

## **PUBLIC INTEREST DISCLOSURE**

### **Background**

The Division has as part of its core values, the principles of integrity, respect and care, and expects all of its employees to demonstrate high ethical standards in their work.

The importance of working to deter and detect wrongdoing within Division operations and of promoting public confidence in the administration of the Division is recognized.

The Division is committed to maintaining a positive and supportive environment whereby employees are provided with clear guidance for seeking advice and, if necessary, disclosing wrongdoing without fear of reprisal, knowing that such disclosures will be taken seriously.

On June 1, 2013, the Province of Alberta enacted the Public Interest Disclosure (Whistleblower Protection) Act (“the Act”) in order to:

- Facilitate the disclosure and investigation of significant and serious matters in or relating to public bodies, including school boards, that an employee believes may be unlawful, dangerous to the public, or injurious to the public interest.
- Protect employees who make those disclosures.
- Manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals.
- Promote public confidence in the administration of public bodies

The Division will provide an environment that will allow employees to come forward to disclose wrongdoing without fear of reprisal, consistent with the Public Interest Disclosure (Whistleblower Protection) Act and related Regulations.

### **Procedures**

#### **1. Designation of Chief Officer**

- 1.1 The Superintendent is designated the Chief Officer for the purpose of the overall administration and reporting required under the Act.

#### **2. Designation of Designated Officer**

- 2.1 The Secretary Treasurer is designated the Designated Officer for the purpose of administering and investigating disclosures under the Act.

#### **3. This Administrative Procedure applies to wrongdoings in or relating to the Division, its schools, departments and employees that involve:**

- 3.1 A contravention of an Act of Alberta or Canada or the Regulations related to those Acts, or

- 3.2 An act or omission that creates:
  - 3.2.1 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, or
  - 3.2.2 A substantial and specific danger to the environment, or
- 3.3 Gross mismanagement of public funds or a public asset, or
- 3.4 Knowingly directing or counselling an individual to commit one (1) of the wrongdoings listed above.

#### 4. No Reprisals

- 4.1 An employee who, in good faith
  - 4.1.1 Seeks advice about making a disclosure,
  - 4.1.2 Makes or made a disclosure,
  - 4.1.3 Co-operated in an investigation, or
  - 4.1.4 Declined to participate in a wrongdoing

will not be subject to actions or threats of dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work, or reprimand, or any other measure that adversely affects the employee's employment or working conditions.

- 4.2 An employee may make a written complaint to the Public Interest Commissioner if the employee alleges that a reprisal has been taken or directed against the employee. Such a written complaint must, according to the Act, be made on the Complaint of Reprisal Form (Form 403-1).
- 4.3 Reasonable human resource management decisions made in good faith do not constitute a reprisal.

#### 5. Disclosure

- 5.1 Disclosures of wrongdoing must be made to the Designated Officer in writing using the Disclosure of Wrongdoing Form (Form 403-2) which outlines the information required in a disclosure.
- 5.2 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 life, health or safety of individuals, or to the environment, the Designated Officer shall as soon as reasonably practical refer the disclosure to the Commissioner.
- 5.3 Notwithstanding whether a disclosure is referred to the Commissioner, where the Designated Officer is aware of a disclosure relating to an imminent risk of a substantial or specific danger to life, health or safety of individuals, or to the environment, or 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 Division have sufficient information to act to abate that risk.
- 5.4 In the event that disclosure to the Designated Officer is not appropriate due to conflict

of interest with respect to the nature of the disclosure or the person involved, disclosure may be made to the Superintendent (the Chief Officer).

- 5.5 In the event of a disclosure to the Designated Officer concerning conduct of the Chief Officer, or concerning which the Chief Officer has a conflict, the Designated Officer shall:
  - 5.5.1 Advise the Board Chair of the nature of the disclosure, whereupon the Board may authorize investigation into the disclosure;
  - 5.5.2 Advise the Commissioner of the disclosure and its referral to the Board, and seek advice from the Commissioner concerning whether the disclosure is to be referred to the Commissioner.
- 5.6 Disclosures of matters dealing with “imminent risk” (matters that require immediate attention as they pose significant risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner, who will then communicate with the appropriate authorities. The employee must also disclose the wrongdoing to the Designated Officer as soon as practicable thereafter.
- 5.7 Anonymous disclosures may be dealt with, but an investigation may be hampered by the request for anonymity.

## 6. Investigations

- 6.1 Every disclosure will have a file created using the Disclosure File Coversheet Form (Form 403-3) and the Designated Officer will create a log to track disclosures and/or requests for advice under the Public Interest Disclosure Act.
- 6.2 Upon receiving a disclosure, the person receiving the disclosure shall determine whether or not an investigation is warranted.
- 6.3 An investigation may involve both internal and external sources to assist in determining whether a wrongdoing has occurred and what corrective action may be appropriate.
- 6.4 Confidentiality of the discloser of a wrongdoing shall be maintained to the extent possible consistent with the need to conduct an adequate investigation.
- 6.5 Investigations shall be conducted in accordance with the principles of fairness and natural justice.

## 7. Timelines

- 7.1 A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than five (5) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received.
- 7.2 The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised no more than ten (10) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received of whether an investigation will be made.
- 7.3 An investigation must be concluded not more than one hundred and ten (110) business days from the date on which the disclosure of wrongdoing or complaint or reprisal is received. The employee who submitted a disclosure of wrongdoing or

complaint of reprisal shall be advised of the result of the investigation in writing.

- 7.4 These timelines may be extended by up to thirty (30) days by the Superintendent, or for a longer period of time if approved by the Public Interest Commissioner.

## 8. Good Faith

- 8.1 An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
- 8.2 Deliberately false or malicious allegations by an employee will form the grounds for disciplinary action up to and including termination of employment.

Adopted/Revised: JUN 2016/NOV 2019

Reference: Section 33, 52, 53, 68, 196, 197, 203, 204, 222, 225 Education Act  
Public Interest Disclosure (Whistleblower Protection) Act  
Teaching Profession Act  
Public Interest Disclosure (Whistleblower Protection) Regulation  
ATA Code of Professional Conduct