

## **Purpose/Background**

The Division supports the principles of the *Public Interest Disclosure Act (the Act)*. The purpose of the Act is to allow individuals to disclose alleged wrongdoing, relating to the Division as a public entity or relating to employees of the Division, without fear of reprisal.

The intent of this Administrative Procedure is to promote public confidence in the administration of the Division.

## **Definitions**

Wrongdoing:

- A contravention of an act or regulation of the Parliament of Canada;
- an act or omission that creates a substantial danger to the life, health or safety of individuals or to the environment;
- gross mismanagement of employees, public funds or the delivery of a public service; or
- knowingly directing an individual to commit a wrongdoing as mentioned above.

Reprisal:

- A dismissal, suspension, demotion or change of job location, wages, or hours of work;
- any measure that adversely affects the employee's employment or working conditions; or
- a threat to take any of the measures mentioned above.

Investigation Team:

- The Superintendent and members of senior administration with enough expertise to advise on the matter involved; and
- If the Superintendent is named in the alleged wrongdoing or reprisal, the Chair of the Board of Trustees will be the designated alternate.

## **Procedures**

1. Any individual may make a disclosure through Integrity Counts, a confidential and anonymous reporting system, or to the Public Interest Commissioner (see Section 6 for contact information).
2. Reporting a disclosure of Alleged Wrongdoing or a Complaint of Alleged Reprisal
  - 2.1. A disclosure must be made by an individual as soon as is reasonably possible following the alleged act.
    - 2.1.1. Complaints of harassment should be dealt with using the process described in *AP412 Harassment Reporting and Investigation*. The whistleblower process is not intended to duplicate or replace processes that already exist to address workplace bullying and harassment.

- 2.2. To report a disclosure, individuals shall log onto: <https://www.integritycounts.ca/org/rvs>. Alternatively, individuals can call the Integrity Counts hotline at 1-866-921-6714 and file their report verbally with a call centre agent.
  - 2.3. Individuals may choose to remain strictly anonymous, anonymous to Rocky View Schools, or provide their identity.
  - 2.4. The report will include the following:
    - 2.4.1. a description of the alleged wrongdoing or alleged reprisal;
    - 2.4.2. the name of the individual(s) alleged to have committed the wrongdoing or reprisal;
    - 2.4.3. the date of the alleged act;
    - 2.4.4. any additional information required in order to investigate the disclosure; and
    - 2.4.5. other information prescribed in the regulations, if applicable.
  - 2.5. Once a report is filed, the reporter will be provided with a unique case number. For anonymity, future communication between the reporter and Rocky View Schools will be conducted in writing through the case number only unless contact information has been provided.
3. Integrity Counts/Investigation Team
- 3.1. Integrity Counts provides a Certified Ethics Reporting System to assist Rocky View Schools in providing their employees, third parties and community members with a confidential method to report on important information and ethical misconduct.
  - 3.2. Once a report is filed, members of the Rocky View Investigation Team are notified. If a member of the Investigation Team is implicated, the report is sent to the designated alternate.
  - 3.3. Upon receipt, the Investigation Team will conduct a summary review to determine the nature of and general basis for the disclosure. The decision to act or not act is at the discretion of the Investigation Team unless required to do so by law.
  - 3.4. If during the investigation the Investigation Team has reason to believe that another wrongdoing has been committed, then this will also be investigated.
  - 3.5. If during the investigation the Investigation Team has reason to believe an offence has been committed under an Act or Regulation under the laws of Canada or Alberta, this must be reported to the correct agency.
  - 3.6. The Investigation Team must forward the disclosure of alleged wrongdoing to the Public Interest Commissioner as soon as reasonably practical if they believe the matter to which the disclosure of alleged wrongdoing relates is an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment.
  - 3.7. The Investigation Team has the responsibility for referring a disclosure of alleged wrongdoing to another public entity or office of the Legislature if the disclosure of alleged wrongdoing would more appropriately be dealt with there.
  - 3.8. Care will be taken at all times to protect the identity of the disclosing employee, any witnesses, and the alleged wrongdoer or person alleged to have committed an act of reprisal.

#### 4. Powers

- 4.1. The Investigation Team may collect, directly or indirectly, use and disclose personal information, individually identifying health information and any other information that is considered necessary to manage and investigate disclosures of alleged wrongdoing under this Act.
- 4.2. Conflict with any other Act or Regulations is to be resolved in favour of the Public Interest Disclosure Act.

#### 5. Timelines

- 5.1. Timelines for processing a disclosure of alleged wrongdoing or a complaint of alleged reprisal are as follows:
  - 5.1.1. A disclosure shall be acknowledged not more than 5 business days from receipt.
  - 5.1.2. A decision to investigate the disclosure must be determined not more than 10 business days from the date of receipt.
  - 5.1.3. The individual who submitted the disclosure must be notified of that decision, not more than 20 business days from the date of receipt.
  - 5.1.4. An investigation must be concluded over a period of not more than 120 days of the date of receipt of the disclosure.
- 5.2. The Investigation Team shall communicate the outcome of the investigation to the individual making the disclosure and to any individual who has been the subject of or is affected by the findings in the report within a reasonable time following receipt of the report.
- 5.3. The Investigation Team shall ensure that any corrective measures or disciplinary action that is required are both clearly communicated and enforced through the usual communication and enforcement processes used by the Division in personnel matters.
- 5.4. A time extension of 30 business days may be granted by the Superintendent. Should a longer extension be required, it must be granted with the Commissioner's permission.
- 5.5. Reports of all filed disclosures are recorded through the Integrity Counts administration portal. Annual reports will be prepared that will be made available to the Board of Trustees and include the following as prescribed by the Act:
  - 5.5.1. the number of disclosures received;
  - 5.5.2. the number of disclosures acted on and not acted on;
  - 5.5.3. the number of investigations commenced by the Investigation Team; and
  - 5.5.4. in cases that resulted in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken or the reasons why no corrective measure was taken.

6. Contact Information for Public Interest Commissioner

6.1. An employee may contact the Public Interest Commissioner at any time for independent and confidential advice and direction. At the date of approval of this Procedure, the contact information for the Public Interest Commissioner is:

Calgary:  
801 – 6<sup>th</sup> Avenue SW  
Calgary, Alberta  
T2P 3W2  
Ph: (403) 297-6185  
Toll Free: 1-855-641-8659

Edmonton:  
9925 – 109 Street, Suite 700  
Edmonton, Alberta  
T5J 2J8  
Ph: (780) 641-8659  
Toll Free: 1-855-641-8659

7. Penalties

7.1. The Act states that no person shall:

- 7.1.1. withhold material information;
- 7.1.2. make false statements;
- 7.1.3. obstruct an investigation;
- 7.1.4. destroy, falsify or conceal a document or thing needed in the investigation; or
- 7.1.5. direct another person to do any of the above.

7.2. Persons guilty of such an offense are liable to a fine of not more than \$25,000 for the first offence.

7.3. Prosecutions under the Act may not be commenced later than 2 years after the day the alleged offence was committed.

*Reference:*

- Public Interest Disclosure (Whistleblower Protection) Act
- Public Interest Disclosure (Whistleblower Protection) Regulation
- Education Act
- Teaching Profession Act
- Code of Professional Conduct for Teachers and Teacher Leaders
- AP404 Employee Code of Conduct