

#08 Whistleblower

BOARD POLICY

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PURPOSE

The Headwater Learning Group (HLG) endorses a culture of the highest ethical and moral standard where all Employees work collaboratively to detect and report Wrongdoing and are protected from Reprisal.

DEFINITIONS

Act – a formal piece of legislation, approved by a legislature or other authority. Specific to this policy, Act means the Public Interest Disclosure (Whistleblower Protection) Act.

Board – the Boards of Directors of CA, HLF and HLS, otherwise known as the Headwater Learning Group (HLG).

Chief Officer – the Chair of the Board.

Designated Officer – The senior official designated by the Chief Officer to manage and investigate disclosures of a Wrongdoing under the Act. The Designated Officer for HLG is the Executive Director of People and Culture unless otherwise designated by the Chief Officer.

Employee – An individual who is working under an employment relationship with HLG, or, in this Policy, an individual who believes they have suffered a reprisal and is no longer employed by HLG.

HLG – Headwater Learning Group, the term for three independent charitable organizations – Calgary Academy Society, Headwater Learning Foundation, and Headwater Learning Solutions Foundation.

Public Interest Commissioner – An Alberta Legislative Officer that facilitates the investigation of disclosures of wrongdoing and complaints of reprisal made under the Public Interest Disclosure (Whistleblower Protection) Act.

Regulation – A rule or order issued by a government agency which defines the application and enforcement of legislation. Specific to this policy / procedure, Regulation means the Public Interest Disclosure (Whistleblower Protection) Regulation.

Reprisal – a measure taken, directed or counselled, that leads to an adverse employment action as a result of reporting wrongdoing.

Supervisor – someone who is responsible for leading one or more employees, a department(s), and/ or the operations of the HLG worksite.

Wrongdoing – activity that may be considered ethically, morally, or legally inappropriate.

GUIDELINES

1. In all cases of public interest disclosures or complaints, HLG will adhere to the guidelines provided by the Alberta Public Interest Commissioner's Office for investigating and reporting incidents of public interest disclosure and reprisal.

Roles and Responsibilities

2. The roles and responsibilities of key personnel include the following:
 - a) **Employees** – responsible for reporting Wrongdoing with honest intentions, cooperating during an investigation, and providing any information the Designated Officer or Public Interest Commissioner may require.
 - b) **Supervisors** – responsible for giving information and advice to Employees who are considering making a disclosure of a Wrongdoing. Employees may seek advice without reprisal.
 - c) **The Designated Officer** – responsible for providing information and advice to Employees who are considering making a disclosure of Wrongdoing. Responsible for managing and investigating disclosures of a Wrongdoing under the Act. The Designated Officer for HLG is the Executive Director of People and Culture unless otherwise designated by the Chief Officer.
 - d) **The Chief Officer** – responsible for the overall administration and reporting requirements of the Act within HLG. This includes the establishment and maintenance of policy and procedures and ensuring information about the policy and the procedures are widely communicated to Employees.
 - e) **Public Interest Commissioner** – responsible for carrying out the purpose of the Act. The Public Interest Commissioner reviews and investigates disclosures of wrongdoing and complaints of reprisal made under the Act by employees of independent schools, and reports the outcome of any investigation, along with recommendations for corrective measures, to the operator of the independent school, and to the Minister of Education where required. The Public Interest Commissioner also provides advice to employees and provides advice and support to the Designated Officer.

Procedures for Employees to Report Wrongdoing

Reportable Types of Wrongdoing

3. Types of Wrongdoing that can be reported and investigated include:
 - a) contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada;
 - 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 that is inherent in the performance of the duties or functions of an employee, or
 - ii) A substantial or specific danger to the environment;
 - c) gross mismanagement, including an act or omission that is deliberate and that shows reckless or willful disregard for the proper management of public funds, public assets or the delivery of a public service identified in the regulations;
 - d) gross mismanagement of Employees, by a pattern of behaviour or conduct that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation; and
 - e) knowingly directing or counselling an individual to commit a Wrongdoing mentioned above.

Seeking Advice and Reporting Wrongdoing

4. Employees considering reporting a Wrongdoing may seek advice from their supervisor, the Designated Officer, or from the Public Interest Commissioner.
5. Employees who wish to report a Wrongdoing may do so by submitting the attached form to the Designated Officer. Employees of Calgary Academy Society who wish to report a Wrongdoing to the Public Interest Commissioner directly can do so at: yourvoiceprotected.ca/for-employees/disclosure-

form, or can call 1-855- 641-8659 for more information.

6. Anonymous disclosures may not be acted on if there are inadequate particulars provided about an alleged Wrongdoing that would permit the conduct of a fair and effective investigation.

Reporting Reprisals

7. HLG supports Employees who come forward in good faith to report a Wrongdoing. In the context of whistleblowing, 'good faith' refers to the intention behind the whistleblower's actions. The disclosure of information should be made with honest intentions, primarily aimed at addressing the wrongdoing, rather than for personal gain or out of malice towards the employer and/or an agent of the employer. Reprisals taken against Employees will not be tolerated. The Act protects Employees from Reprisal who have, in good faith, requested advice about making a disclosure, made a disclosure, cooperated in an investigation under the Act, declined to participate in a Wrongdoing, or done anything in accordance with the Act.
8. Employees who believe a Wrongdoing is occurring within HLG are protected from any type of adverse employment action when they report the Wrongdoing to either the Designated Officer or, if the Employee is employed by Calgary Academy Society, to the Public Interest Commissioner
9. Employees who believe they have suffered a Reprisal may make a complaint of Reprisal directly to the Public Interest Commissioner using the form at <https://yourvoiceprotected.ca/for-employees/reprisal-form/>.

Managing and Investigating Disclosures

Investigating Disclosures

10. The Designated Officer will notify the Chief Officer of the disclosure of wrongdoing, within 24 hours of receipt of the disclosure. The Designated Officer may consult with the Chief Officer regarding the management and investigation of the disclosure.
11. After receiving a disclosure of a Wrongdoing, the Designated Officer must acknowledge receipt of the disclosure to the Employee within 5 business days, and then within 20 business days, the Designated Officer must decide whether or not an investigation is required and notify the Employee who made the disclosure of this decision and the reason for the decision.
12. An investigation is not required if:
 - a) the subject matter of the disclosure is not jurisdictional under the Act (i.e. the allegations do not constitute a Wrongdoing defined under the Act);
 - b) the subject matter is frivolous, vexatious or has not been made in good faith;
 - c) the disclosure relates to a matter that could more appropriately be dealt with according to the procedures under a collective agreement or employment agreement;
 - d) the subject matter of the disclosure is already being investigated by another authority;
 - e) the subject matter of the disclosure is currently before the courts; or
 - f) more than 2 years have passed since the date that the Wrongdoing was discovered.
13. Employees who are dissatisfied with the Designated Officer's decision may bring the matter to the Chief Officer and then, if the Employee is employed with Calgary Academy Society, to the Public Interest Commissioner.
14. The Designated Officer must conclude an investigation not more than 120 business days from the date

the disclosure of a Wrongdoing was received. The Chief Officer, with the Public Interest Commissioner's permission, may extend the time period to complete the investigation that the Public Interest Commissioner considers to be appropriate in the interest of a fair and efficient outcome.

15. The Chief Officer and/or Designated Officer may access additional resources outside HLG if required to support this Policy.

Ensuring Procedural Fairness

16. Disclosures of wrongdoing shall be investigated in accordance with the principles of procedural fairness and natural justice. This includes the right of an alleged wrongdoer(s) to be heard, and the right to have the matter investigated in an impartial manner.

Protecting Confidentiality

17. The Designated Officer must protect the identity of employees who make disclosures of wrongdoing, individuals alleged to have committed the wrongdoings, and witnesses who participated in investigations.

Referring a Disclosure

18. The Designated Officer may refer a disclosure of Wrongdoing to an alternate authority, including to the Public Interest Commissioner. The disclosing Employee must consent to the referral. If the disclosure relates to a matter of imminent danger, or a is a matter being referred to law enforcement, consent is not required.

Factors in considering whether to refer a disclosure of a Wrongdoing include:

- a) whether the subject matter of the disclosure would more appropriately be dealt with by another authority;
- b) the complexity of the subject matter of the disclosure;
- c) whether a perceived conflict of interest may exist;
- d) the resources and expertise required to conduct a fair and effective investigation; and
- e) if the subject matter pertains to an individual that supersedes the hierarchal position of the Designated Officer.

Matters Constituting an Imminent Risk

19. Notwithstanding any other provision in this procedure, where the subject matter 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 may, without the consent of the disclosing employee, notify any individual within HLG in order to be able to appropriately respond to the danger, and notify any appropriate authority required to respond to the danger including calling 911.
20. The Designated Officer must also notify:
 - a) The appropriate law enforcement agency;
 - b) In the case of a health-related matter, to the Chief Medical Officer of Health; and
 - c) To the department, public entity, or other entity responsible for managing, controlling or containing the risk, if any exists.
21. The Designated Officer must suspend any investigation into the matter and may only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been finally disposed of.

Matters Involving a Possible Offence

22. If during an investigation the Designated Officer has reason to believe that an offence has been committed under a Provincial or Federal Act or Regulation, the matter must be reported to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.
23. The Designated Officer must suspend any investigation into the matter and may only resume after any charge relating to an alleged offence, or any investigation by a law enforcement agency or the Minister of Justice and Solicitor General, has been finally disposed of.

Annual reporting Requirements

24. Disclosures of Wrongdoing regarding Calgary Academy Society are reported by the Chief Officer in the Annual Educational Results Reports in accordance with the Whistleblower Protection Fact Sheet.

REFERENCES

Public Interest Disclosure (Whistleblower Protection) Act, SA 2012, c. P-39.5, as amended

Public Interest Disclosure (Whistleblower Protection) Regulation AR 71/2013, as amended

Public Interest Disclosure (Whistleblower Protection) Transitional Regulation

Education Act, SA 2012, c E-0.3, as amended

Private Schools Regulation, AR 127/2022 as amended

Personal Information Protection Act, SA 2003, c. P-6.5, as amended

CROSS REFERENCES

Board Policy – Code of Conduct

C-08 Professional Code of Conduct Procedure

DISCLOSURE OF WRONGDOING FORM

Which of the below categories does the Wrongdoing apply?*

- Contravention of an Act or a Regulation (Contravention of a Law).
- An act or omission that creates a substantial and specific danger to the life, health or safety of individuals.
- An act or omission that creates a substantial and specific danger to the environment.
- Gross mismanagement of public funds or a public asset.
- Gross mismanagement of the delivery of a public service.
- Gross mismanagement of employees — by a pattern of behavior or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation.
- Counselling an individual to commit a wrongdoing mentioned above.

***If none of the above, the Public Interest Disclosure Act does not apply. Consider other internal policies and procedures.**

GENERAL CONTACT INFORMATION

While anonymous complaints may be accepted, you are encouraged to include your name and contact information. For more information about the advantages and disadvantages of making an anonymous complaint, speak with the Designated Officer.

Last Name

Given Names

Title

Email

Work Phone

Other Phone

Organization (select one)

- CA HLS HLF

Branch/Unit/Department (if applicable)

DISCLOSURE DETAILS

Use this area to provide information about the wrongdoing and the person(s) alleged to have committed the wrongdoing. Include, if known, the following details:

- > A description of the wrongdoing
- > If known, dates associated with the wrongdoing
- > Name and title of the alleged wrongdoer(s)
- > Name and title of any other parties involved
- > The name of the school where the wrongdoing occurred
- > If applicable, the specific division or business unit where the wrongdoing occurred
- > Whether you have contacted any other authority in relation to the alleged wrongdoing

Disclosure Details*

Please submit this form and any other supporting documents to the Designated Officer. If you are unable to include all details about the alleged wrongdoing on this form, you may submit further details as a separate document; however, please include it when you submit this form.