

## **Title: Whistleblower Policy and Procedures**

### **Policy Statement:**

*Trinity Christian School Association is committed to providing students the best possible learning opportunities in a safe and caring environment characterized by behavior consistent with the school's Constitution and Bylaws.*

*In this context, the Board and Superintendent, 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.*

**Approved: M. Lynn Gullackson**  
(Chair of the Board)

**February 3, 2016**  
(Date)

**First Approval Date: February 3, 2016**

**To Be Reviewed: February 2022**

**Review and Amendment Date(s): April 25, 2018**

**Stakeholders Consulted (Date): April 17, 2018**

### **Reference to Documents:**

Alberta's Public Disclosure (Whistleblower) Protection Act

Alberta's Public Interest Disclosure Act

Alberta's School Act, Section 113

Practice Review of Teachers Regulation, Schedule, Section 3

### **A. Principles:**

1. Teachers and other employees have the right and obligation to report any wrongdoing.
2. Trinity Christian School Association (TCSA) commits that any disclosure of wrongdoing or alleged wrongdoing reported to the Superintendent, will be properly reviewed and investigated and then acted upon by the school, as appropriate.
3. An employee making a disclosure in good faith will be protected against reprisal or other detrimental impacts within the power of the school.
4. A copy of the whistleblower policy and procedures will be made available in all Association offices and on all Association websites.

### **B. Purpose of the Procedures**

1. The purpose of whistleblower procedures is to allow teachers and other employees to report any wrongdoing to the Superintendent so that the matter

may be addressed in keeping with the principles of due process and of fundamental justice.

2. 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 Superintendent 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.
3. Wrongdoing includes:
  - a. a contravention of Canadian and Alberta legislation, including regulations 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 and specific danger to the environment;
  - c. gross mismanagement of public and/or school funds or asset(s); and,
  - d. knowingly directing or counseling an individual to commit a wrongdoing mentioned in clauses **B.3.a** to **B.3.c**.

### **C. Purposes of the Policy and Procedures**

1. Pursuant to Alberta's *Public Disclosure (Whistleblower) Protection Act*, this policy and attendant procedures aim to:
  - a. facilitate disclosure and investigation of serious wrongdoing at [name of school] as defined in the *Act* and outlined in the school' policy;
  - b. protect employees and others who make disclosures in good faith;
  - c. manage, investigate and make recommendations in respect to disclosures of wrongdoing and reprisals for disclosure; and,
  - d. promote confidence in the administration and operations of school among all members of the school community.

### **D. Definitions**

1. "Superintendent" means a superintendent or designee in respect to fulfilling obligations under section 113 of the School Act.
2. "designated officer" means the senior manager assigned or individual contracted by the Board or the Superintendent to 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 the Association.
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 and specific danger to the environment;
  - iii. gross mismanagement of public and/or school funds or asset(s);
  - iv. knowingly directing or counseling an individual to commit a wrongdoing mentioned in clauses **D.5.b.i** to **D.5.b.iii**.
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.

#### **E. Disclosure Process**

1. Employees who have witnessed a wrongdoing should report to the Superintendent any of the following or any other matter that represents wrongdoing:
  - a. Corrupt conduct
  - b. Fraud and theft
  - c. Official misconduct
  - d. Maladministration
  - e. Waste of public resources
  - f. Reprisal against a report of Wrongdoing.
  - g. Endangerment of the health and safety of students, staff or the public
  - h. Endangering of the environment
  - i. Any other matter the reporting individual, in good faith, deems to be serious wrongdoing.
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 Superintendent as defined in this policy and procedures document, or, if the report is about the Superintendent, then the individual should report the matter to Alberta’s Public Interest Commissioner;
  - c. recognize that the Superintendent 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 a 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,



- e. any review and investigation will follow the prescribed timelines whereby a disclosure is: acknowledged within five business days of receipt,
  - f. a decision is made and the disclosing individual is informed about the decision to proceed or not to proceed with a review and investigation within 10 days of receipt of the disclosure, and the investigation report must be complete within 110 days of receipt of the disclosure;
5. When a disclosure is made about an alleged wrongdoing, the Superintendent 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 Superintendent, ensure the confidentiality of the individual making the disclosure, the individual about whom the disclosure was made and any witnesses related to the disclosure.

#### **F. Roles and Responsibilities in Respect to Disclosures**

1. A teacher or other staff member employed by the school may make a disclosure in writing to the Superintendent.
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 B**.
3. It is understood that TCSA has designated officers who have clear responsibilities with respect to disclosures.
4. The Superintendent 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 **E.3** and **E.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 finding(s) and recommendations in respect to a disclosure of alleged wrongdoing;
  - g. providing resources, including making available documents, staff and space to 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 or 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 of reprisal;
  - k. reporting to the Commissioner any reprisal or threat of reprisal against a person making a disclosure or 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 Superintendent names designated officers (and/or investigators) external to the school, then the Superintendent 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 any PIDA related disclosure is annually reported as part of the annual education results report.
5. The designated officer is an individual appointed by the Superintendent to review, investigate and report on a disclosure of alleged wrongdoing.
  6. 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 who will serve as the designated officer upon being so named by the Superintendent in respect to a specific disclosure.
  7. Whether internal or external, pursuant to **F.6** above, the designated officer shall be an individual who:
    - a. has strong interpersonal and communication skills;
    - b. understands that the tasks of reviewing, investigating, reporting and making findings and recommendations must be completed in a unbiased manner that is evidence based;
    - c. respects the evidence and views of all concerned;
    - d. makes sound, fact based judgments;
    - 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.
  8. The designated officer is responsible for carrying out duties pursuant to Alberta's PIDA, including:
    - a. liaising with the Superintendent 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 Superintendent 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 Superintendent;
- 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 Superintendent and the individual who made the disclosure, in writing, a report of the investigation, the outcomes and 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 Superintendent or school official responsible for producing the school's annual education results report.

## **G. Confidentiality and Disclosures**

1. Information about a disclosure must be
  - a. shared only among the investigator (if a separate individual), the designated officer, and the Superintendent;
  - b. stored on paper and on electronic files that are kept separate, and to which access is
    - i. limited to only those in **G.1.a** above;
    - ii. held in locked filing cabinets the contents of which are marked "confidential"
    - iii. and/or in password protected electronic files;
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 provision 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, for example, *Practice Review of Teachers Regulation*, Schedule, Section 3 provisions;
  - 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; and,
  - g. the possibility that the designated officer may determine that the matter must be reported or disclosed through another process, for example, a report to the police or a complaint about professional conduct or practice to the appropriate authority, and that such complaints may involve identifying the person making a disclosure.
3. Anonymous Disclosures
- a. 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.
  - b. An anonymous report must contain sufficient information to permit the Commissioner or a public entity to review or investigate the matter:
    - i. sufficient information is defined as the information described on **Appendix A** with the exception of the name and contact information of the individual making the disclosure;
    - ii. a person making an anonymous disclosure must be aware that the issues or risks described under section **G.2** above of this document may apply in the case of an individual making an anonymous disclosure.
    - iii. 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 **G.1** above, to maintain the anonymity of a disclosure.

## **H. Publishing Public Disclosure Information**

1. The Superintendent, or where the 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 not action was taken, the reason(s) for no action being taken.
2. The information outlined in section **H.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.

## **I. Receiving and Assessing a Disclosure**

1. The Superintendent 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.
2. The Superintendent, at the request of the designated officer may extend the timelines applicable to the processing of a disclosure as per section **E.4.e** above.
3. The Superintendent 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 of receipt and notification of complainant and confirmation of
  - c. adherence to the required timelines as per section **E.4.e** above;
  - d. information collected as part of the review or investigation of a disclosure, including documents, lists of witnesses, witness interviews signed by witnesses and any other artifacts;
  - e. the designated officer's and investigator's report (if the investigator is other than the designated officer) including findings and recommendations for action; and,
  - f. implementation of report recommendations or actions taken or not taken, including reason for inaction.
4. The Superintendent will make a preliminary analysis of the alleged wrongdoing to ensure it constitutes a wrongdoing under this policy and Alberta's *Public Interest Disclosure Act*.
  - a. Not included in an alleged wrongdoing is a "grievance" which is a personal complaint about the 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 normally is a complainant.
  - b. The Superintendent also may make a determination that the matter is one that should forthwith be reported to the appropriate police services, or is



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 **I.6** above, shall develop an investigation plan consistent with the content of **Appendix A**.
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 actions on the part of the school's governing body, Superintendent or other entity.

#### **J. Identifying and Acting Upon Imminent Risk**

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.
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 Superintendent of the school where the school does not have an internal designated officer

#### **NOTE:**

The Public Interest Disclosure Act may be retrieved from:

<http://www.qp.alberta.ca/documents/Acts/p39p5.pdf>

**APPENDIX A**

Trinity Christian School Association, 6015 51 Ave, Cold Lake, AB, T9M 1T1  
To the Superintendent

**Public Interest Disclosure Form**

This Form serves as the public disclosure of wrongdoing form of [name of school] as authorized under Section 13 of Alberta’s PIDA.

Name of the person making the disclosure: \_\_\_\_\_

Contact information for the disclosing individual

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Description of the alleged wrongdoing – including specifically – 1) the wrongdoing; 2) when it took place; 3) where it took place; 4) the context in which it took place; 5) the name of the person who allegedly committed or is about to commit the wrongdoing; 6) any supporting information – documentation, electronic sources, witnesses - that may provide support for the reason to believe that a wrongdoing has been committed.

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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

*(if space is insufficient above, please continue the description on the back of the page.)*

Has a disclosure of a wrongdoing been made as a report or complaint under other legislation (for example, a professional conduct or practice complaint) or a report of a criminal code violation? Please describe, how, when, where, and to whom. Also, please describe acknowledgement of the report, if any.

\_\_\_\_\_  
\_\_\_\_\_

Has a disclosure been made to the Public Interest Disclosure Commissioner? Please describe how, when and confirmation of the report, if any.

\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX B

### Public Interest Disclosure Investigations

An investigation may be conducted by the designated officer or by an investigator or team of investigators named by the designated officer.

Investigations must be carried out systematically and thoroughly. The evidence gathered through the investigation hopefully will assist with making a determination about the validity and gravity of the disclosure. The investigator will identify the substance of the disclosure and identify evidence in support or otherwise of the disclosure.

The objectives of the investigation of a disclosure are to:

1. Gather information through documents, artifacts, witness statements as well as statements from the alleged wrongdoer;
2. Gather information in keeping with procedural fairness principles;  
Collate information relating to the disclosure as expeditiously as possible;
3. Based on the information collected, make evidence-based findings objectively and impartially;
4. Make recommendations to the school or other appropriate bodies based on the findings.

When conducting an investigation, good administrative and internal investigation principles must be adhered to, specifically:

1. the investigation must be conducted in a timely manner;
2. any findings must be objectively determined;
3. interviews and the collection of documents are handled in keeping with the principles of procedural fairness and natural justice;
4. discretion is practiced when conducting the investigation;
5. confidentiality is maintained to the degree possible in the circumstances;
6. sensitive information is protected, especially where the investigation may lead to further legal or professional due process procedures; and,
7. recommendations, including recommendations for action, are reasonable and practical in the context.

Principles of procedural fairness and natural justice may be reviewed by linking to the Alberta Ombudsman's site at: <http://www.ombudsman.ab.ca/fairness-guidelines.php>.

Also, comprehensive overview of fairness and natural justice issues is: <http://lawjournal.mcgill.ca/documents/27/2/mullan.pdf>.