

The logo for Summit West Independent School features the school's name in a serif font, centered within a light gray rectangular box. This box is flanked by two horizontal maroon bars, one above and one below.

S U M M I T W E S T
Independent School

POLICY TITLE:
Whistleblower Policy & Procedure

Board Approval:
Board Review:

OBJECTIVE:

Summit West Independent School is committed to providing students the best possible, quality learning opportunities in a safe and caring environment characterized by behaviour consistent with the school's stated moral and ethical beliefs.

In this context, the Board of Directors and Principal, teachers and other employees, parents and their children, and members of the supporting school community must be assured that their concern about any wrongdoing will be taken seriously in the best interest of the school and all members of its community.

Teachers and other employees have the right and obligation to report any wrongdoing.

Summit West Independent School commits that any disclosure of wrongdoing or alleged wrongdoing reported to the Principal, will be properly reviewed and investigated and then acted upon by the school, as appropriate.

An employee making a disclosure in good faith will be protected against reprisal or other detrimental impacts within the power of the school.

A copy of the school's whistleblower policy and procedures is available in the school office and on the school's website. All employees will receive an electronic copy of the document.

PURPOSE:

The purpose of the whistleblower procedures is to allow teachers and other employees to report any wrongdoing to the Principal so that the matter may be addressed in keeping with the principles of due process and of fundamental justice.

Should the individual witnessing or alleging wrongdoing report the matter to the Public Interest Commissioner, as named under Alberta's *Public Interest Disclosure Act*, the Principal will make every effort to assist the Commissioner and his office in dealing with said report of wrongdoing and to bring the matter to a reasonable and just conclusion.

Wrongdoing includes:

1. a contravention of Canadian and Alberta legislation, including regulations and requirements mandated by legislation;
2. an act of omission that creates
 - a. a substantial and specific danger to the life, health, or safety of individuals other than a danger inherent in the performance of duties or functions of an employee, or
 - b. a substantial and specific danger to the environment;
3. gross mismanagement of public and/or school funds or assists; and
4. knowingly directing or counselling an individual to commit a wrongdoing mentioned above.

Pursuant to Alberta's *Public Disclosure (Whistleblower) Protection Act*, this policy and attendant procedures aim to:

- facilitate disclosure and investigation of serious wrongdoing at Summit West Independent School as defined in the Act and outlined in the school's policy
- protect employees and others who make disclosures in good faith
- manage, investigate and make recommendations in respect to disclosures of wrongdoing and reprisals for disclosure, and
- promote confidence in the administration and operations of school among all members of the school community.

DEFINITIONS:

1. "Chief Officer" means the school Principal
2. "designated officer" means the school Principal will manage and investigate any disclosure under this policy
3. "teacher or employee" means a teacher or individual employed by, or a teacher or employee who has suffered a reprisal, including a termination, owing to a disclosure.
4. "public entity" means an accredited private school including Summit West Independent School
5. "wrongdoing" means:
 - a. a contravention of Canadian and Alberta legislation, including regulations, and school policies and requirements mandated by legislation
 - b. an act or omission that creates
 - i. a substantial and specific danger to the life, health, or safety of individuals other than a danger inherent in the performance of duties or functions of an employee, or
 - ii. a substantial or specific danger to the environment;
 - iii. gross mismanagement of public and/or school funds
 - iv. knowingly directing or counselling and individual to commit a wrongdoing mentioned above.

6. “reprisal” means any adverse employment action, or adverse action taken against a parent or student or member of the school community who seeks advice about making a disclosure, makes a disclosure, cooperates in investigating a disclosure, or refuses to participate in obscuring or hiding a disclosure. The meaning of “reprisal” may include adverse employment related action, including dismissal, layoff, suspension, demotion or transfer, elimination of a position, reduction in wages or hours of work, or a reprimand; any other measures that adversely impact an individual including bullying, shaming or shunning; and, threats to do any of the above.

POLICY:

1. The Disclosure Process

- 1.1. Employees who have witnessed a wrongdoing should report to the school’s Chief Officer, any of the following or any other matter the represents wrongdoing:

- Corrupt conduct
- Fraud and theft
- Official misconduct
- Maladministration
- Waste of public resources
- Reprisal against a report of wrongdoing
- Endangerment of the health and safety of students, staff or the public
- Endangering the environment
- Any other matter the reporting individual, in good faith, deems to be serious wrongdoing

- 1.2. When reporting a matter, the individual should

- a. not discuss the matter to others in order to better enable the organization to protect the reporting individual from reprisal or detrimental action;
- b. make the report to the Chief Officer as defined in this policy and procedures document, or, if the report is about the Chief Officer, then the individual should report the matter to Alberta’s Public Interest Commissioner;
- c. recognize that the Chief Officer may refer the matter reported, where appropriate, to a person or body charged with addressing such matters, for example, to a student conduct committee, to a staff grievance body, or to a board appeal committee;
- d. understand that any report made should be made in good faith and on reasonable grounds and not false, misleading or vexatious;
- e. understand that reporting wrongdoing does not absolve the reporting individual from disciplinary action, if the individual had a role in the wrongdoing;
- f. report the matter internally; and,

- g. report the matter to the Public Interest Commissioner if in fear of reprisal or for the record.
 - 1.3. The Chief Officer, when receiving a report will
 - a. establish that the individual making the disclosure is formally reporting the matter and if so, the Chief Officer will commit to handling the matter through the process established under this policy and procedures document;
 - b. make a determination about whether the disclosing individual requires any form of protection or support as a result of making the disclosure;
 - c. determine the urgency of the disclosure;
 - d. ascertain whether the disclosing individual has informed any other person within the school community of the matter being disclosed;
 - e. ensure that the individual making the disclosure is aware of his or her right to report in other ways, if appropriate, or the Commissioner under the Act;
 - f. inform the disclosing individual that a disclosure must be in writing and include a description of the wrongdoing, the name of the individual or individuals alleged to have committed a wrongdoing or about to commit a wrongdoing, the date and time of the wrongdoing, and any other information deemed important;
 - g. establish whether the matter has already been disclosed to the Commissioner; and, if so, inform the disclosing person that prior to proceeding with the disclosure, the Chief Officer will communicate with the Commissioner's office to determine how best to proceed without duplication;
 - h. recommend, if appropriate, that the disclosing individual, should direct the disclosure, if he or she has not already done so, to another appropriate body, for example, a governing board committee or external body such as the labour relations board; and
 - i. keep the disclosing person informed about timelines applicable to the disclosure.
 - 1.4. The Chief Officer will ensure that the individual making a disclosure clearly understands that any review and investigation of a disclosure is consistent with the principles of procedural fairness and natural justice, including the requirements that:
 - a. any decision made must be in keeping with the policies of the school, applicable codes of conduct, standards and Alberta and Canada legislation;
 - b. the person about whom a disclosure is made will be informed about the substance of the allegation or disclosure, and supporting evidence, possible impending recommendation(s) or decision(s), relevant criteria for possible recommendations or decisions and possible consequences, including penalties;
 - c. the person about whom a disclosure is made will be provided with a reasonable opportunity to be heard or respond (orally or in writing) to

- an allegation or disclosure before a recommendation or decision is finalized;
 - d. any person making a recommendation or decision in respect to a disclosure review investigation will do so without personal interest in the outcome;
 - e. any review and investigation will follow the prescribed timelines whereby a disclosure is: i) acknowledged within five business days of receipt, ii) a decision is made and the disclosing individual is informed about the decision to proceed or not proceed with a review of investigation within 10 days of receipt of the disclosure, and the investigation report must be complete within 110 days of receipt of disclosure;
- 1.5. When a disclosure is made about an alleged wrongdoing, the Chief Officer must:
- a. to the extent possible, ensure the confidentiality of the individual making the disclosure, the individual about whom the disclosure is made and any witnesses that may be related to the disclosure;
 - b. once an investigation report is completed and provided to the Chief Officer, ensure the confidentiality of the individual making the disclosure, the individual about whom the disclosure was made and any witnesses related to the disclosure

2. Roles and Responsibilities in Respect to Disclosures

- 2.1. A teacher or other staff member employed by the school may make a disclosure in writing to the Chief Officer.
- 2.2. A written disclosure may be made using the form in Appendix A of this document or in a manner that provides the information outlined in Appendix A.
- 2.3. It is understood that Summit West Independent School has designated officers who have clear responsibilities with respect to disclosures.
- 2.4. The Chief Officer of the school is responsible for:
 - a. maintaining an environment in which disclosure of wrongdoing is viewed as a responsibility and obligation on the part of all engaged in the school community;
 - b. communicating to the school community the commitment of the school to the highest standards of ethical and accountable conduct;
 - c. establishing an ongoing process for ensuring that those engaged in the life of the school are aware of the whistleblower policy and have access to the procedures for disclosing wrongdoing;
 - d. ensuring that members of the school community are aware of the internal disclosure procedure and the school's commitment to upholding the protection Alberta legislation affords individuals making a disclosure;
 - e. carry out the duties outlined in 1.3 and 1.4 above;
 - f. naming a designated officer, who may be a senior person internal to the school or a person contracted by the school who will investigate (or

- designate an investigator), report and make findings and recommendations in respect to a disclosure of alleged wrongdoing.
 - g. providing resources, including making available documents, staff and space that enables the designated officer to reasonably investigate, report and make recommendations for action in respect to a disclosure.
 - h. receiving a report and recommendations in respect to a disclosure and taking action on recommendations in keeping with required timelines;
 - i. ensuring that due processes are in place to mitigate the risk of reprisals;
 - j. managing the workplace to reduce the impact of reprisals or threats or reprisal;
 - k. reporting to the Commissioner any reprisal or threat of reprisal against a person making a disclosure and providing witness information about a disclosure;
 - l. taking remedial action in respect to any finding arising from a disclosure of alleged wrongdoing and recommending to the governing board changes to school policy or him or herself amending operational procedures to address any future systemic issues; and,
 - m. where the school is relatively small and the Chief Officer names designated officers (and/or investigators) external to the school then the Chief Officer will maintain a tracking system for disclosures of wrongdoing, resulting reports, and the disposition of matters raised and provide annually information to the school official responsible for producing the school's annual report under legislation governing independent schools.
 - n. ensure that information about PIDA related disclosure is annually reported as part of the annual education results report.
- 2.5. The designated officer is an individual appointed by the Chief Officer to review, investigate and report on a disclosure of alleged wrongdoing.
- 2.5.1. The designated officer may be a senior school official who enjoys credibility with staff, parents, students and the supporting school community on the basis of preparation and experience; or, the designated officer may be a contracted individual external to the school [from the list of those individuals pre-screened by AISCA who have received appropriate training] who will serve as the designated officer upon being so named by the Chief Officer in respect to a specific disclosure.
- 2.5.2. Whether internal or external, pursuant to 2.5.1 above, the designated officer shall be an individual who:
- a. has strong interpersonal and communication skills;
 - b. understands the tasks of reviewing, investigating, reporting and making findings and recommendations must be completed in an unbiased manner that is evidence based;
 - c. respects the evidence and views of all concerned;
 - d. makes sound, fact based judgements;

- e. has investigation and or reporting expertise or access to such expertise; and,
 - f. has a sound understanding and appreciation of the letter and spirit of Alberta's PIDA, legal considerations that may arise and a sound understanding of the school's policy framework.
- 2.5.3. The designated officer is responsible for carrying out duties pursuant to Alberta's PIDA, including:
- a. liaising with the Chief Officer and the Office of the Public Interest Commissioner in respect to a disclosure, or if a designated officer internal to the school, in respect to any disclosure generally;
 - b. if a designated officer internal to the school, maintaining a tracking system for all disclosures;
 - c. making a determination in respect to a disclosure whether it in fact constitutes a public interest disclosure in keeping with the *Whistleblower Act*;
 - d. if the designated officer determines that the disclosure may not constitute a public interest disclosure, then the officer shall report accordingly, in writing, to the Chief Officer and the individual who made the disclosure, and include a recommendation, if appropriate, a legitimate avenue or avenues whereby the substance of the disclosure may best be appropriately addressed;
 - e. appoint, if appropriate, a separate investigator;
 - f. manage the disclosure process and oversee the investigator if the designated officer has engaged a separate individual to serve as the investigator of the disclosure;
 - g. establish and maintain a confidential filing system that contains all relevant information related to a disclosure;
 - h. review the evidence compiled in the course of the investigation of a disclosure and make findings and recommendations to the Chief Officer;
 - i. advise the individual who made the initial disclosure of the status of the investigation into said disclosure and inform the individual of the final outcome of the investigation;
 - j. take all reasonable measures to keep confidential the identity of the individual making a disclosure as well as the individual(s) who may be the focus of the disclosure;
 - k. take all reasonable measures to protect from reprisals individuals making a disclosure or providing evidence in respect to a disclosure;
 - l. provide to the Chief Officer and the individual who made the disclosure, in writing, a report of the investigation, the outcomes and the recommendations for action;
 - m. if an internal designated officer, maintain a tracking system for disclosures of wrongdoing, resulting reports, and the disposition of matters raised and provide information annually to the Chief Officer or school official responsible for producing the school's annual education results report.

3. Confidentiality and Disclosures

- 3.1. Information about a disclosure must be
 - a. shared only among the investigator (if a separate individual), the designated officer and the Chief Officer;
 - b. stored on paper and on electronic files that are kept separate, and to which access is
 - i. limited to only those in 3.1 a) above
 - ii. held in locked filing cabinets the contents of which are marked “confidential”
 - iii. and/or in password protected electronic files;
- 3.2. The designated officer whether internal or external shall advise the individual making a disclosure of the risks to confidentiality and the circumstances under which confidentiality may not be maintained, including but not limited to;
 - a. the impact of the disclosing individual having shared the matter at hand with others within the school;
 - b. the likely probability that issue at the heart of the disclosure will be attributed to the individual making the disclosure;
 - c. the ability of investigating the issue without alerting those in the school about the identity of the individual making the disclosure;
 - d. the *Whistleblower Act* applies notwithstanding a code of professional conduct providing that may result in a negative impact on the person making a disclosure, if the person about whom the disclosure being made is not informed prior to the disclosure;
 - e. the intent of the Act to protect the individual against threats or reprisals for the reporting of wrongdoing;
 - f. the possibility that the issue at the heart of the disclosure may or must be addressed, by the designated officer if he or she believes there is reason to believe that it must be reported or disclosed through another process, for example, a report to the police or a complaint about professional conduct or practice, and that such complaints may involve identifying the person making a disclosure

4. Anonymous Disclosures

- 4.1. Under Section 21 of Alberta’s PIDA, a person may make an anonymous disclosure directly to the Public Interest Disclosure Commissioner. The Commissioner may choose to investigate the matter or refer the disclosure to a public entity, including an independent school, to investigate and address; where the Commissioner refers a matter, the Commissioner may request regular updates and follow up as to the status of the matter, including recommendations and the extent to which they have been implemented.
- 4.2. An anonymous report must contain sufficient information to permit the Commissioner or a public entity to review or investigate the matter:
 - a. sufficient information is defined as the information in Appendix A, with the exception of the name and contact information of the individual making the disclosure;

- b. a person making an anonymous disclosure must be aware that the issues or risks described under section 3.2 above of this document may apply in the case of an individual making an anonymous disclosure;
- c. notwithstanding the issues and risks involved in making a disclosure, anonymous or otherwise, the school's officers will take all reasonable measures, including those under section 31. above, to maintain the anonymity of a disclosure.

5. Publishing Public Disclosure Information

- 5.1. The Chief Officer, or where a designated officer is internal to the school, shall maintain annual records that include:
 - a. the number of disclosures received within the school year;
 - b. the number of disclosures acted on and not acted on, including reasons in cases where the disclosure was not acted on;
 - c. the number of investigations pursued by the designated officer and/or an investigator named by the designated officer;
 - d. in the case of investigations that resulted in a finding of wrongdoing, a description of the wrongdoing, recommendations for action in the investigation report and remedial actions taken in respect to recommendations, or where no action was taken, the reason(s) for no action being taken.
- 5.2. The information outlined in section 5.1 shall be annually reported in a section of the school's annual education results report and a copy of that report must be readily available to all members of the school community and the public.

6. Receiving and Assessing a Disclosure

- 6.1. The Chief Officer of Summit West Independent School shall receive all disclosures, acknowledge receipt of a written disclosure and refer the disclosure to the internal or external designated officer for review and investigation within the required timelines.
- 6.2. The Chief Officer, at the request of the designated officer may extend the timelines applicable to the processing of a disclosure as per section 1.4 e) above
- 6.3. The Chief Officer shall put in place a file tracking system for disclosures that includes but is not limited to the following:
 - a. the original copy of the complaint including the date, time and by whom it was received;
 - b. confirmation receipt and notification of complainant and confirmation of adherence to the required timelines as per section 1.4 e) above
 - c. information collected as part of the review or investigation of a disclosure, including documents, list of witnesses, witness interviews signed by witnesses and any other artifacts;
 - d. the designated officer's and investigator's report (if the investigator is other than the designated officer) including findings and recommendations for action and,

- e. implementation of report recommendations or actions taken or not taken, including reason for inaction.
- 6.4. The Chief Officer will make a preliminary analysis of the alleged wrongdoing to assure it constitutes a wrongdoing under this policy and Alberta's PIDA.
- a. Not included in an alleged wrongdoing is a "grievance" which is a personal complaint about a complainant's own employment situation; in a public interest disclosure, the person making a disclosure is normally a witness, whereas in a grievance, an employee is normally a complainant.
 - b. The Chief Officer also may make a determination that the matter is one that should forthwith be reported to the appropriate police services, or is better addressed as a professional conduct or professional practice complaint.
 - c. Where the Chief Officer makes a determination under b) above, then the Chief Officer will afford the disclosing individual the opportunity to make the required report or complaint; or failing timely action on the part of the disclosing individual, the Chief Officer will initiate the report or make the complaint;
 - d. On the basis of information available, the Chief Officer may determine that the subject of the disclosure constitutes a dispute or difference between or among individuals and parties and may recommend to the individual making the disclosure and another party, recourse to a mediation process;
 - e. if a Chief Officer takes action under a) b) c) or d) above, the officer will maintain written record of the disposition of the matter.
- 6.5. When making the preliminary analysis if the disclosure, the Chief Officer will take into account the following matters and determine:
- a. the validity and credibility of the information provided, including, if necessary, interviewing the individual making a disclosure;
 - b. the gravity of the disclosure for the individual making the disclosure, for the school and the education system, including independent schools generally and the public interest generally;
 - c. whether the complaint is trivial, frivolous or vexatious, if possible;
 - d. whether the critical nature of the disclosure requires immediate action, for example in the case of a criminal act or impending criminal act, or, an imminent concern for the health and safety of students of other members of the school community;
 - e. if other dispute resolution processes may redress the alleged wrongdoing more effectively than the PIDA process;
 - f. sources of information that may provide sufficient support to prove or disprove the disclosure;
 - g. take into account the time that has elapsed between the alleged wrongdoing and the disclosure of the wrongdoing;
 - h. review all aspects of the disclosure and make an assessment of the likelihood of a reprisal against the individual making the disclosure and put in place, to the degree possible, mitigating measures; and,

- i. provide in writing to the individual making the disclosure and to the disclosure file, the reasons for proceeding or not proceeding, with said disclosure.
 - 6.6. The designated officer or the investigator, if the investigator is a person other than the designated officer, when assigned a disclosure, shall forthwith meet with the individual making the disclosure to:
 - a. clarify, to the extent possible, the substance of the disclosure;
 - b. establish the facts or other evidence that support the disclosure's alleged wrongdoing that has or is likely to occur; and
 - c. identity any corroborating documents, witnesses or artifacts that may assist the investigation.
 - 6.7. The designated officer or the investigator, if the investigator is a person other than the designated officer, when assigned a disclosure and after having completed the steps outlined under 6.6 above, shall develop an investigation plan consistent with the content of Appendix B.
 - 6.8. The designated officer or the investigator, if the investigator is a person other than the designated officer, shall complete a written investigation report providing:
 - a. evidence based supports for the report's findings;
 - b. including in appendices or through clear references, evidence supporting the report's findings; and
 - c. recommendations for action on the part of the school's governing body, Chief Officer or other entity.
7. Identifying and Acting Upon Imminent Risk
- 7.1. Under Section 10(2) of PIDA, an employee who discloses a matter that involves imminent risk is required to disclose the matter directly to the Public Interest Disclosure Commissioner.
 - 7.2. Even though the individual making a disclosure has disclosed the matter to the Commissioner, the individual making the disclosure must also disclose the matter to the Chief Officer of the school where the school does not have an internal designated officer.