



DATE: January 25, 2023
TO: Board of Trustees
FROM: Shawna Warren, Superintendent
ORIGINATOR: Lisa Lacroix, Associate Superintendent, Corporate Services
GOVERNANCE POLICY: [Policy 130: Public Interest Disclosure \(Whistleblower Protections\)](#)
ADDITIONAL REFERENCE: *Policy 120 – Harassment Policy*
Public Interest Disclosure Act 2018
Freedom of Information and Privacy Act, 2018
Assurance Domain – [Learning Supports](#)

SUBJECT: Policy 130 – Public Interest Disclosure (Whistleblower Protection)

PURPOSE:

For approval. Motion required.

RECOMMENDED MOTION:

- a) That the Board of Trustees approve Policy 130 – *Public Interest Disclosure (Whistleblower Protection)* as presented at the January 25, 2023, Public Board meeting.

BACKGROUND:

During the 2018-2019 school year, the Division completed a comprehensive Board Policy Review. The Education Committee (Policy Committee) had oversight of the review process, which saw 129 policies and 14 Board Regulations condensed to 43 policies. A Policy Tracker was created to schedule a regular review of all policies under the responsible administrator.

Administration has reviewed Policy 130 – *Public Interest Disclosure (Whistleblower Protection)* as part of its review of policies. The current Policy 130 was forwarded to the office of the Public Interest Commissioner for review and has been amended to include the recommendations.

The Policy Committee reviewed the revised Policy 130 – *Public Interest Disclosure (Whistleblower Protection)* at their January 11, 2023, committee meeting and have recommended it to the Public Board meeting for approval.

Administration is prepared to respond to questions at the January 25, 2023, Public Board meeting.

ATTACHMENT(S):

- 1. Policy 130 – Public Interest Disclosure (Whistleblower Protection) – Clean Copy
- 2. Policy 130 – Public Interest Disclosure (Whistleblower Protection) – Tracked Changes



Public Interest Disclosure (Whistleblower Protection)

EFFECTIVE: March 27, 2019

REVISED: September 23, 2020

REVIEW: 2022-2023

1.0 POLICY

The Board is committed to promoting ethical and accountable conduct and recognizes the importance of working to deter and detect wrongdoing within the operations of Sturgeon Public School Division and advancing public confidence in the administration of its affairs.

The Board is committed to maintaining a positive and supportive environment whereby employees can disclose potential wrongdoing, or seek advice about disclosing a potential wrongdoing, without fear of reprisal.

2.0 DEFINITIONS

2.1 Wrongdoing – A wrongdoing is defined as one of the following, within or relating to the Board or its employees:

2.1.1 A contravention of a federal or provincial act or regulation.

2.1.2 An action or omission that creates:

2.1.2.1 a substantial and specific danger to the life, health or safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee;

2.1.2.2 a substantial and specific danger to the environment;

2.1.3 Gross mismanagement of public funds or a public asset;

2.1.4 The delivery of public service, including the management or performance of

2.1.4.1 A contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and

2.1.4.2 the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment;

2.1.5 employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;

References: Policy 120 - Harassment Policy
Public Interest Disclosure (Whistleblower Protection) Act Statutes of Alberta, 2012 Chapter P-39.5
Freedom of Information and Privacy Act, Revised Statutes of Alberta 200 Chapter F-25



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- 2.1.6 a wrongdoing prescribed in the regulations; and
- 2.1.7 Knowingly directing or counselling an individual to commit a wrongdoing mentioned above.
- 2.2 Reprisal – A reprisal is an adverse employment action including: dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, changes to hours of work, reprimand, or any measure that adversely affects the employee’s employment or working conditions, including threats to do any of the aforementioned actions. This section applies to an employee or a prescribed service provider who has, in good faith:
 - 2.2.1 Requested advice about making a disclosure as described in section 8 or, in the case of an employee of a prescribed service provider, the regulations made under Part 1.2, whether or not the employee made a disclosure;
 - 2.2.2 Made a disclosure under this Act;
 - 2.2.3 Co-operated in an investigation under this Act;
 - 2.2.4 Declined to participate in a wrongdoing, or
 - 2.2.5 Done anything in accordance with this Act.
- 2.3 Good Faith – An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith. Good faith describes being honest of purpose, faithful to one’s duty or obligation, and an honest intention to abstain from taking advantage of another.

3.0 GUIDELINES

- 3.1 The Division has a responsibility to detect wrongdoing in order to positively impact the reputation, effectiveness, and finances of the Division, and enhance the working environment for all employees.
- 3.2 The Division shall provide clear guidance for the safe disclosure of any wrongdoing and to protect employees against retaliatory action for complaints made in good faith.
- 3.3 The Division shall provide a process for managing, investigating, and making recommendations respecting disclosures of wrongdoings and reprisals consistent with the Public Interest Disclosure (Whistleblower) Act (PIDA).

References: Policy 120 - Harassment Policy
Public Interest Disclosure (Whistleblower Protection) Act Statutes of Alberta, 2012 Chapter P-39.5
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3.4 The Chief Education Officer (CEO) is the Superintendent of the Board and responsible for the administration and reporting required under PIDA. The Associate Superintendent, Human Resources is the “Designated Officer” to manage and investigate disclosures under PIDA.

3.5 Confidentiality

3.5.1 Maintaining confidentiality is critical to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a disclosure being received through to the end of the investigation and report release.

3.5.2 Employees must not share information or evidence regarding disclosures or wrongdoing with fellow employees who do not have a need to know such information and who are not authorized to address disclosures.

3.5.3 The Designated Officer will enhance confidentiality, by sharing information with as few people as are required to handle disclosures and will disclose information only as necessary for this administrative procedure and to conduct the investigation in accordance with the principles of procedural fairness and natural justice. Confidentiality is also subject to the provisions of the Freedom of Information and Protection of Privacy Act.

3.5.4 All participants in an investigation shall keep confidential:

3.5.4.1 The identity of individuals involved in the disclosure process.

3.5.4.2 The identity of individuals alleged to have committed the wrongdoings.

3.5.4.3 The identity of witnesses.

3.6 An employee who reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed, or who has been asked to commit a wrongdoing, has a duty to make a disclosure to the Designated Officer.

References: Policy 120 - Harassment Policy
Public Interest Disclosure (Whistleblower Protection) Act Statutes of Alberta, 2012 Chapter P-39.5
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- 3.7 An employee who knowingly makes deliberately false and/or malicious allegations of wrongdoing may be subject to disciplinary action up to and including termination of employment.
- 3.8 At the time an employee makes a disclosure to the Designated Officer, the employee may also make the disclosure to the Commissioner and advise the Commissioner that the disclosure has been made to the employee's Designated Officer. Further information on contacting the Commissioner can be obtained by visiting the Commissioners website at www.yourvoiceprotected.ca.
- 3.9 If an employee of a department, public entity or office reasonably believes that the employee has information that could show that a wrongdoing has been committed or is about to be committed, or that could show that the employee has been asked to commit a wrongdoing, the employee may make a disclosure
- 3.9.1 to the employee's designated officer in accordance with procedures establish under PIDA section 5, and
 - 3.9.2 subject to section PIDA 12, the Commissioner in accordance with PIDA section 15.1.
- 3.10 In the event that disclosure to the Designated Officer is not appropriate due to a conflict of interest with respect to the nature of the disclosure or the person involved, the Designated Officer shall refer the matter to the Superintendent
- 3.11 In the event of a disclosure to the Designated Officer concerning the conduct of the Superintendent, or concerning which the Superintendent has a conflict of interest, the Designated Officer shall:
- 3.11.1 Advise the Board Chair of the nature of the disclosure, whereupon the Board may authorize an investigation into the disclosure, and
 - 3.11.2 Advise the Commissioner of the disclosure and its referral to the Board and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.
- 3.12 If the Designated Officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health, or safety of individuals, or to the environment, the Designated Officer shall as soon as reasonably practicable refer the disclosure to the Commissioner.

References: Policy 120 - Harassment Policy
Public Interest Disclosure (Whistleblower Protection) Act Statutes of Alberta, 2012 Chapter P-39.5
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- 3.13 Notwithstanding whether a disclosure is referred to the Commissioner, where the Designated Officer is aware of:
- 3.13.1 A disclosure relating to an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, or
 - 3.13.2 That the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school, the Designated Officer shall also ensure that appropriate persons within the Board have sufficient information to abate that risk.
- 3.14 Where at any point following a disclosure, the Designated Officer has reason to believe that the alleged wrongdoing, if true, could potentially give rise to the opinion that the welfare of students is threatened by the presence of a teacher, the Designated Officer shall advise the Superintendent of the alleged wrongdoing for consideration of a possible administrative suspension.
- 3.15 Anonymous disclosures will be dealt with in accordance with the provisions of this Policy.
- 3.16 Investigations
- 3.16.1 The Designated Officer may request advice from the Commissioner with respect to the management and investigation of a disclosure.
- 3.17 Upon receiving a disclosure, the Designated Officer shall make a decision whether to investigate.
- 3.18 Where the Designated Officer is of the opinion that the subject matter of a disclosure would be more appropriately dealt with by a department of the Government of Alberta, an office of the Legislature, or another public entity, the Designated Officer shall report the subject matter of the disclosure to the Designated Officer of that other entity.
- 3.19 Should the subject matter of the disclosure be more appropriately dealt with according to another policy or procedure of the Board, another Act, or regulation, or procedures under a collective agreement or employment contract, the Designated Officer may decline to investigate under the parameters of this Policy.

References: Policy 120 - Harassment Policy
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- 3.20 The Designated Officer may utilize both internal personnel and external resources, for the purpose of conducting the investigation.
- 3.21 The Designated Officer, and any person conducting an investigation on their behalf, may interview any person and shall have access to any document of the Board necessary for the investigation.
- 3.22 The Designated Officer shall ensure all disclosures, and information gathered in the course of investigating disclosures, including the identity of the person making the disclosure, those alleged to have committed the wrongdoing and witnesses, are maintained in confidence and disclosed only:
- 3.22.1 As necessary for this Policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;
 - 3.22.2 In accordance with PIDA or any other statute;
 - 3.22.3 If the disclosure of that information is necessary due to an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.
- 3.23 Investigations shall be conducted in accordance with the principles of procedural fairness and natural justice.
- 3.24 The Designated Officer may decline to investigate where the disclosure:
- 3.24.1 Is clearly frivolous or vexatious, not been made in good faith, has not been made in a timely enough manner to permit an investigation, or does not deal with a wrongdoing;
 - 3.24.2 Relates to a decision, action or matter that results from a balanced and informed decision-making process on a public policy or operational issue; or
 - 3.24.3 Does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigation.

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- 3.25 Where in the course of an investigation, the Designated Officer has reason to believe that an offense has been committed under an Act or regulation of the Province of Alberta, or under an Act or regulation of the Parliament of Canada, the Designated Officer shall report the potential offense to the appropriate law enforcement authorities.
- 3.26 If more than one disclosure of wrongdoing is received by the Designated Officer in respect to the same matter, a single investigation may be conducted into the wrongdoing.
- 3.27 Where, in the course of an investigation, the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed; the Designated Officer shall investigate that other potential wrongdoing as if a disclosure had been made.
- 3.28 The Designated Officer is not required to investigate a disclosure or, if an investigation has been initiated, may discontinue the investigation if more than 2 years have passed since the date that the wrongdoing was discovered.
- 3.29 Timelines
- 3.29.1 The Designated Officer shall acknowledge receipt of the disclosure or complaint of reprisal to the employee making the disclosure or complaint within five (5) business days from receipt of the disclosure or complaint. An employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised, no more than 10 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received, whether an investigation will be undertaken.
- 3.29.2 The investigation must be concluded, and the investigation report provided to the Superintendent not more than 110 business days from the date on which the disclosure of wrongdoing or complaint of reprisal was received.
- 3.29.3 These timelines may be extended by the Superintendent provided that the total extensions granted do not exceed the overall time period for investigation and provision of the investigation report by more than 30 business days, or for a longer period of time if permitted by the Commissioner.

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3.30 Reporting

- 3.30.1 The Designated Officer shall provide a written investigation report to the Superintendent detailing whether the disclosure was substantiated and provide recommendations on corrective action.
- 3.30.2 Where the Designated Officer is considering a recommendation to the Superintendent that the Superintendent exercise authority delegated to him or her by the Board to suspend or terminate a teacher or administrative designation under the Education Act, the Designated Officer shall consult with legal counsel concerning the necessary process.
- 3.30.3 The Superintendent shall consider the recommendations in the investigation report, and shall be responsible for determining what action, if any, including disciplinary action, shall be taken. The Superintendent shall follow up with the employees responsible to ensure those actions are taken.
- 3.30.4 The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the Superintendent's actions resulting from the written investigation report.

3.31 Annual Reporting

The Designating Officer will prepare an annual report on all disclosures that have been made under PIDA. This annual report will include the following information:

- 3.31.1 The number of disclosures received by the Designated Officer;
- 3.31.2 The number of disclosures acted on;
- 3.31.3 The number of disclosures not acted on by the Designated Officer;
- 3.31.4 The number of disclosures commenced by the Designated Officer as a result of disclosures, and

References: Policy 120 - Harassment Policy
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3.31.5 In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing, and any recommendations made, or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.

3.32 Communication

Principals/supervisors shall ensure this Policy is reviewed with all employees and made accessible to them prior to the start of each school year.

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2.1.2.2 a substantial and specific danger to the environment;

2.1.3 Gross mismanagement of public funds or a public asset, ~~and;~~

2.1.4 The delivery of public service, including the management or performance of

2.1.4.1 A contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and

2.1.4.2 the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment;

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Public Interest Disclosure (Whistleblower Protection) Act ~~2018~~ Statutes of Alberta, 2012

Chapter P-39.5 (PIDA)

Public Interest Disclosure (Whistleblower Protection) Regulation Alberta Regulation 71/2013

Freedom of Information and Privacy Act, ~~2018~~ Revised Statutes of Alberta 200 Chapter F-25

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2.1.5 employees, by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
~~2.1.3~~2.1.6 a wrongdoing prescribed in the regulations; and

~~2.1.4~~2.1.7 Knowingly directing or counselling an individual to commit a wrongdoing mentioned above.

2.2 Reprisal – A reprisal is an adverse employment action including: dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, changes to hours of work, reprimand, or any measure that adversely affects the employee’s employment or working conditions, including threats to do any of the aforementioned actions. This section applies to an employee or a prescribed service provider who has, in good faith:

2.2.1 Requested advice about making a disclosure as described in section 8 of Public Interest Disclosure (Whistleblower Protection) Regulation or, in the case of an employee of a prescribed service provider, the regulations made under Part 1.2, whether or not the employee made a disclosure;

2.2.2 Made a disclosure under PIDA ;

2.2.3 Co-operated in an investigation under PIDA;

2.2.4 Declined to participate in a wrongdoing, or

2.2.5 Done anything in accordance with PIDA.

2.3 Good Faith – An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith. Good faith describes being honest of purpose, faithful to one’s duty or obligation, and an honest intention to abstain from taking advantage of another.

3.0 GUIDELINES

3.1 The Division has a responsibility to detect wrongdoing in order to positively impact the reputation, effectiveness, and finances of the Division, and enhance the working environment for all employees.

3.2 The Division shall provide clear guidance for the safe disclosure of any wrongdoing and to protect employees against retaliatory action for complaints made in good faith.

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- 3.3 The Division shall provide a process for managing, investigating, and making recommendations respecting disclosures of wrongdoings and reprisals consistent with the Public Interest Disclosure (Whistleblower) Act (PIDA).
- 3.4 The Chief Education Officer (CEO) is the Superintendent of the Board and responsible for the administration and reporting required under PIDA. The Associate Superintendent, ~~People Services~~[Human Resources](#) is the “Designated Officer” to manage and investigate disclosures under PIDA.

3.5 Confidentiality

- 3.5.1 Maintaining confidentiality is critical to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a disclosure being received through to the end of the investigation and report release.
- 3.5.2 Employees must not share information or evidence regarding disclosures or wrongdoing with fellow employees who do not have a need to know such information and who are not authorized to address disclosures.
- 3.5.3 The Designated Officer will enhance confidentiality, by sharing information with as few people as are required to handle disclosures and will disclose information only as necessary for this Policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice. Confidentiality is also subject to the provisions of the Freedom of Information and Protection of Privacy Act.
- 3.5.4 All participants in an investigation shall keep confidential:
- 3.5.4.1 The identity of individuals involved in the disclosure process.
 - 3.5.4.2 The identity of individuals alleged to have committed the wrongdoings.
 - 3.5.4.3 The identity of witnesses.

References: Policy 120 - Harassment Policy
Public Interest Disclosure ([Whistleblower Protection](#)) Act ~~2018~~[Statutes of Alberta, 2012](#)
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- 3.6 An employee who reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed, or who has been asked to commit a wrongdoing, has a duty to make a disclosure to the Designated Officer.
- 3.7 An employee who knowingly makes deliberately false and/or malicious allegations of wrongdoing may be subject to disciplinary action up to and including termination of employment.
- 3.8 At the time an employee makes a disclosure to the Designated Officer, the employee may also make the disclosure to the Commissioner and advise the Commissioner that the disclosure has been made to the employee's Designated Officer. Further information on contacting the Commissioner can be obtained by visiting the Commissioners website at www.yourvoiceprotected.ca.

~~3.9 An employee may only disclose directly to the Commissioner and circumvent their CEO and/or the Designated Officer if:~~

~~3.9.1 The employee has made a disclosure in accordance with the expectations of this Policy and an investigation has not been completed in accordance with these procedures;~~

~~3.9.2 The employee has made a disclosure in accordance with the expectations of the disclosure requirements of this Policy and the matter has not been resolved within the timelines established within these procedures;~~

~~3.9.3 The employee has made a disclosure to the Designated Officer, but is unable to complete the disclosure requirements because of a reprisal directed towards the employee, or reasonably believes a reprisal is likely to be taken or directed towards them should the disclosure be made in accordance with these requirements;~~

~~3.9.4 The employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment, such that there is insufficient time to make a disclosure to the Designated Officer, the Employee may make a complaint directly to the~~

References: Policy 120 - Harassment Policy

Public Interest Disclosure (Whistleblower Protection) Act ~~2018~~ Statutes of Alberta, 2012

Chapter P-39.5 (PIDA)

Public Interest Disclosure (Whistleblower Protection) Regulation Alberta Regulation 71/2013

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~~Commissioner. The employee must also disclose the wrongdoing to the Designated Officer as soon as practicable thereafter;~~

~~3.9.5 The employee has made a disclosure in accordance with this Policy, the investigation has been completed, a final decision has been issued in respect of the disclosure and the employee is dissatisfied with the decision, and/or~~

~~3.9 the subject matter of the disclosure involves the CEO or Designated Officer. If an employee of a department, public entity or office reasonably believes that the employee has information that could show that a wrongdoing has been committed or is about to be committed, or that could show that the employee has been asked to commit a wrongdoing, the employee may make a disclosure~~

~~3.9.1 to the employee's designated officer in accordance with procedures established under PIDA section 5, and~~

~~3.9.63.9.2 subject to section PIDA 12, to the Commissioner in accordance with PIDA section 15.1.~~

3.10 In the event that disclosure to the Designated Officer is not appropriate due to a conflict of interest with respect to the nature of the disclosure or the person involved, the Designated Officer shall refer the matter to the ~~CEO~~ Superintendent

3.11 In the event of a disclosure to the Designated Officer concerning the conduct of the ~~CEO~~ Superintendent, or concerning which the ~~CEO~~ Superintendent has a conflict of interest, the Designated Officer shall:

3.11.1 Advise the Board Chair of the nature of the disclosure, whereupon the Board may authorize an investigation into the disclosure, and

3.11.2 Advise the Commissioner of the disclosure and its referral to the Board and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.

3.12 If the Designated Officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health, or safety of individuals, or to the environment, the Designated Officer shall as soon as reasonably practicable refer the disclosure to the Commissioner.

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- 3.13.1 A disclosure relating to an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, or
 - 3.13.2 That the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school, the Designated Officer shall also ensure that appropriate persons within the Board have sufficient information to abate that risk.
- 3.14 Where at any point following a disclosure, the Designated Officer has reason to believe that the alleged wrongdoing, if true, could potentially give rise to the opinion that the welfare of students is threatened by the presence of a teacher, the Designated Officer shall advise the [CEO-Superintendent](#) of the alleged wrongdoing for consideration of a possible administrative suspension.
- 3.15 Anonymous disclosures will be dealt with in accordance with the provisions of this Policy.
- 3.16 Investigations**
- 3.16.1 The Designated Officer may request advice from the Commissioner with respect to the management and investigation of a disclosure.
- 3.17 Upon receiving a disclosure, the Designated Officer shall make a decision whether to investigate.
- 3.18 Where the Designated Officer is of the opinion that the subject matter of a disclosure would be more appropriately dealt with by a department of the Government of Alberta, an office of the Legislature, or another public entity, the Designated Officer shall report the subject matter of the disclosure to the Designated Officer of that other entity.
- 3.19 Should the subject matter of the disclosure be more appropriately dealt with according to another policy or procedure of the Board, another Act, or regulation, or procedures under a collective agreement or employment contract, the Designated Officer may decline to investigate under the parameters of this Policy.

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Public Interest Disclosure ([Whistleblower Protection](#)) Act ~~2018~~[Statutes of Alberta, 2012](#)
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- 3.22.1 As necessary for this Policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;
 - 3.22.2 In accordance with PIDA or any other statute;
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- 3.24 The Designated Officer may decline to investigate where the disclosure:
- 3.24.1 Is clearly frivolous or vexatious, not been made in good faith, has not been made in a timely enough manner to permit an investigation, or does not deal with a wrongdoing;
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References: Policy 120 - Harassment Policy
Public Interest Disclosure ([Whistleblower Protection](#)) Act ~~2018~~[Statutes of Alberta, 2012](#)
[Chapter P-39.5 \(PIDA\)](#)
[Public Interest Disclosure \(Whistleblower Protection\) Regulation Alberta Regulation 71/2013](#)
Freedom of Information and Privacy Act, ~~2018~~[Revised Statutes of Alberta 200 Chapter F-25](#)

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- 3.25 Where in the course of an investigation, the Designated Officer has reason to believe that an offense has been committed under an Act or regulation of the Province of Alberta, or under an Act or regulation of the Parliament of Canada, the Designated Officer shall report the potential offense to the appropriate law enforcement authorities.
- 3.26 If more than one disclosure of wrongdoing is received by the Designated Officer in respect to the same matter, a single investigation may be conducted into the wrongdoing.
- 3.27 Where, in the course of an investigation, the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed; the Designated Officer shall investigate that other potential wrongdoing as if a disclosure had been made.
- 3.28 The Designated Officer is not required to investigate a disclosure or, if an investigation has been initiated, may discontinue the investigation if more than 2 years have passed since the date that the wrongdoing was discovered.

3.29 Timelines

- 3.29.1 The Designated Officer shall acknowledge receipt of the disclosure or complaint of reprisal to the employee making the disclosure or complaint within five (5) business days from receipt of the disclosure or complaint. An employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised, no more than 10 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received, whether an investigation will be undertaken.
- 3.29.2 The investigation must be ~~concluded~~concluded, and the investigation report provided to the ~~CEO-Superintendent~~ not more than 110 business days from the date on which the disclosure of wrongdoing or complaint of reprisal was received.
- 3.29.3 These timelines may be extended by the ~~CEO-Superintendent~~ provided that the total extensions granted do not exceed the overall time period for investigation and provision of the investigation report by more than 30

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business days, or for a longer period of time if permitted by the Commissioner.

3.30 Reporting

- 3.30.1 The Designated Officer shall provide a written investigation report to the CEO Superintendent detailing whether the disclosure was substantiated and provide recommendations on corrective action.
- 3.30.2 Where the Designated Officer is considering a recommendation to the CEO Superintendent that the Superintendent exercise authority delegated to him or her by the Board to suspend or terminate a teacher or administrative designation under the Education Act, the Designated Officer shall consult with legal counsel concerning the necessary process.
- 3.30.3 The CEO Superintendent shall consider the recommendations in the investigation report, and shall be responsible for determining what action, if any, including disciplinary action, shall be taken. The CEO Superintendent shall follow up with the employees responsible to ensure those actions are taken.
- 3.30.4 The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the CEO's Superintendent's actions resulting from the written investigation report.

3.31 Annual Reporting

The Designating Officer will prepare an annual report on all disclosures that have been made under PIDA. This annual report will include the following information:

- 3.31.1 The number of disclosures received by the Designated Officer;
- 3.31.2 The number of disclosures acted on;
- 3.31.3 The number of disclosures not acted on by the Designated Officer;

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- 3.31.4 The number of disclosures commenced by the Designated Officer as a result of disclosures, and
- 3.31.5 In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing, and any recommendations ~~made~~made, or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measure was taken.

3.32 Communication

Principals/supervisors shall ensure this Policy is reviewed with all employees and made accessible to them prior to the start of each school year.

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[Public Interest Disclosure \(Whistleblower Protection\) Regulation Alberta Regulation 71/2013](#)
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