

ADMINISTRATIVE PROCEDURE 570 INVESTIGATIONS INTO ALLEGED EMPLOYEE MISCONDUCT

Purpose

The Chilliwack School District (The “District”) is committed to fostering and maintaining a respectful, safe, and fair working and learning environment. Allegations of employee misconduct will be addressed confidentially, promptly, fairly, and in a manner consistent with collective agreements, legislation, and principles of procedural fairness.

Scope

This Administrative Procedure (“Procedure”) applies to all District employees. It provides a consistent framework for handling allegations of misconduct, including but not limited to:

- Breaches of policy or standards of conduct.
- Workplace harassment (in alignment with Respectful Workplace policy and procedure).
- Inappropriate behaviour.
- Other actions contrary to the expectations of employment.

Guiding Principles

- **Fairness and Impartiality:** All parties have the right to be heard, and investigations will be unbiased.
- **Confidentiality:** Information will be shared only on a need-to-know basis to protect privacy.
- **Respect:** All individuals will be treated with professionalism and dignity.
- **Representation:** Unionized employees are entitled to union representation during meetings related to an investigation.
- **Protection Against Retaliation:** No employee will be penalized for making a complaint in good faith or participating in an investigation.

Procedures

1. Receipt of Complaint

- Allegations may be brought forward by the complainant, a supervisor, or a third party.
- Human Resources, in consultation with the Office of the Superintendent as needed, will determine whether a formal investigation is warranted or if informal resolution is appropriate.

2. Notification of Investigation

- Teachers will be notified in accordance with the protocols outlined in their collective agreement.
- All other employee groups, including support staff and excluded staff, will be notified that an investigation is taking place and the general nature of the allegations.
- All unionized employees will be advised of their right to union representation.

3. Appointment of Investigator

- A qualified and impartial investigator will be assigned by the Director of Human Resources.
- This may be a Principal or Vice Principal, Manager, Human Resources staff member, or an external investigator, depending on the circumstances.

4. Information Gathering

- The investigator will:
 - Conduct interviews with the complainant, respondent, and relevant witnesses (not necessarily in that order).
 - Review relevant evidence, including documents, emails, or other materials.
- The respondent will be provided with notice of the allegations to be investigated and notice of the allegations and an opportunity to respond.

5. Findings and Report

- The investigator will apply the balance of probabilities standard to make findings.
- A written report will be submitted to Human Resources outlining findings and rationale, taking into account findings of fact, mitigating and aggravating factors, and relevant jurisprudence.

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- Human Resources will review the report and apply principles of just cause and progressive discipline to determine next steps, which may include corrective action, training, or discipline.

6. Communication of Outcome

- The respondent will be advised of the findings and any resulting action, in accordance with collective agreements and privacy legislation.
- Where required by law or collective agreement, the complainant may also be advised whether the allegations were substantiated.

7. Record Keeping

- Investigation records will be maintained securely in Human Resources with restricted access.
- Discipline records will be placed in the employee's personnel file, in accordance with collective agreements where applicable.

8. Supports and Follow-Up

- Employees involved in an investigation will be advised of available supports, including but not limited to, the Employee and Family Assistance Program.
- Where appropriate, Human Resources may facilitate workplace reintegration or restorative processes and any other requirements in accordance with collective agreements.

Special Considerations

- Allegations involving criminal conduct, child protection, or discrimination may trigger mandatory reporting obligations and require involvement of external authorities.
- Allegations involving senior administration may be referred to an external investigator or the Office of the Ombudsperson.
- Investigations will be completed as expeditiously as possible while ensuring thoroughness and fairness.

Roles and Responsibilities

Human Resources Department

- Determines whether a formal investigation is warranted.
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Cross Refs: School Act, Employment Standards Act, Human Rights Act, Labour Relations Code, Freedom of Information and Protection of Privacy Act, CTA Collective Agreement, CUPE 411 Collective Agreement, WorkSafe BC Bullying and Harassment Policy

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- Appoints an impartial and qualified investigator.
- Provides guidance and support throughout the process.
- Reviews investigation reports and applies principles of just cause and progressive discipline when determining next steps.
- Ensures records are maintained securely and in accordance with legal and contractual requirements.

Office of the Superintendent

- Ensure that the District has appropriate procedures in place for investigating employee misconduct.
- Delegate authority for the administration of this procedure to the Human Resources Department.
- May be consulted by Human Resources on significant matters arising from an investigation, including decisions that require escalation to the Board of Education or involve senior staff.
- Support the overall commitment to a respectful, safe, and fair workplace by ensuring district leaders understand and follow this procedure.

Principals and Managers

- Promptly report any complaints or allegations of misconduct to Human Resources.
- Cooperate fully with the investigation process, including ensuring employees are informed of their rights and responsibilities.
- Support the implementation of any interim measures, accommodations, or workplace reintegration plans.
- Maintain confidentiality throughout the process.

Investigator

- Conducts the investigation in a thorough, impartial, respectful, and procedurally fair manner.
- Gathers and analyzes relevant evidence, including conducting interviews and reviewing documentation.

Cross Refs: School Act, Employment Standards Act, Human Rights Act, Labour Relations Code, Freedom of Information and Protection of Privacy Act, CTA Collective Agreement, CUPE 411 Collective Agreement, WorkSafe BC Bullying and Harassment Policy

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- Prepares a written report outlining findings and rationale based on the balance of probabilities.

Employees (Respondents, Complainants, and Witnesses)

- Participate honestly and in good faith in the investigation process.
- Maintain confidentiality and refrain from interference or retaliation.
- Comply with any interim measures, including no-contact requirements, during the investigation.

Unions and Employee Associations

- Provide representation and support to members during investigation meetings.
- Work collaboratively with the District to ensure a fair and respectful process.

Definitions

- **Allegation:** An unproven statement that misconduct is believed to have occurred.
- **Complainant:** The person formally reporting an allegation.
- **Respondent:** The employee against whom the allegation is made.
- **Misconduct:** Conscious action that is contrary to accepted standards of conduct or law.
- **Investigator:** An impartial person assigned by Human Resources to gather information and make findings.
- **Balance of Probabilities:** The standard of proof applied; whether it is more likely than not that the misconduct occurred.

Cross References:

- [Administrative Procedure 571](#) – Interviewing Students in Employee Misconduct Investigations – School Principal
- [Administrative Procedure 572](#) – Interviewing Students in Employee Misconduct Investigations – External Investigator
- [Administrative Procedure 520](#) – Respectful Workplace – Reporting, Investigation and Resolution Procedures

Cross Refs: School Act, Employment Standards Act, Human Rights Act, Labour Relations Code, Freedom of Information and Protection of Privacy Act, CTA Collective Agreement, CUPE 411 Collective Agreement, WorkSafe BC Bullying and Harassment Policy

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- [Administrative Procedure 510](#) – Standards of Conduct for Staff
- [Administrative Procedure 550](#) – Public Interest Disclosure (PIDA)
- [Collective Agreement](#) provisions (Teacher and Support Staff)

Cross Refs: School Act, Employment Standards Act, Human Rights Act, Labour Relations Code, Freedom of Information and Protection of Privacy Act, CTA Collective Agreement, CUPE 411 Collective Agreement, WorkSafe BC Bullying and Harassment Policy

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