

Background

Gwynne Valley Rural Academy (GVRA) is committed to the highest standard of ethical and accountable conduct and recognizes the importance of working to deter and detect wrongdoing within the operations of the Academy and to promote public confidence in the administration of GVRA. To ensure this, the Academy is committed to maintaining a positive and supportive environment whereby employees can disclose potential wrongdoing, or seek advice about disclosing a potential wrongdoing, without retribution, and are provided with clear guidance for how those disclosures may take place.

The Province of Alberta has enacted the Public Interest Disclosure (Whistleblower Protection) Act (PIDA) 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 Academy 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.

Definition

Good faith describes that state of mind denoting honesty of purpose, being faithful to one's duty or obligation, or an honest intention to abstain from taking any advantage of another.

A reprisal is any adverse employment action including:

- Dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job;
- Change of job location, reduction in wages, changes in hours of work, reprimand; or
- Any other measure that adversely affects the employee's employment or working conditions, including threats to do any of the above.

A wrongdoing is defined as one of the following, within or relating to the Division or its employees:

- A contravention of an Act of Alberta or Canada or the Regulations made pursuant to those Acts;
- An act or omission that creates:
 - o 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;
 - o A substantial and specific danger to the environment; gross mismanagement of public funds or a public asset;
 - o Knowingly directing or counseling an individual to commit a wrongdoing mentioned above.

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 PIDA.
2. Designation of Designated Officer
 - 2.1 The Principal is designated the Designated Officer for the purpose of administering and investigating disclosures under PIDA.
3. Receipt of Disclosure
 - 3.1 Employees seeking advice on potential disclosure under PIDA and this Administrative Procedure shall be referred to the Principal (the Designated Officer), who shall provide the employee with information on PIDA, the requirements of PIDA and this Administrative Procedure and other alternative processes for resolution of the employee's concern.
 - 3.2 Employees shall make disclosures for the purposes of PIDA and this Administrative Procedure Form to the Designated Officer, in writing. The Public Interest Disclosure Form (Form 410-1) outlines the information required in a disclosure of wrongdoing or reprisal.
 - 3.3 Disclosures shall provide:
 - 3.3.1 The name of the disclosing employee;
 - 3.3.2 A description of the wrongdoing;
 - 3.3.3 The name of the individual or individuals alleged to have committed the wrongdoing or to be about to commit the wrongdoing;
 - 3.3.4 The date of the wrongdoing;
 - 3.3.5 Any additional information the Designated Officer may reasonably require in order to investigate the matters set out in the disclosure
 - 3.4 The Designated Officer shall acknowledge receipt of the disclosure to the employee making the disclosure within five (5) business days from receipt of the disclosure.
4. Good Faith
 - 4.1 An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
 - 4.2 No action lies against the Academy or an employee of GVRA for making a reasonable human resource management decision in good faith.
5. No Reprisals
 - 5.1 An employee who, in good faith:
 - 5.1.1 Seeks advice about making a disclosure;
 - 5.1.2 Makes or made a disclosure;
 - 5.1.3 Co-operated in an investigation; or
 - 5.1.4 Declined to participate in a wrongdoingwill 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 reprimanded or any other measure that adversely affects the employee's employment or working conditions.
 - 5.2 No person shall take or direct, or counsel or direct a person to take or direct, any of the following measures against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, cooperated in an investigation under PIDA, declined to participate in a wrongdoing or done anything in accordance with PIDA.
 - 5.3 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 PIDA, be made on the Complaint of Reprisal Form (<https://yourvoiceprotected.ca/>).

6. Preliminary Handling of Disclosures

- 6.1 Where the Designated Officer is of the opinion that the subject matter of a disclosure would be more appropriately be 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.
- 6.2 Where an alternative process exists for the handling of the subject matter of the disclosure under:
 - 6.2.1 Another Administrative Procedure of the Division (for example, Administrative Procedure 170 - Non-Discrimination and Harassment or evaluation procedures).
 - 6.2.2 Another Act or Regulation (for example, human rights or occupational health and safety legislation), or
 - 6.2.3 Procedures under an employee contract, and the Designated Officer is of the opinion that the subject matter of the disclosure would be more appropriately dealt with under that process, the Designated Officer may refer the disclosing employee to those procedures.
- 6.3 Where the disclosure:
 - 6.3.1 Is clearly frivolous/vexatious, not been made in good faith, not been made in a timely enough manner to permit investigation, or does not deal with wrongdoing,
 - 6.3.2 Relates to a decision, action or matter that results from a balanced and informed decision-making process on a public procedure or operational issue, or
 - 6.3.3 Does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigation the Designated Officer may decline to investigate the disclosure.
- 6.4 If more than one (1) disclosure is made of a single wrongdoing, the Designated Officer may conduct a single investigation into the wrongdoing.
- 6.5 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.
- 6.6 The Designated Officer shall advise the employee making the disclosure whether the disclosure will or will not be investigated within ten (10) business days from receipt of the disclosure.

7. Mandatory Disclosure of Others

- 7.1 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.
- 7.2 Notwithstanding whether a disclosure is referred to the Commissioner, where the Designated Officer is aware:
 - 7.2.1 Of 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
 - 7.2.2 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 Division have sufficient information to act to abate that risk.

- 7.3 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 Superintendent being of the opinion that the welfare of students is threatened by the presence of the employee, the Designated Officer shall advise the Superintendent of the alleged wrongdoing for consideration of a possible administrative suspension under section 213(2) of the Education Act.
 - 7.4 Where in the course of an investigation the Designated Officer has reason to believe that an offence 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 offence to the appropriate law enforcement authorities.
8. Investigation
 - 8.1 The Designated Officer shall conduct all investigations in accordance with the principles of natural justice and procedural fairness.
 - 8.2 The Designated Officer may utilize internal personnel and resources, and may retain outside personnel or resources, for the purpose of conducting the investigation.
 - 8.3 The Designated Officer, and any person conducting an investigation on his/her behalf, may interview any person and shall have access to any documents of the Academy necessary for the investigation.
 - 8.4 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.
 9. Report
 - 9.1 The Designated Officer shall provide a written investigation report to the Superintendent detailing whether the disclosure was substantiated, and providing recommendations on corrective action.
 - 9.2 The investigation shall be completed and the written investigation report provided to the Superintendent no later than one hundred and ten (110) business days from the date the disclosure was received.
 - 9.3 Where the Designated Officer is considering a recommendation to the Superintendent that the Superintendent exercise authority delegated to him/her by the Board to suspend or terminate a teacher under the Education Act, the Designated Officer shall consult with other Division staff typically responsible for such recommendations concerning the necessary process. In such event, the written investigation report shall be provided to the Superintendent in the course of any process under the Education Act for the Superintendent to consider that recommendation.
 - 9.4 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 as a result. The Superintendent shall follow-up with the employees responsible to ensure those actions are taken.
 - 9.5 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.
 10. Extensions of Timelines
 - 10.1 The Designated Officer may request of the Superintendent, and the Superintendent may grant extensions of timelines within this Administrative Procedure, provided that the total

extensions granted do not extend the overall time period for investigation and provision of the investigation report by more than thirty (30) business days.

10.2 The Superintendent may request permission from the Commissioner to extend timelines for a longer period.

10.3 In the event of an extension of a timeline, the Designated Officer shall promptly advise the person who submitted a disclosure of wrongdoing when he or she may expect the next procedural step to occur or be completed.

11. Conflicts of Interest/Disclosures About the Superintendent

11.1 In the event the Designated Officer is in a conflict of interest with respect to the nature of the disclosure or any person involved in the disclosure or alleged wrongdoing, the Designated Officer shall request the Superintendent to designate an alternative Designated Officer for the disclosure. The alternative Designated Officer shall have all the powers of the Designated Officer for the purpose of the disclosure.

11.2 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:

11.2.1 Advise the Board Chair of the nature of the disclosure, whereupon the Board may authorize an investigation into the disclosure;

11.2.2 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.

12. Confidentiality

12.1 The Designated Officer shall ensure all disclosures and information gathered in the course of investigation 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:

12.1.1 As necessary for this Administrative Procedure and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;

12.1.2 In accordance with PIDA or any other statute;

12.1.3 When 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.

13. Statutory Obligation

13.1 The Superintendent must ensure that information about PIDA and the internal procedures of the Academy are widely communicated to GVRA employees.

13.2 The Superintendent shall prepare a report annually on the disclosures that have been made to the Designated Officer.

Reference: Section 52, 53, 68, 196, 197, 204, 213, 222, 225 Education Act
Public Interest Disclosure (Whistleblower Protection) Act
Teaching Profession Act
Public Interest Disclosure (Whistleblower Protection) Regulation
Code of Professional Conduct for Teachers and Teacher Leaders
AP XXX (Discrimination and Harassment)