

CONNECT CHARTER SCHOOL SOCIETY

Policy Title: **Public Interest Disclosure (Whistleblower)** Policy No. **4.09**

Rationale – The Province of Alberta has enacted the *Public Interest Disclosure (Whistleblower Protection) Act and Regulation(s)* (“PIDA”) in order to:

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

POLICY: The Board of Directors makes provision for the disclosure and investigation of conduct that is believed to be unlawful, dangerous to the public or injurious to the public interest (“Wrongdoing”). Employees are entitled to a positive, supportive environment where they can seek advice and, if necessary, disclose Wrongdoing without fear of reprisal (“Reprisal”), knowing that such disclosures will be taken seriously.

PRINCIPLES:

1. The PIDA will serve as an overriding framework for this policy. The Superintendent, as CEO of the Connect Charter School Board of Directors, will serve as the Chief Officer and the Secretary-Treasurer will serve as the Designated Officer in accordance with PIDA. Complaints of Reprisal are submitted directly to the Public Interest Commissioner, who has exclusive jurisdiction to investigate Reprisals.
2. Connect Charter School (“Connect Charter School” or “School”) expects that its employees will meet ethical standards for personal conduct and work performance, as applicable. These standards include, but are not limited to the following:
 - a. Adhere to all applicable laws and regulations;
 - b. Adhere to all applicable School policies and procedures;
 - c. Adhere to Alberta Education ethical standards for charter schools;
 - d. Adhere to job requirements in a professional and competent manner;
 - e. Provide competent and effective service to the School;
 - f. Avoid real or perceived conflict of interest between responsibilities as an employee and any outside interests; and
 - g. Maintain confidentiality of all records related to an investigation under this Policy 4.09.

3. If any employee suspects or has evidence of Wrongdoing to a member of the School community, they will have an avenue to report their suspicions or evidence to proper personnel, who will act appropriately to address the concern. Employees making disclosures of Wrongdoing should address any urgent concerns about potential criminal activity directly with local law enforcement.
4. An employee who makes a disclosure of a suspected or confirmed incidence of Wrongdoing addressed by this policy shall be protected from Reprisals for disclosing the concerns, provided the concerns were raised in good faith. No Connect Charter School employee or person acting on behalf of the Connect Charter School shall take any act of Reprisal against an employee making a disclosure of Wrongdoing , including:
 - a. Dismissal or threat thereof;
 - b. Discipline, suspension or threat of either;
 - c. Harassment or abuse ;
 - d. Imposition of any penalty, directly or indirectly; and
 - e. Intimidation or coercion.
5. Procedures outlined in this policy should not supersede reporting processes for allegations of unprofessional conduct outlined in the Code of Professional Conduct for teachers or Policy 4.08.
6. The policies and procedures for disclosing Wrongdoing shall be identified on the Connect Charter School website. All members of the Connect Charter School Society, as well as Connect Charter School employees should be aware of this policy and related procedures.

First Reading November 19, 2013

Adopted December 17, 2013

Amended May 8, 2018

Procedures

1. If any employee of the Connect Charter School Society reasonably believes that a Wrongdoing has been committed, is about to be committed, or the employee has been asked to commit a Wrongdoing by a Connect Charter School employee or a person under contract to the Connect Charter School, they shall report their concerns as follows:
 - a. Suspected or actual Wrongdoing of a member of the caretaking team shall be reported to the Principal;
 - b. Suspected or actual Wrongdoing of a teacher or support staff member or the facility supervisor, shall be reported to the Principal;
 - c. Suspected or actual Wrongdoing of a member of school administration shall be reported to the Superintendent;
 - d. Suspected or actual Wrongdoing of the Superintendent shall be reported to the Board Chair; and
 - e. Suspected or actual Wrongdoing not covered by the above statements, shall be reported to the Principal.
 - f. Suspected or actual Wrongdoing of the Board of Directors or of the Secretary-Treasurer or, in the case of a conflict of interest with the Secretary-Treasurer, shall be reported to the Superintendent.
 - g. Suspected or actual Wrongdoing may be reported to the Secretary-Treasurer or directly to the Public Interest Commissioner.
2. Employees who are considering making a disclosure can request information or advice from their supervisor, the Secretary Treasurer, the Superintendent, or the Office of the Public Interest Commissioner. Disclosures must be in writing and include:
 - a. A description of the Wrongdoing;
 - b. The name of the individual or individuals alleged to have committed the Wrongdoing, or to be about to commit the Wrongdoing;
 - c. The date of the Wrongdoing;
 - d. Whether a disclosure in respect of the Wrongdoing has been made under section 5 of the PIDA Act, whether a response has been received, and if so, a copy of the response.
 - e. Any additional information the Secretary-Treasurer or Public Interest Commissioner may reasonably require in order to investigate the matter set out in the disclosure.
3. Any other information prescribed by PIDA Regulation single investigation can be conducted in the circumstances where multiple disclosures are made on the same matter.
4. The person to whom the disclosure of Wrongdoing is made, if not a designated person under Procedure 1 of this policy, shall immediately arrange for the employee who is making the disclosure to contact the appropriate person under Procedure 1. The appropriate person to whom the disclosure of Wrongdoing is made shall take reasonable steps to manage the allegation(s) of wrongdoing without delay for the purpose of determining whether or not to initiate an investigation.
5. All disclosure of Wrongdoing and complaints or Reprisal made shall be documented. The Superintendent is responsible for preparing an annual

report of all disclosures and complaints of Reprisal made to the Secretary-Treasurer under the Act.

- a. Number of disclosures of Wrongdoing and complaints of Reprisal received;
- b. Number of investigations commenced as a result of disclosures of Wrongdoing and complaints of Reprisal;
- c. The number of Wrongdoings and the number where no Wrongdoing was determined;
- d. For all findings of Wrongdoing, any recommendations made or corrective measures taken, or the reasons why no corrective measure was taken.

The Secretary-Treasurer is restricted from publicly identifying in the Annual Education Results Report an employee who sought advice, made a disclosure, or made a complaint of Reprisal and from disclosing individually identifying health information.

6. The Secretary-Treasurer shall be appointed as the Designated Officer by the Superintendent and shall ensure Connect Charter School carries out its responsibilities under the legislation. Key responsibilities include:
 - a. Being a contact point for general advice and guidance about the operation of the Act and the organization's internal process;
 - b. Liaising with the Office of the Public Interest Commissioner and the Superintendent;
 - c. Impartially assessing each disclosure to determine whether it is a public interest disclosure;
 - d. Coordinating the disclosure process and appointing and overseeing an investigator if necessary;
 - e. Reviewing the results of completed investigations, providing the findings and any recommendations to the Superintendent;
 - f. Advising the employee making a disclosure of Wrongdoing or making a complaint of Reprisal of the progress and outcome of the investigation;
 - g. Establishing and managing a confidential filing system and developing a tracking system;
 - h. Investigating other Wrongdoings if, during the investigation of the disclosure, the Secretary-Treasurer has reason to believe that other Wrongdoing has been committed or may be committed;
 - i. Collating and publishing statistics on disclosures made;
 - j. Protecting employees and maintaining confidentiality, including placing restrictions on the right of access to a record that would reveal the identity of a person who has requested advice about making a disclosure, made a disclosure, or submitted a complaint of Reprisal or whose complaints have been referred to the Labour Relations Board, unless that information can reasonably be severed from a record.
7. Every effort shall be made to ensure that confidentiality is maintained throughout the process unless there is an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.

8. There is no obligation to respond to an anonymous communication. The Public Interest Commissioner may consider investigating anonymous disclosures.
9. Timelines
 - a. A disclosure of Wrongdoing or complaint of Reprisal shall be acknowledged not more than five (5) school operational days from the date on which the disclosure or complaint is received.
 - b. The employee who submitted a disclosure of Wrongdoing, shall be advised no more than 10 school operational days from the date on which the disclosure of Wrongdoing or complaint of Reprisal is received of whether an investigation will be made.
 - c. An investigation must be concluded not more than 110 School operational days from the date on which the disclosure of Wrongdoing or complaint of Reprisal is received. The employee who submitted a disclosure or complaint shall be advised of the result of the investigation in writing.
 - d. These timelines may be extended by up to 30 School operational days by the Superintendent, or for a longer period of time if approved by the Public Interest Commissioner with the Province of Alberta.
10. When the results of an investigation reveal reasonable grounds to indicate fraud or a criminal act may have occurred, the file will be turned over to the Calgary Police Service. The Connect Charter School Society shall cooperate fully in any police investigation.
11. Employees may submit a "Complaint of Reprisal" form directly to the Public Interest Commissioner.
12. All employees shall cooperate fully with the investigation. All employees who have knowledge of, or are participants in, an investigation under the Disclosure Policy shall keep details and results of the investigation confidential.
13. Once the making of a disclosure or complaint is received, the Secretary-Treasurer, with support from the Superintendent and the Principal shall take immediate action to prevent the theft, alteration, or destruction of relevant records.
14. At the conclusion of the investigation, the Secretary-Treasurer shall document the results including procedures for enforcement and follow-up or any disciplinary action or corrective measures taken or directed pursuant to PIDA in a confidential report. The report shall be distributed based on the circumstances of the case.
15. When results are of public interest, or if the public becomes aware of the investigation, the Superintendent and Principal and / or Secretary-Treasurer will develop a communications strategy and inform the Board Chair, if appropriate, unless police or legal counsel direct otherwise. The results of the investigation shall not be discussed with the media by any person, other than the Board Chair, the Superintendent or their authorized designate.
16. Updates to this policy may need to be reviewed by the Public Interest Commissioner.