



INVESTIGATION PROCESS FOR PUBLIC INTEREST DISCLOSURES

Background

This appendix outlines the process the District will follow when conducting an investigation under Administrative Procedure 403 Public Interest Disclosures by Employees. These steps provide additional clarity to ensure investigations are conducted in a fair, consistent, and timely manner. They are intended to support, not replace, the requirements of the *Public Interest Disclosure Act (PIDA)* and the procedures set out in Administrative Procedure 403.

The District is committed to ensuring that the public interest disclosure process is accessible and supports participation by all employees.

Procedures

1. Receipt and Acknowledgement of Disclosure

- 1.1. When a disclosure is received, the Designated Officer will acknowledge receipt in writing within five (5) business days, where the discloser's identity is known.
- 1.2. If the disclosure is anonymous, acknowledgement may not be possible unless contact information is provided.

2. Preliminary Assessment

- 2.1. The Designated Officer will conduct an initial review to determine whether the disclosure:
 - 2.1.1. meets the definition of wrongdoing under the *Public Interest Disclosure Act*;
 - 2.1.2. contains sufficient detail to allow an investigation to proceed;
 - 2.1.3. may be better addressed under another District process;
 - 2.1.4. relates to allegations already appropriately investigated; or
 - 2.1.5. appears frivolous, vexatious, or made in bad faith.
- 2.2. Where the identity of the discloser is known, the Designated Officer will meet with the discloser as soon as practicable to clarify the allegations, confirm required information under section 15 of the *Public Interest Disclosure Act*, and identify any additional details needed to support a fair and thorough review.
- 2.3. If additional information is required before making a decision, the Designated Officer may request clarification from the discloser.
- 2.4. The discloser will be advised whether the matter will proceed to investigation or be referred, declined, or postponed.

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2.5. In accordance with section 22 of the *Public Interest Disclosure Act*, the District will decline to investigate disclosures that relate primarily to:

- 2.5.1. employment or labour relations matters;
- 2.5.2. law enforcement matters or the prosecution of an offence;
- 2.5.3. decisions or proceedings of courts, tribunals, or statutory decision-makers; or
- 2.5.4. matters that do not involve wrongdoing as defined under section 7(1) of the *Act*.

3. Urgency Assessment

3.1. As part of the preliminary assessment, the Designated Officer will consider whether the disclosure raises any urgent risks, including imminent danger to the life, health, or safety of individuals, immediate environmental harm, risk of significant financial loss or the potential destruction of evidence. Urgent matters will be triaged promptly, and any necessary steps may be taken to stabilize or mitigate the risk.

4. Reprisal Risk Considerations

- 4.1. In keeping with the requirements of the *Act*, the Designated Officer will consider whether the circumstances create any risk of reprisal to the discloser.
- 4.2. Where appropriate, steps may be taken to mitigate identified risks, consistent with District practice and collective agreement provisions.

5. Initiating an Investigation

- 5.1. If an investigation is warranted, the Designated Officer will determine whether it will be conducted internally or by an external investigator.
- 5.2. An investigation plan will be developed to outline:
 - 5.2.1. the issues to be examined;
 - 5.2.2. the information required;
 - 5.2.3. individuals to be interviewed; and
 - 5.2.4. anticipated timelines.
- 5.3. If the Designated Officer determines that an investigation cannot be conducted impartially within the District, or that the matter would be more appropriately investigated by the Ombudsperson, the disclosure may be referred to the Ombudsperson. The discloser will be informed of any such referral.
- 5.4. Where the Designated Officer reasonably believes that an offence may have been committed, the matter may be referred to law enforcement, consistent with *the Public Interest Disclosure Act*.



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6. Conducting the Investigation

- 6.1. Investigations will be carried out in an expeditious, fair, and proportionate manner as required under the *Public Interest Disclosure Act*.
- 6.2. The investigator may review documents, interview relevant individuals, and gather information in any manner appropriate to the circumstances.
- 6.3. The respondent will be informed of the allegations relating to them and will be provided an opportunity to respond.
- 6.4. Individuals participating in interviews may request a union representative or support person, as applicable.
- 6.5. Personal information will be collected and used only to the extent necessary to complete the investigation and will be managed in accordance with *FIPPA* and the *Act*.
- 6.6. An investigation may be postponed or suspended if continuing the work could compromise another investigation, conflict with a parallel proceeding, or if new information indicates that the investigation cannot be completed at that time. The discloser will be advised, unless doing so would compromise the integrity of another process.
- 6.7. The District will cooperate with requests for information from the Ombudsperson in accordance with the *Public Interest Disclosure Act*.

7. Evidence Management

- 7.1. All records, evidence, interview notes, and working documents created or collected in the course of the investigation will be stored securely and accessed only on a need-to-know basis.
- 7.2. Information shared during the investigation will remain confidential except as required to conduct a fair and thorough investigation or as permitted or required by law.

8. Investigation Report

- 8.1. At the conclusion of the investigation, the investigator will prepare a written report that includes:
 - 8.1.1. findings of fact;
 - 8.1.2. whether wrongdoing occurred;
 - 8.1.3. reasons supporting the conclusions;
 - 8.1.4. any recommendations for corrective or administrative action.
- 8.2. Before finalizing an investigation report, the investigator may provide individuals who may be adversely affected by proposed findings or recommendations with an opportunity to review relevant portions of the draft report and provide written or verbal submissions.



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8.3. Consistent with section 9(2)(j) of the *Act*, the Designated Officer will provide an appropriate summary of the investigation report to:

8.3.1. the discloser (where identity is known), and

8.3.2. the respondent, as appropriate and subject to *FIPPA*.

8.4. The summary provided under this section will include, at minimum, the elements required under Section 7.7 of Administrative Procedure 403, including notice of any finding of wrongdoing, a summary of the reasons supporting the finding, and any recommendations arising from the investigation.

8.5. Recommendations will be forwarded to the appropriate District authority for consideration and implementation.

9. Timelines

9.1. The District will make all reasonable efforts to complete investigations within ninety (90) calendar days

9.2. Where additional time is required due to complexity or unforeseen circumstances, the Designated Officer will advise the discloser of the revised timeline and the reasons for the extension.

10. Post-Investigation Follow-Up

10.1. Where recommendations are made, the Designated Officer may follow up with responsible administrators to confirm implementation.

10.2. The Designated Officer may contact the discloser after the conclusion of the process to ensure there are no concerns about reprisal and to confirm the matter has been resolved.

10.3. As part of post-investigation follow-up, the Designated Officer may check in with the discloser periodically to ensure no reprisals have occurred and to address any concerns related to workplace safety, treatment, or retaliation.

Reference: Sections 17, 18, 20, 22, 23, 65, 85 *School Act*
Freedom of Information and Protection of Privacy Act
Public Interest Disclosure Act

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