearing and shall call for a resolution(s) to be placed before the Board of Education and a vote will be conducted. Only the Voting Trustees shall be able to vote on any resolution(s).

13. The Chair shall declare the closed (in-camera) Board of Education meeting adjourned.

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**Sanctions**

Sanctions for a violation of the Code should be imposed in a remedial and restorative manner and ~~should~~ reflect the seriousness of the breach.

For example,

1. Having the ~~offending~~ Trustee against whom the complaint has been made and upheld write a letter of apology;

2. Having said ~~the offending~~ Trustee participate in a restorative justice process;

3. Having said~~the offending~~ Trustee participate in specific training, coaching or counselling as directed by the Board of Education;

4. Having the Board Chair write a letter of censure marked "personal and confidential" to said~~the offending~~ Trustee, on the approval of a majority of the Voting Trustees at the closed (in- camera) meeting of the Board of Education;

5. Having a motion of censure passed by a majority of the Voting Trustees at the closed (in-camera) meeting of the Board of Education;

6. Having a motion to remove said ~~the offending~~ Trustee from one (1), some or all Board of Education committees or other appointments of the Board of Education passed by a majority of the Voting Trustees at the closed (in-camera) meeting of the Board of Education.

The Board of Education may, in its discretion and by resolution of the Voting Trustees, make public any outcomes(s) of the Official Complaint Process if it considered reasonable and appropriate to indicate publicly its disposition of the complaint.

**Appeals Process**

Trustees who have been sanctioned or have had other measures imposed upon them by the Board of Education under this Policy may~~can~~ appeal those decisions through the legal system, at their own expense.

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|---|---|---|
| Date Adopted: | 2008-09 | Cross References: |
| Date(s) Revised: | 2021-04-27 | Statutory: |
| | 2024-05- | Other: |

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# POLICY #5

# DELEGATION OF AUTHORITY

## PREAMBLE

The Board of Education believes that effective governance of the School District requires clear delegation of authority to the Superintendent of Schools, who is responsible and accountable for organization achievement. The District's Foundational Statements contained in Policy #1 shall guide the Board and Superintendent when establishing Policy, Regulations, and Administrative Procedures. The Board believes that clarity of authority will improve system accountability and will increase educational outcomes.

## POLICY

**THE SCHOOL ACT ALLOWS FOR THE BOARD OF EDUCATION TO DELEGATE CERTAIN OF ITS RESPONSIBILITIES AND AUTHORITIES TO OTHERS. THE BOARD AUTHORIZES THE SUPERINTENDENT OF SCHOOLS TO DO ANY ACT OR THING OR TO EXERCISE ANY POWER THAT THE BOARD MAY DO, OR IS REQUIRED TO DO, OR MAY EXERCISE, EXCEPT THOSE MATTERS WHICH, IN ACCORDANCE WITH THE SCHOOL ACT, CANNOT BE DELEGATED, BUT LIMITED TO THE RESPONSIBILITIES IN POLICY #6 ROLE OF THE SUPERINTENDENT.**

Notwithstanding the above, the Board of Education reserves to itself the authority to make decisions on specific matters requiring Board approval. This reserved authority of the Board is set out in legislation and Board policies, as amended from time to time. Further, the Board requires that any new provincial, regional or local obligations must be initially brought to the Board for discussion and determination of decision-making authority.

## REGULATIONS

<u>This delegation of authority to the Superintendent specifically includes:</u>

1. Any authority or responsibility set out in the *School Act* and regulations as well as authority or responsibility set out in other legislation or regulations.

2. The ability to enact administrative procedures, practices or regulations required to carry our this authority.

3. The ability to sub-delegate this authority and responsibility as required.

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Other information:

1. The Superintendent is directed to develop an administrative procedure to fulfill Board obligations created by any federal or provincial legistaltion.

2. Administrative prrocedures will be established in the following areas:
   a. Community
   b. Administration
   c. Personnel
   d. Instruction
   e. Facilities

In the absence of Board policy in cases where an immediate administrative response is required, the Superintendent will:

1. If time permits, consult with the Board Chair.

2. Inform the Board as soon as practicable and at the next meeting of the action taken and the nature of the emergent issue and where warranted, the need for policy in the event of future occurrences.

3. The action must be taken with regard to the Board's Policy #1 Foundation Statement.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References: Policy #1, #6
Statutory: Section 22, 65(2)c, 74, 85 *School Act*
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# POLICY #6

# ROLE OF THE SUPERINTENDENT

## PREAMBLE

The Board of Education believes that to promote an effective relationship with the Superintendent of Schools, clarity of expectation of the role needs to exist. Through Policy #5 Delegation of Authority and Policy #6 Role of the Superintendent, the Board establishes key relationships and expectations. The information contained in District's Policy #1 Foundation Statement shall guide the relationship and decision-making processes between the Board and the Superintendent.

## POLICY

**THE BOARD RECOGNIZES THE NEED FOR ONE PERSON TO HAVE THE OVERALL RESPONSIBILITY FOR THE MANAGEMENT OF THE SCHOOL DISTRICT IN ORDER TO PROVIDE LEADERSHIP AND OVERSIGHT. THEREFORE, THE BOARD DESIGNATES THE SUPERINTENDENT AS THE CHIEF EXECUTIVE OFFICER OF THE BOARD AND DELEGATES TO THE SUPERINTENDENT RESPONSIBILITY FOR OVERALL ADMINISTRATION OF THE DISTRICT. THE SUPERINTENDENT IS RESPONSIBLE FOR PROVIDING REPORTS WHICH FOCUS ON GOVERNANCE IMPLICATIONS AND IS ACCOUNTABLE TO THE CORPORATE BOARD FOR THE CONDUCT, MANAGEMENT AND OPERATION OF THE DISTRICT, FOR PROVIDING LEADERSHIP IN ADMINISTRATION AND INSTRUCTIONAL PROGRAMS AND FOR ENSURING COMPLIANCE WITH LEGISLATIVE REQUIREMENTS AND STATUTES. ALL BOARD AUTHORITY DELEGATED TO THE STAFF OF THE DISTRICT IS DELEGATED THROUGH THE SUPERINTENDENT.**

## REGULATIONS

**Specific areas of Superintendent's responsibility are:**

1. Student Welfare

The Superintendent shall:

a. Establish a safe, caring, inclusive and orderly learning environment that supports the general well-being of all students.
b. Support instructional strategies, assessment and resources that reflect sensitivity to diversity and incorporate themes of inclusion, respect and acceptance.

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c. Ensure the safety and welfare of students while participating in school programs or while being transported to or from school programs on transportation authorized by the School District.
d. Ensure facilities adequately and safely accommodate District students.

2. Leadership

The Superintendent Shall:

a. Provide leadership in all matters relating to education in and the operation of the District.
b. Ensure that curriculum design, delivery and integration is in alignment with the prescribed learning outcomes of the Ministry of Education and Child Care and that students have the opportunity to meet those learning outcomes.
c. Implement policies and directions established by the Ministry of Education and Child Care and make the Board aware of pertinent legislative changes.
d. Implement the Board's Strategic Plan and the Enhancing Student Learning Report and report annually on results achieved.
e. Engage in professional development activities to ensure the excellence, efficacy, and relevance of current educational practice.
f. Promote awareness of current research and best practices in support of curriculum and instruction.
g. Identify future opportunities, issues, and challenges.

3. Fiscal Responsibility

The Superintendent shall:

a. Ensure that the fiscal management by the Secretary-Treasurer is in accordance with the terms or conditions of any funding received by the Board.
b. Ensure the district operates in a fiscally and ethically responsible manner, including adherence to generally accepted accounting principles.
c. Ensure financial resources are expended in accordance with the annual budget approved by the Board, except in the event of an emergency.
d. Provide the Board with a recommended annual operating budget and capital budgets along with quarterly statements of revenue and expenditure.
e. Ensure that procurement procedures in place follow public sector standards, and that they will minimize cost, consider local businesses and vendors and obtain competitive and fair prices and quality.
f. Ensure that insurance coverage is in place to adequately protect assets, indemnify liabilities and provide for reasonable risk management.

4. Human Resource Management

The Superintendent shall:

a. Have overall authority and responsibility for all personnel-related matters, except the development of mandates for collective bargaining and those personnel matters precluded by legislation, collective agreements or Board policy.

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b. Promote at all times a high standard of collaborative professional leadership, effective and respectful human relationships, and a spirit of educational innovation and advancement throughout the District.
c. Ensure a performance management system for the evaluation and improvement of all staff is in place.
d. Promote diversity and work to remove barriers for equity deserving groups and marginalized communities, as well as removing the obstacles for the hiring of staff from equity deserving groups and marginalized communities.
e. Ensure a culturally safe space for Indigenous staff and potential recruits.

5. Policy/Administrative Procedures

The Superintendent shall:

a. Provide leadership and assistance in the planning, development, implementation and evaluation of Board policies.
b. Inform the Board of Education of any changes to administrative procedures and seek feedback of any changes made to administrative procedures associated with Board policy.
c. As appropriate, involve partner groups and Rights Holders in the development and review of administrative procedures.

6. Superintendent/Board Relations

The Superintendent shall:

a. Establish and maintain a positive and impartial, professional working relationship with the Board.
b. Respect and honour the Board's rights, roles and responsibilities, and facilitate the implementation of that role as defined in Board policy.
c. Keep the Board informed and updated through appropriate monitoring reports which focus on governance implications of developments within the District.
d. Consult with the Board to develop and implement the District's orientation program for newly elected Trustees.

7. Planning and Reporting

The Superintendent shall:

a. Lead the District Performance Planning and Strategic Planning processes and implement the plan as approved.
b. Involve the Board appropriately including, Board approval of the process and timelines, Board identification of priorities, provision for Board input early in the process and final Board approval.
c. Report regularly on results achieved.
d. Keep the Board and the community informed through a variety of media including the presentation of a Superintendent's report at regular Board meetings.

8. Organizational Management

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The Superintendent shall:

a. Demonstrate effective organizational skills resulting in District compliance with all legal, Ministerial and Board mandates and timelines.
b. Report to the Minister of Education and Child Care with respect to matters identified in and required by the *School Act*.
c. Define processes for gathering, analyzing, and using data for decision-making.

9. Communications and Community Relations

The Superintendent shall:

a. Take appropriate actions to ensure open, transparent, positive external and internal communications are developed and maintained and act as one of the Board's spokespersons as required on District matters in concert with the Board Chair.
b. Develop and maintain positive and effective relations with provincial and regional government departments and agencies, including those associated with the Rights Holders.
c. Respond in an ethical and skilled way to electronic and print media.
d. Demonstrate consensus building, collaboration, and conflict mediation.

10. Leadership Practices

The Superintendent shall:

a. Practice leadership in a manner that is viewed positively and has the support of those with whom the Superintendent works most directly in carrying out the directives of the Board and the Minister.
b. Model appropriate values, ethics and moral leadership.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References: Policy #1, #5
Statutory: Section 22, 65(2)c, 74, 85 *School Act*
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

**POLICY #22**

# PUBLIC INTEREST DISCLOSURE POLICY

## PURPOSE

The Board of Education of the Burnaby School District ("District") is committed to honesty, integrity and accountability in its operations, programs and services, and to promoting a culture of openness and transparency. The School District encourages and supports all employees 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"). The purpose of this Policy and related Procedures is to establish a process, in compliance with PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

## SCOPE OF POLICY

**THIS POLICY APPLIES TO ALLEGED WRONGDOING RELATED TO THE SCHOOL DISTRICT'S OPERATIONS OR PERSONNEL. THIS POLICY DOES NOT DISPLACE OTHER MECHANISMS SET OUT IN SCHOOL DISTRICT POLICY FOR ADDRESSING AND ENFORCING STANDARDS OF CONDUCT, DISPUTES, COMPLAINTS, OR GRIEVANCES, INCLUDING ISSUES OF DISCRIMINATION, BULLYING AND HARASSMENT, OCCUPATIONAL HEALTH AND SAFETY, OR DISPUTES OVER EMPLOYMENT MATTERS OR UNDER COLLECTIVE AGREEMENTS.**

### Definitions

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

"**Advice**" means advice that may be requested in respect of making a disclosure or a complaint about a Reprisal under this Policy or PIDA;

"**Discloser"** means an employee who makes a disclosure or seeks advice or makes a complaint about a Reprisal;

"**Disclosure**" means a report of wrongdoing made under this Policy and includes allegations of Wrongdoing received by the District from the Ombudsperson or another government institution for investigation in accordance with PIDA;

"**Employee**" refers to a past and present employee of the District;

"**FIPPA**" means the *Freedom of Information and Protection of Privacy Act,* and all regulations thereto;

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"**Investigation**" means an investigation undertaken by the District under this Policy or by the Ombudsperson under PIDA;

"**Personal Information**" has the same meaning set out in FIPPA, namely "recorded information about an identifiable individual", and includes any information from which the identity of the discloser or any person who is accused of wrongdoing or participates in an Investigation can be deduced or inferred;

"**PIDA**" means the *Public Interest Disclosure Act* of British Columbia, and all regulations thereto;

"**Procedure"** means the District's Administrative Procedure associated with this Policy, as amended;

"**Reprisal**" means the imposition of, and any threat to impose, discipline, demotion, termination or any other act that adversely affects employment or working condition of an employee because they made a disclosure, sought advice, made a complaint about a reprisal or participated in an investigation;

"**Urgent Risk**" refers to a reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, health, or safety of persons or to the environment. 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 in accordance with Administrative Procedure #2.50 Whistle-Blower Protection, under the section How to Make a Disclosure About Urgent Risk.

"**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;

5. Knowingly directing or counselling a person to commit any act or omission described in paragraphs 1 to 4 above.

**<u>Statement of Principles</u>**

1. The District is committed to supporting ethical conduct in its operations, and seeks to foster a culture in which Employees are encouraged to disclose wrongdoing, including by receiving, investigating and responding to disclosures and by providing information and training about PIDA, this Policy and the Procedures.

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2. The District will investigate disclosures that it receives under this Policy. Investigations under this Policy will be carried out in accordance with the principles of procedural fairness and natural justice.

3. The District will not commit or tolerate reprisals against any employee who, in good faith, makes a request for advice, makes a disclosure, participates in an investigation or makes a complaint under this Policy.

4. The District is committed to protecting the privacy of disclosers, persons accused of wrongdoing and those who participate in Investigations in a manner that is consistent with its obligations under PIDA and FIPPA.

**Privacy and Confidentiality**

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 a reprisal, or conducting an investigation will be treated as confidential and will be used and disclosed as described in this Policy, the Procedures, PIDA or as otherwise permitted or required under FIPPA and other applicable laws.

**Reporting**

Each year, the Superintendent shall prepare, in accordance with the requirements of PIDA, and make available, a report concerning any disclosures received, investigations undertaken and findings of wrongdoing. All reporting under this Policy will be in compliance with the requirements of FIPPA.

**Responsibility**

The Superintendent is responsible for the administration of this Policy and shall ensure that training and instruction is available to all employees concerning this Policy, the Procedures and PIDA.

In the event that the Superintendent is unable or unavailable to perform their duties under this Policy, the Superintendent may delegate their authority in writing to the Secretary-Treasurer or other senior members of the School District.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References: AP #2.50
Statutory:
Public Interest Disclosure Act (gov.bc.ca)
Fredom of Information and Protection of Privacy Act (gov.bc.ca)
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

**POLICY #25**

# BURNABY SCHOOL DISTRICT PRIVACY POLICY

## POLICY~~URPOSE~~

**THE BOARD OF EDUCATION OF THE BURNABY SCHOOL DISTRICT IS COMMITTED TO ENSURING THE PRIVACY, CONFIDENTIALITY AND SECURITY OF ~~ALL~~ PERSONAL INFORMATION THAT IT COLLECTS, USES, DISCLOSES AND MAINTAINS ~~IN CONNECTION WITH ITS PROGRAMS AND ACTIVITIES~~. THE DISTRICT COMPLIES WITH THE *SCHOOL ACT* AND THE *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT* ("FIPPA", "THE ACT") ~~IN RELATION TO THE PROTECTION OF PRIVACY~~. THIS POLICY SETS OUT THE DISTRICT'S COMMITMENT, STANDARDS AND EXPECTATIONS REGARDING THE APPROPRIATE PRACTICES FOR THE COLLECTION, USE AND PROTECTION OF PERSONAL INFORMATION.**

## Definitions

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

"**Personal Information**" means recorded information about an identifiable individual, but does not include an individual's business contact information (business address, email address, telephone number);

"**FIPPA**" means the BC *Freedom of Information and Protection of Privacy Act;*

"**Procedures**" means the administrative procedures of this Policy, namely the Privacy Management Program Procedure and the Privacy Breach Management Procedure;

"**Staff**" means all employees, contractors and volunteers of the District.

## Statement of Principles

The District and all staff shall uphold the privacy, confidentiality and appropriate use of personal information in compliance with the *School Act,* FIPPA, District Policy, and the Procedures, including by:

1. Being ~~open and~~ transparent about the purposes for which personal information may be collected and used by the District;

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2. Collecting and using personal information only as necessary to carry out the District's authorized programs and activities;

3. Sharing personal information internally with staff only on a need-to-know basis;

4. Sharing personal information with third parties with the knowledge and consent of affected individuals, unless otherwise authorized or required under FIPPA, the *School Act* or other applicable laws;

5. ~~Ensuring p~~Protecting personal information ~~is protected~~ against unauthorized access, use, disclosure, loss or destruction; and

6. Complying with FIPPA and all Procedures for the accuracy, protection, use, disclosure, storage, retrieval, correction and appropriate use of personal information.

**Transparency and Accountability**

The District strives to be ~~open and~~ transparent with the community about its programs and activities, and has processes in place to support the timely response to ~~access~~ requests submitted under FIPPA and the proactive release of information of interest to the community.

**Responsibility**

The Secretary-Treasurer ~~has been designated by the Board of Education as~~is the "Designate" of the School District for the purposes of FIPPA and has ~~overarching~~ responsibility for ensuring compliance with this Policy, FIPPA, and the requirements of the *School Act* pertaining to ~~student~~ records.

**Complaints**

The District will respond to and, where appropriate, investigate, ~~all~~ complaints that it receives under this Policy concerning its personal information management practices.

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Date Adopted: YYYY-MM
Date(s) Revised:

Cross References:
Statutory:
Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. Part 3;
School Act, R.S.B.C. 1996, c. 412 sections 9, 79(3)
Student Records Disclosure Order(M14/91)
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# ADMINISTRATIVE PROCEDURE

# PRIVACY MANAGEMENT PROGRAM

## REFERENCE POLICY TITLE: 25 BURNABY SCHOOL DISTRICT PRIVACY POLICY

## PURPOSE

1. As a public body that is subject to the British Columbia Freedom *of Information and Protection of Privacy Act* (the "Act" or FIPPA"), the Board of Education of the Burnaby School District ("District") is committed to upholding the principles of privacy, transparency and accountability.

2. The District recognizes the fundamental importance of maintaining the privacy and security of the personal information that it collects, uses and discloses in the course of its operations and programs.

3. The District also acknowledges and supports transparency with the community by facilitating access to District records and information in accordance with the requirements of the Act.

**Definitions**

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

"**Consent**" means express written consent to the collection, use or disclosure of personal information;

"**FIPPA**" means the BC *Freedom of Information and Protection of Privacy Act*, and regulations thereto;

"**Personal information**" means recorded information about an identifiable individual, but excludes a person's business contact information;

"**Privacy Officer**" means the person designated by the Secretary-Treasurer as privacy officer for the District;

"**Procedures**" means procedures enacted by the District under its Privacy Policy, namely this administrative procedure and Administrative Procedure - Privacy Breach Management Procedure;

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"**Records**" include any paper or electronic media used to store or record information, including all paper and electronic records, books, documents, photographs, audio or visual recordings, computer files, email and correspondence;

"**Staff**" means all persons employed or engaged by the District to carry out its operations and includes independent contractors and volunteers.

## Statement of Principles

District staff are responsible for:

1. Making reasonable efforts to familiarize themselves with this Procedure and the requirements of FIPPA, including by participating in privacy training initiatives offered by the District;

2. Following responsible information management practices to ensure that the District collects, uses and discloses personal information in compliance with FIPPA and other applicable laws;

3. Seeking at all times to protect personal information against unauthorized collection, use and disclosure, including by limiting the sharing of sensitive personal information on a need-to-know basis;

4. Cooperating with District procedures to facilitate the appropriate release of Records within its custody or control in response to requests received from members of the community under FIPPA;

5. Cooperating with District procedures for the completion of Privacy Impact Assessments; and

6. Reporting privacy breaches to the District in accordance with the District's Procedures.

## Accountability

The Secretary-Treasurer has been designated by the Board of Education for the purposes of FIPPA and is responsible for the implementation of this Procedure. The Secretary-Treasurer is responsible for appointing, overseeing and, if appropriate, delegating responsibility to a Privacy Officer for the District to supervise its personal information management program.

## Commitment to Privacy Protection

1. The District protects the privacy of students, staff and individuals whose personal information it collects, uses, shares and retains, and expects all Staff to follow responsible information management practices to ensure that the District fully complies with its obligations under FIPPA and other applicable laws.

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2. The District and Staff respect the privacy and confidentiality of personal information entrusted to them in the course of their duties and collect, use and disclose personal information only where authorized by FIPPA.

**Purposes for Collecting Personal Information**

1. The District communicates the purposes for which personal information is collected at or before the time the information is collected, unless otherwise permitted or required by FIPPA.

2. In the ordinary course of carrying out its programs and activities, the District collects personal information of its students for purposes including:
    a. Registration, enrollment and transfer of students;
    b. To provide and deliver educational programs and services;
    c. To accommodate students with diverse abilities and disabilities;
    d. To communicate with students and respond to inquiries or complaints;
    e. To prepare and provide assessments of student performance;
    f. To supervise and ensure the safety and security of the District (such as through the use of video surveillance);
    g. To investigate and respond to accidents, safety events, misconduct and similar incidents;
    h. To ensure compliance with applicable District bylaws, policies and other laws;
    i. To make all required reports and filings to the Ministry of Advanced Education; and
    j. For other purposes set out in the Procedures or required under applicable laws.

3. In the ordinary course of carrying out its employment programs and activities, the District collects the personal information of prospective, current and former staff for purposes including:
    a. Hiring and recruitment;
    b. To manage and administer the employment relationship;
    c. Communicating with authorized union representatives;
    d. To administer employment compensation and benefits;
    e. To evaluate performance and manage disciplinary incidents;
    f. To supervise and ensure the safety and security of the District (such as through the use of video surveillance);
    g. To investigate and respond to accidents, safety events, misconduct and similar incidents;
    h. To ensure compliance with applicable District policies, administrative procedures and applicable laws; and
    i. For other purposes set out in the Procedures or required under applicable laws.

**Collection, Use and Disclosure of Personal Information**

1. The District limits the personal information it collects to information to what is related to and necessary in order to carry out its programs and activities or for other purposes authorized by FIPPA.

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2. The District seeks to collect personal information by fair, lawful and transparent means, including by collecting Personal information directly from the individual, except where otherwise authorized by FIPPA.

3. The District seeks to inform individuals from whom it collects personal information about the purposes for which the information is being collected, the legal authority for collecting it and the name and contact information of someone at the District who can answer questions about the collection and use of the information.

4. The District limits the internal and external use and sharing of personal information to what is required and authorized by FIPPA or consented to by the individual.

5. The District only uses or discloses personal information for the purpose for which it was collected, except with the individual's consent or as otherwise required or permitted by FIPPA or other laws.

**Securing Personal Information**

1. The District protects personal information by ensuring it has reasonable security safeguards in place which are appropriate to the sensitivity of the information. Such security safeguards shall include consideration of physical security, organizational security and electronic security.

2. All staff have a duty to protect the privacy and security of personal information collected and used by them as part of their ongoing employment responsibilities, including by complying with the terms of this Procedure, and all related Procedures.

3. The District provides training to all staff to ensure they have the requisite knowledge to ensure compliance with the terms of this Procedure and the FIPPA.

**Retention**

1. The District does not seek to retain personal information longer than necessary to satisfy the District's applicable operational, instructional, financial and legal needs.

2. Personal information that is no longer required for administrative, operational, financial, legal or historical purposes shall be securely destroyed in a confidential manner in accordance with District policies and approved record retention protocols.

**Accuracy and Correction**

1. The District shall make reasonable efforts to ensure the accuracy of the personal information that they collect and use in the course of performing their duties.

2. Individuals have the right to request the correction of their Personal information, and the District will receive and respond to such requests in accordance with the FIPPA and

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District Procedures.

## Access to Information

1. The District supports appropriate transparency and accountability in its operations by making information available to the public as permitted or required under FIPPA.

2. The Secretary-Treasurer shall, on at least an annual basis, consider and designate categories of records that will be made available to the public without the need to make a request in accordance with FIPPA.

3. The District recognizes that individuals may make requests for access to records within the custody and control of the District, and the District will respond to such requests in accordance with FIPPA and the Procedures.

4. The District recognizes that individuals have a right to access their own personal information within the custody and control of the District and will facilitate such access in accordance with the requirements of FIPPA.

## Complaints and Inquiries

1. Questions or complaints about the District's information management practices should be directed to the Privacy Officer by email to Privacy.Officer@burnabyschools.ca or by mail to 4054 Norfolk Street, Burnaby BC, V5G OC3, addressed to District Privacy Officer.

2. The District will respond to all written complaints in writing.

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Date Adopted: YYYY-MM

Date(s) Revised:

Cross References: Policy #25 Burnaby School District Privacy Policy, AP – Privacy Breach Management Procedure
Statutory:
Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. Part 3;
School Act, R.S.B.C. 1996, c. 412 sections 9, 79(3)
Student Records Disclosure Order(M14/91)
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

## ADMINISTRATIVE PROCEDURE

# PRIVACY BREACH MANAGEMENT PROCEDURE

## REFERENCE POLICY TITLE: 25 BURNABY SCHOOL DISTRICT PRIVACY POLICY

## PURPOSE

1. The Board of Education of the Burnaby School District ("**District**") is committed to ensuring the protection and security of all personal information within its control. That commitment includes responding effectively and efficiently to privacy breach incidents that may occur.

2. The purpose of this Procedure is to set out the District's process for responding to significant privacy breaches and to comply with its notice and other obligations under the *Freedom of Information and Protection* of *Privacy Act* (FIPPA).

**Definitions**

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

"**Personal Information**" means any recorded information about an identifiable individual that is within the control of the District and includes information about any student or any staff member of the District. Personal Information does not include business contact information, such as email address and telephone number, that would allow a person to be contacted at work.

"**Privacy breach**" means the theft or loss of or the collection, use or disclosure of personal Information not authorized by FIPPA, and includes cyber and ransomware attacks and other situations where there are reasonable grounds to believe that any such unauthorized activities have taken place or there is a reasonable belief that they will take place.

"**Privacy Officer**" means the person designated by the Secretary-Treasurer as privacy officer for the District;

"**Records**" means books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or other mechanism that produces records;

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"**Staff**" means the employees, contractors and volunteers of the District.

## Scope and Responsibility

All staff of the District are expected to be aware of and follow this Procedure in the event of a privacy breach. This Procedure applies to all employees, contractors and volunteers of the District Staff.

## Responsibility of the Secretary-Treasurer

The administration of this Procedure is the responsibility of the Secretary-Treasurer for the purposes under FIPPA. The Secretary-Treasurer may delegate any of their powers under this Procedure or FIPPA to other District personnel by written delegation.

## Responsibilities of Staff

1. All staff must, without delay, report all actual, suspected or expected privacy breach incidents of which they become aware in accordance with this Procedure. All staff have a legal responsibility under FIPPA to report privacy breaches to the Secretary-Treasurer.

2. Privacy breach reports may also be made to the privacy officer, who has delegated responsibility for receiving and responding to such reports.

3. If there is any question about whether an incident constitutes a privacy breach or whether the incident has occurred, staff should consult with the privacy officer.

4. All personnel must provide their full cooperation in any investigation or response to a privacy breach incident and comply with this Procedure for responding to privacy breach incidents.

5. Any member of staff who knowingly refuses or neglects to report a privacy breach in accordance with this Procedure may be subject to discipline, up to and including dismissal.

## Privacy Breach Response

### Step One – Report and Contain

1. Upon discovering or learning of a privacy breach, all staff shall:
    a. Immediately report the privacy breach to the Secretary-Treasurer or to the privacy officer.
    b. Take any immediately available actions to stop or contain the privacy breach, such as by:
        i. Isolating or suspending the activity that led to the privacy breach; and
        ii. Taking steps to recover personal Information, records or affected equipment.

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c. Preserve any information or evidence related to the privacy breach in order to support the District's incident response.

2. Upon being notified of a privacy breach the Secretary-Treasurer or the privacy officer in consultation with the Secretary-Treasurer, shall implement all available measures to stop or contain the privacy breach. Containing the privacy breach shall be the first priority of the privacy breach response, and all staff are expected to provide their full cooperation with such initiatives.

**Step Two – Assessment and Containment**

1. The privacy officer shall take steps to, in consultation with the Secretary-Treasurer, contain the privacy breach by making the following assessments:
    a. The cause of the privacy breach;
    b. If additional steps are required to contain the privacy breach, and, if so, to implement such steps as necessary;
    c. Identify the type and sensitivity of the personal Information involved in the privacy breach, and any steps that have been taken or can be taken to minimize the harm arising from the privacy breach;
    d. Identify the individuals affected by the privacy breach, or whose personal Information may have been involved in the privacy breach;
    e. Determine or estimate the number of affected individuals and compile a list of such individuals, if possible; and
    f. Make preliminary assessments of the types of harm that may flow from the privacy breach.

2. The Secretary-Treasurer, in consultation with the privacy officer, shall be responsible for, without delay, assessing whether the privacy breach could reasonably be expected to result in significant harm to individuals ("Significant Harm"). That determination shall be made with consideration of the following categories of harm or potential harm:
    a. Bodily harm;
    b. Humiliation;
    c. Damage to reputation or relationships;
    d. Loss of employment, business or professional opportunities;
    e. Financial loss;
    f. Negative impact on credit record,;
    g. Damage to, or loss of, property;
    h. The sensitivity of the personal Information involved in the privacy breach; and
    i. The risk of identity theft.

**Step Three – Notification**

1. If the Secretary-Treasurer determines that the privacy breach could reasonably be expected to result in Significant Harm to individuals, then the Secretary-Treasurer shall make arrangements to:
    a. Report the privacy breach to the Office of the Information and Privacy Commissioner; and

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b. Provide notice of the privacy breach to affected individuals, unless the Secretary-Treasurer determines that providing such notice could reasonably be expected to result in grave or immediate harm to an individual's safety or physical or mental health or threaten another individual's safety or physical or mental health.

2. If the Secretary-Treasurer determines that the privacy breach does not give rise to a reasonable expectation of Significant Harm, then the Secretary-Treasurer may still proceed with notification to the affected individual if the Secretary-Treasurer determines that notification would be in the public interest or if a failure to notify would be inconsistent with the District's obligations or undermine public confidence in the District.

3. Determinations about notification of a privacy breach shall be made without delay following the privacy breach, and notification shall be undertaken as soon as reasonably possible. If any law enforcement agencies are involved in the privacy breach incident, then notification may also be undertaken in consultation with such agencies.

**Step Four – Prevention**

The Secretary-Treasurer, or the privacy officer in consultation with the Secretary-Treasurer, shall complete an investigation into the causes of each breach Incident reported under this Procedure, and shall implement measures to prevent recurrences of similar incidents.

**Contact Information**

Questions or comments about this Policy may be addressed to the Privacy Officer by email to Privacy.Officer@burnabyschools.ca or by mail to 4054 Norfolk Street, Burnaby BC, V5G OC3, addressed to District Privacy Officer.

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Date Adopted: YYYY-MM

Date(s) Revised:

Cross References: Policy #25 Burnaby School District Privacy Policy
Statutory:
Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. Part 3;
School Act, R.S.B.C. 1996, c. 412 sections 9, 79(3)
Student Records Disclosure Order(M14/91)
Other:

BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# ADMINISTRATIVE PROCEDURE

# WHISTLE-BLOWER PROTECTION

## REFERENCE POLICY TITLE: 2.50 WHISTLE-BLOWER PROTECTION

## PURPOSE

The Board of Education of the Burnaby School District ("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~~ reportings ~~of~~ unlawful acts and other acts of wrongdoing in a manner consistent with the provisions of the British Columbia Public Interest Disclosure Act ("PIDA"). The purpose of the Policy and related Procedures is to establish a process, in compliance with the PIDA, for employees to report, in good faith, wrongful or unlawful conduct without fear of retaliation or reprisal.

**Definitions**

In this Policy and the Procedures, the following capitalized terms are defined as indicated:

**"Designated Officer"** means the Superintendent and any other senior member of the District designated by the Superintendent, including ~~from time to time, which includes, in accordance with section V. of this Procedure,~~ the Secretary-Treasurer, and the Chair of the Board of Education;

**"Disclosure Form"** means the form attached to this Procedure as Appendix 1;

**"Ombudsperson"** means the Ombudsperson of British Columbia;

**"Policy"** means the District's Public Interest Disclosure Policy;

**"Protection Official"** means:

1. in respect of a health-related matter, the provincial health officer,

2. in respect of an environmental matter, the agency responsible for the *Emergency Program Act, or*

3. in any other case, a police force in British Columbia.

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**"Respondent"** means a person against whom allegations of wrongdoing, or a complaint of reprisal is made;

**"School"** means:

1. a body of students that is organized as a unit for educational purposes under the supervision of a principal, vice principal or director of instruction;

2. the teachers and other staff members associated with the unit, and

3. the facilities associated with the unit, and includes a Provincial resource program and a distributed learning school operated by a board;

**"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;

**"Urgent Risk"** arises there is a reasonable belief 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.

## Who May Make a Disclosure

1. Any employee may report wrongdoing under this Policy if the alleged wrongdoing occurred or was discovered while the employee was employed or engaged by the District.

2. Reports received from members of the public, school trustees, or from employees who were not employed with the District at the time that the alleged wrongdoing occurred or was discovered are outside the scope of the Policy and this Procedure.

## How to Make a Disclosure

1. 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 Designated Officer other than the Superintendent; or
    d. The Ombudsperson.

2. A disclosure should be submitted in writing using the disclosure form or in other written form, and include the following information if known:
    a. a description of the wrongdoing;
    b. the name of the person(s) alleged to be responsible for or to have participated in the wrongdoing;
    c. the date or expected date of the wrongdoing;

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d. if the wrongdoing relates to an obligation under a statute or enactment, the name of that statute or enactment; and
e. whether the wrongdoing has already been reported, and if so, to whom and a description of the response received.

3. A disclosure may be submitted to the District on an anonymous basis, but must contain sufficient information to permit the District to conduct a full and fair investigation into the alleged wrongdoing. If a disclosure does not contain sufficient detail to permit investigation, the District may take no action with respect to the disclosure. Any notices required to be given to a discloser under this Policy or PIDA will not be provided to an anonymous discloser, except at the discretion of the Designated Officer and where the disclosure has provided contact information.

4. A discloser who is considering making a disclosure may request advice from any of their union representative or employee association representative, a lawyer, their Supervisor, a Designated Officer, or the Ombudsperson.

5. A discloser should not make a disclosure to a person if the allegations relate, in whole or in part, to alleged wrongdoing by that person., ~~and a~~Any person who receives a disclosure and reasonably believes that the allegations of wrongdoing relate to their own acts or omissions must refer the allegations of wrongdoing to another person under this Policy with responsibility for receiving a disclosure.

**How to Make a Disclosure About Urgent Risk**

1. PIDA permits employees to make public disclosures if the employee reasonably believes that a matter poses an urgent risk. An urgent risk only arises if there is reasonable and credible evidence of an imminent risk of a substantial and specific danger to the life, health or safety of persons or to the environment.

2. Before making a public disclosure of an urgent risk the employee must:
   a. Consult with the relevant Protection Official (public health officer, Emergency Management BC, or police);
   b. Receive and follow the direction of that Protection Official, including if the Protection Official directs the employee not to make the public disclosure;
   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 in accordance with the section How to Make a

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Disclosure, above.

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 Designated Officer.

**Referral to Designated Officer**

Each supervisor and any other employee who receives a disclosure under this Policy must promptly refer it, including all disclosures forms and other materials supplied, to the appropriate Designated Officer as follows:

1. 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 Policy and this Procedure to any other Designated Officer;

2. If the allegations concern alleged wrongdoing by the Superintendent, then the disclosure should be referred to a Designated Officer other than the Superintendent to assess whether the disclosure falls within the scope of PIDA or this Policy. If so, then the disclosure should be referred to Office of the Ombudsperson.

**Responsibilities of the Designated Officer**

The Designated Officer is responsible to:

1. Receive and respond to any disclosure;

2. Receive and respond to reports made about urgent risks;

3. If the Designated Officer reasonably believes that an urgent risk exists, the Designated Officer may make a report to the relevant Protection Official;

4. Review allegations of wrongdoing in a disclosure and determine if they fall within the scope of PIDA or this Policy;

5. Refer disclosures or allegations falling outside the scope of PIDA or this Policy to the appropriate authority or dispute resolution process, as applicable;

6. If a disclosure relates to wrongdoing at another government body that is subject to PIDA, refer the disclosure to that institution;

7. Seek clarification of the allegations of wrongdoing from the discloser or referring institution as needed;

8. If appropriate, initiate an Investigation into allegations of wrongdoing in accordance with the section Investigations, below;

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9. Assess the risk of any reprisal to the discloser, and take appropriate action, if any, to mitigate that risk;

10. Manage communications with the discloser and respondent;

11. Notify the discloser and the respondent of the outcome of the investigation in accordance with the section Investigations, below; and

12. ~~Ensure that, i~~In accordance with the ~~section~~ Privacy and Confidentiality~~,~~ section ~~below.~~ of this Procedure, ensure that all personal information received by the District related to the disclosure, request for advice or any investigation is appropriately protected against such risks as unauthorized access, collection, use, disclosure, theft or loss in accordance with FIPPA and PIDA.

**Responsibilities of Employees**

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 Procedure and PIDA;

3. Maintain the confidentiality of personal information received in connection with a disclosure, request for advice or investigation in accordance with the Policy, this Procedure, and PIDA;

4. Provide their reasonable cooperation with investigations by the District or the Ombudsperson;

5. Seek appropriate advice if uncertain about whether to make a disclosure or a public disclosure of an urgent risk; and

6. Comply with the requirements of this Procedure and PIDA concerning urgent risks.

**Investigations**

1. Every person involved in receiving, reviewing and investigating disclosures must carry out those functions in an expeditious, fair and proportionate manner as appropriate in the circumstances and as required under PIDA.

2. The District shall seek to complete all investigations within 90 calendar days of receipt of a disclosure, but the Designated Officer may shorten or extend this time period depending on the nature and complexity of the allegations.

3. The Designated Officer may expand the scope of any investigation beyond the allegations set out in the disclosure to ensure that any potential wrongdoing discovered

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during an Investigation is investigated.

4. All investigations shall be conducted by an internal or external investigator with sufficient qualifications and experience to carry out the Investigation, though overall responsibility and accountability for the investigation remains with the Designated Officer.

5. 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 applicable discloser.

6. The Designated Officer may refuse to investigate or postpone or stop an Investigation if the Designated Officer reasonably believes that:
    a. The disclosure does not provide adequate particulars of the wrongdoing;
    b. The disclosure is frivolous or vexatious, has not been made in good faith, has not been made by a person entitled to make a disclosure under the Policy or PIDA, or does not deal with wrongdoing;
    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 policy decision;
    f. The allegations are already being or have been appropriately investigated by the Ombudsperson, the District or other appropriate authority;
    g. The investigation may compromise another investigation; or
    h. PIDA otherwise requires or permits the District to suspend or stop the investigation.

7. Subject to the District's obligations under FIPPA and the section How to Make a Disclosure, above, the discloser and the respondent(s) will be provided with a summary of the 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 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 District only as described in the Policy, the Procedures and PIDA unless otherwise permitted or required under FIPPA or other applicable laws.

2. Personal information that is collected, used or shared by the District in the course of receiving, responding to or investigating a disclosure or a request for advice on a reprisal shall be limited to the personal information that is reasonably required for these purposes.

3. Any person who receives information about the identity of a discloser for the purposes of investigating the disclosure shall maintain the identity of the discloser in confidence and

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may only use or share that information for the purposes described in this Policy or PIDA, except with the consent of the discloser or as authorized or required by PIDA or other applicable laws.

4. The District shall ensure there are reasonable security measures in place to protect all personal information that the District collects or uses in the course of receiving or responding to a disclosure, a request for advice, or conducting an investigation. The District will ~~, including by~~ ensur~~e~~ing that such information is subject to appropriate controls to ensure that it is only shared internally on a need-to-know basis.

**Reprisals**

1. The District will not tolerate reprisals against employees.

2. 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.

3. Any person who engages in any reprisals shall be subject to disciplinary action up to and including, for an employee, dismissal for cause.

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Date Adopted:

Date(s) Revised:

Cross References: Policy #2.50 Whistle-Blower Protectoin
Statutory:
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

**ADMINISTRATIVE PROCEDURE**

# WHISTLE-BLOWER PROTECTION – APPENDIX 1

## REFERENCE POLICY TITLE: 2.50 WHISTLE-BLOWER PROTECTION

## APPENDIX 1 – PUBLIC INTEREST DISCLOSURE FORM

### Instructions

Before filling out this Public Interest Disclosure Form, please review the School District's Policy #22 Public Interest Disclosure and Administrative Procedure #2.50 Whistle-Blower Protection <insert links when created> Please also ensure that you provide all required details and attach copies of any documents you wish to submit as part of your report. The completed form (together with all attachments) may be submitted confidentially by email to Designated.Officer@burnabyschools.ca or by mail to 4054 Norfolk Street, Burnaby BC, V5G 0C3, addressed to PIDA Designated Officer.

### Privacy Statement

The personal information submitted in this Public Interest Disclosure Form is collected by the School District under sections 26(a) and (c) of the Freedom of Information and Protection of Privacy Act (FIPPA), and will be used to assess, review, investigate and respond to allegations of wrongdoing made under the Public Interest Disclosure Act (PIDA). If you have any questions about the collection, use or disclosure of your personal information in connection with your disclosure, please contact the PIDA Designated Officer at Designated.Officer@burnabyschools.ca or by calling 604-296-6900.

### Confidentiality

Reports made under the Public Interest Disclosure Act are received and held in confidence by the School District. The reports and information received will be used and shared only to the extent reasonable and necessary to assess, investigate and respond to a ~~your~~ disclosure and will not be used or disclosed for other purposes except as permitted or required under the Freedom of Information and Protection of Privacy Act and the Public Interest Disclosure Act or other applicable laws.

### Completing the Disclosure Form

The purpose of this Public Interest Disclosure Form is to assist you in making a disclosure under the Public Interest Disclosure Act. The requested information is to ensure we have sufficient information to carefully review, investigate and respond to a~~your~~ disclosure. If you are

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unable to provide all requested details at the time you make ~~your~~ the initial disclosure, you may be asked to submit additional details at a later time.

A disclosure should be submitted in writing using the disclosure form or in other written form, and 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 it so, to whom and a description of the response received.

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Date Adopted:
Date(s) Revised:

Cross References: Policy #22, AP #2.50
Statutory:
Other:

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BOARD OF EDUCATION
BURNABY
SCHOOL DISTRICT 41

# Disclosure Report Form

**(In accordance with Policy #2.50 and Administrative Procedures)**

1. Are you a current employee of the District?

   ☐ Yes ☐ No

2. Were you an employee of the District when the alleged wrongdoing occurred or was discovered?

   ☐ Yes ☐ No

3. Please enter your contact information below so that we can communicate with you about your disclosure. Your identity and contact information may be shared with investigators to allow them to communicate with you.

   While anonymous disclosures may be accepted under the Public Interest Disclosure Act, we may not be able to investigate if we are unable to contact you to confirm you are a current or former employee or to obtain further details, evidence or clarification about your disclosure.

| NAME | ADDRESS |
|---|---|
| EMAIL | PHONE |
| ADDITIONAL INSTRUCTIONS<br>e.g. How would you prefer to be contacted? May we leave messages for you? | |

4. A report may be made under the Public Interest Disclosure Act for any of the following categories of wrongdoing. Please check any that apply:

   ☐ Serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;

   ☐ 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;

   ☐ A serious misuse of public funds or public assets;

   ☐ Gross or systemic mismanagement;

   ☐ Knowingly directing or counselling a person to commit a wrongdoing described above.

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If your report does not fall within one of these categories, you may wish to consider whether your report falls under another policy or procedure of the School District. Policy Manual

5. In the space below, please describe the alleged wrongdoing and the person(s) alleged to have committed the wrongdoing. Please provide as much detail as you are able, including:

   - A description of the wrongdoing and any relevant background,
   - The names of those responsible,
   - When and where the wrongdoing occurred,
   - Names of people who witnessed the wrongdoing, if available,
   - Any law or legislation that has been breached.

| DESCRIPTION OF ALLEGED WRONGDOING |
| --- |
| |

6. Have you previously reported the wrongdoing to the School District?

   ☐ Yes ☐ No

   If yes, please indicate who the report was made to and any actions taken.

| REPORT DATE AND PERSON REPORTED TO |
| --- |
| |

7. Please describe any other steps or action that you or others have taken to address, report or prevent the reported wrongdoing.

| OTHER ACTION TAKEN |
| --- |
| |

8. Do you know of any other organizations that are investigating the reported wrongdoing or whether other complaints or claims about the wrongdoing have been filed (e.g. court filings, grievance, human rights complaint, privacy complaint, police investigation, etc.). Please explain.

| OTHER INVESTIGATIONS: |
| --- |
| |

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