

## 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* (“the Act”) 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.

The safety and security of the members of the school community is paramount. Furthermore, the integrity of the employees and other members of the school community is fundamental to maintaining a healthy organization. As such, if someone suspects or has evidence of unlawful conduct on the part of an employee, contractor or volunteer, a process and avenue is required to address the concerns and protect all members of the community in doing so.

**POLICY:** The Board of Directors makes provision for the disclosure and investigation of conduct that is deemed to be unlawful, dangerous or injurious to a member of the school community. Employees are entitled to a positive, supportive environment where they can seek advice and, if necessary, disclose wrongdoing without fear of reprisal, knowing that such disclosures will be taken seriously.

### **PRINCIPLES:**

1. The Public Interest Disclosure Act (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.
2. Connect Charter School expects that its employees, contractors and volunteers 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 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 student, employee and school records.
3. All students, employees, contractors and volunteers have the right to learn and work in a positive learning environment that is free of harassment, threats, intimidation, violence or any other misconduct. Any violent, intimidating, threatening or harassing behavior, or other misconduct, in any form, will not be tolerated in the classroom, schoolyard, workplace, or in any Connect Charter School sponsored activity.
4. If anyone suspects or has evidence of unlawful conduct, or conduct that may be dangerous or injurious 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.
5. Anyone who reports a suspected or confirmed incidence of misconduct addressed by this policy shall be protected from reprisals for reporting the concerns, provided the concerns were raised in good faith and without malicious intent. No Connect Charter School employee or person acting on behalf of the Connect Charter School shall take any act of reprisal against an individual making a complaint or allegation in good faith, including:
- a. Dismissal or threat thereof;
  - b. Discipline, suspension or threat of either;
  - c. Harassment or abuse to any complainant;
  - d. Imposition of any penalty, directly or indirectly, upon a complainant; and
  - e. Intimidation or coercion of the complainant.
6. 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.
7. The policies and procedures for disclosing wrongdoing shall be identified on the Connect Charter School website. All members of the Connect Charter School Society, along with Connect Charter School employees, contractors and other stakeholders should be aware of this policy and related procedures.

First Reading            November 19, 2013

Adopted                 December 17, 2013

Amended                \_\_\_\_\_

## Procedures

1. If a member of the school community has reasonable grounds to suspect, or has evidence of, unlawful, dangerous or injurious conduct by a Connect Charter School employee or a person under contract to the Connect Charter School, they shall report their concerns to their immediate supervisor who will address the concerns as follows:
  - a. Suspected or actual misconduct of a member of the caretaking team shall be reported to the facilities supervisor;
  - b. Suspected or actual misconduct of a teacher or support staff member or the facility supervisor, shall be reported to the Principal;
  - c. Suspected or actual misconduct of a member of school administration shall be reported to the Superintendent;
  - d. Suspected or actual misconduct of the Superintendent shall be reported to the Board Chair; and
  - e. Suspected or actual misconduct not covered by the above statements, shall be reported to the Principal.
  - f. Suspected or actual misconduct of the Board of Directors shall be reported to the Superintendent.
2. The person to whom the complaint is made shall take reasonable steps to investigate any suspected acts or allegations of misconduct without delay.
3. All complaints received shall be documented. The Designated Officer will post an annual report on the school website indicating the:
  - a. Number of disclosures received, the number of disclosures acted on and the number of disclosures not acted on;
  - b. Number of investigations commenced as a result of disclosures and the results in a finding of wrongdoing;
  - c. Wrongdoing, any recommendations made or corrective measures taken, or the reasons why no corrective measure was taken.
4. The Designated Officer shall be appointed by the School Superintendent and shall ensure Connect Charter School 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 PIDA and the organization's internal process;
  - b. Liaising with the Office of the Public Interest Commissioner and the School 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 Chief Officer;
  - f. Advising the whistle blower of the progress and outcome of the investigation;
  - g. Establishing and managing a confidential filing system and developing a tracking system;
  - h. Collating and publishing statistics on disclosures made;

- i. Protecting employees and maintaining confidentiality.
5. Every effort shall be made to ensure that confidentiality is maintained throughout the process.
6. There is no obligation to respond to an anonymous communication.
7. 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 of wrongdoing or complaint of reprisal is received.
  - b. The employee who submitted a disclosure of wrongdoing or complaint of reprisal 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 of wrongdoing or complaint of reprisal 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.
8. 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 ("Society") shall cooperate fully in any police investigation.
9. The Society shall make every reasonable effort, including court ordered restitution, to pursue the recovery of the Society losses from the offender or other appropriate source(s).
10. Where the Chief Officer or Designated Officer becomes aware of possible reprisals against an individual as a result of a report under the Disclosure (Whistleblower) Policy, this shall immediately be investigated and appropriate action will be taken, if warranted.
11. Any individual who knowingly makes a false or bad faith complaint or who knowingly makes a false or misleading statement during an investigation shall be subject to disciplinary or legal action.
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 an allegation or complaint is received, the Designated Officer, 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 Designated Officer shall document the results 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 Designated Officer will develop a communications strategy and inform the Board Chair, if appropriate, unless police or 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.