



AP1004: Whistleblower Protection

Policy Creation Date: August 2024

Approval Date: September 2024

Revision Date:

Purpose:

The WISE Charter School staff are committed to promoting a safe and caring school environment in addition to ethical and accountable conduct. The Board recognizes the importance of working to prevent and identify wrongdoing within the operations, and advancing public confidence in the administration. This policy outlines the procedures for reporting and investigating potential wrongdoing within the school board's operations, in compliance with Alberta's Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

Policy Statement:

The School is committed to maintaining a positive, open, and supportive environment where employees can disclose potential wrongdoing without fear of reprisal. Employees have a duty to report wrongdoings or suspected wrongdoings to the Chief Officer, Designated Officer, or the Public Interest Commissioner of Alberta.

Definitions:

- **Chief Officer:** The President of the WISE Charter Society Board is designated as the "Chief Officer" for the overall administration and reporting required under PIDA.
- **Designated Officer:** The Chief Officer shall assign a member of the WISE Charter Society Board to be the "Designated Officer" to manage and investigate disclosures under PIDA.
- **Wrongdoing:** A wrongdoing is defined under section 3 of Alberta's Public Interest Disclosure (Whistleblower Protection) Act and includes:
 - A contravention of an Act of Alberta or Canada or regulations made under those Acts.
 - An act or omission that creates:
 - 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 of an employee.
 - A substantial and specific danger to the environment.
 - Gross mismanagement, including an act or omission that shows reckless disregard for proper management of:

- Public funds or assets.
 - The delivery of public services, including contract management.
 - The duties and powers resulting from an enactment.
- Knowingly directing or counseling an individual to commit a wrongdoing mentioned above.
- **Reprisals:** A reprisal is any adverse employment action taken against an employee for making a disclosure in good faith under PIDA. This includes dismissal, layoff, suspension, demotion, transfer, reduction in wages, or other measures that adversely affect employment.

Procedure:

A. Disclosures of Wrongdoing

1. **Seeking Advice:**
 - Employees seeking advice on potential disclosure under PIDA and this Policy shall be referred to the Designated Officer, who shall provide the employee with information on PIDA, this Policy, and alternative resolution processes.
2. **Making a Disclosure:**
 - An employee who reasonably believes they have information regarding a wrongdoing may make a disclosure to the Designated Officer or directly to the Public Interest Commissioner.
 - An employee may, at their discretion, seek inquiry or advice from the designated Chief Executive Officer (the Superintendent), the Principal, or Chief Financial Officer (Secretary-Treasurer).
3. **Conflict of Interest:**
 - Disclosures that involve a conflict of interest for the Designated Officer shall be referred to the Chief Officer.
4. **Disclosure Involving the Chief Officer:**
 - If the disclosure concerns the conduct of the Chief Officer, the Designated Officer shall inform the Vice-President(s) of the Board, who may authorize an investigation or refer the matter to the Public Interest Commissioner.
5. **Immediate Risk:**
 - If the Designated Officer believes there is an imminent risk of substantial danger to individuals or the environment, they must refer the disclosure to the Public Interest Commissioner and report the matter to the Chief Officer and relevant authorities.

B. Investigations

1. **Requesting Advice:**
 - The Designated Officer may request advice from the Public Interest Commissioner on managing and investigating disclosures.

2. **Decision to Investigate:**
 - Upon receiving a disclosure, the Designated Officer shall make a decision whether to investigate.
3. **Referral to Other Entities:**
 - If the Designated Officer believes the subject matter of a disclosure would be more appropriately dealt with by another public entity, they shall refer the matter to that entity.
4. **Use of Resources:**
 - The Designated Officer may utilize both internal personnel and external resources to conduct the investigation.
5. **Confidentiality:**
 - All disclosures and related information will be kept confidential unless necessary to conduct a fair investigation or required by law.
6. **Declining to Investigate:**
 - The Designated Officer may decline to investigate where the disclosure is frivolous, vexatious, or does not provide adequate particulars about the wrongdoing to permit a fair and effective investigation.

C. Timelines

1. **Acknowledgment and Decision:**
 - The Designated Officer shall acknowledge receipt of a disclosure within 10 business days and decide whether to investigate within 15 business days.
2. **Investigation Completion:**
 - Investigations should be completed within 120 business days, with possible extensions not exceeding 30 business days unless permitted by the Public Interest Commissioner.

D. Reporting and Action

1. **Investigation Report:**
 - The Designated Officer will provide a written investigation report to the Chief Officer detailing findings and recommendations.
2. **Chief Officer's Action:**
 - The Chief Officer will determine what action, if any, will be taken based on the investigation report and ensure follow-up.
3. **Communication with Complainant:**
 - The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the Chief Officer's actions resulting from the written investigation report.

E. Good Faith

1. **Acting in Good Faith:**

- An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.

2. **False Allegations:**

- An employee who knowingly makes false and/or malicious allegations may be subject to disciplinary action.

F. Annual Reporting

1. **Chief Officer's Report:**

- The Chief Officer will prepare an annual report on all disclosures that have been made to the Designated Officer. This report will be posted annually on the WISE Charter Society website as part of the Annual Education Results Report (AERR).

2. **Content of the Annual Report:**

- The annual report will include the number of disclosures received, acted on, not acted on, commenced as a result of disclosures, descriptions of wrongdoing found, and any corrective measures taken.

G. Policy Communication

1. **Policy Review:**

- The Chief Officer will ensure that this policy is reviewed with all employees and made accessible to them each school year.

H. Remedies

1. **Financial Remedies:**

- Under the Act, employees have the ability to obtain financial remedies in cases where the Commissioner finds a reprisal occurred. The Commissioner must refer the decision to the Labour Relations Board for determination as to the appropriate remedy.

References:

- Public Interest Disclosure (Whistleblower Protection) Act (PIDA)
- Education Act (SA 2012, c E-0.3)
- Charter Schools Regulation (AR 84/2019)
- [Public Interest Commissioner's website](#)