

400.3 Whistleblower Protection Procedures

1. Designation of Officers:
 - 1.1. The Superintendent is named the Chief Officer for the purpose of the overall administration and report required under the Public Interest Disclosure Act (PIDA) also known as the Whistleblower Protection Act.
 - 1.2. The Coordinator of Learning and International Education is named the Designated Officer for the purpose of administering and investigating disclosure under PIDA.
 - 1.3. The Board Chair is named the Designated Officer for the purpose of dealing with disclosures against the Superintendent.
 - 1.4. In the event that disclosure to the Designated Officer is not appropriate due to conflict of interest with respect to the nature of the disclosure or the person involved, the Designated Officer for the disclosure. The Alternative Designated Officer shall have all the powers of the Designated Officer for the purpose of the disclosure.
2. This policy applied to wrongdoings in or relating to schools, departments, and employees of Lethbridge School District No. 51 that involve:
 - 2.1. a contravention of an Act of Alberta of Canada or the Regulations related to those acts, or
 - 2.2. an act of omission that creates:
 - 2.2.1. substantial and specific danger to the life, health of safety of individuals other than a danger that is inherent in the performance of the duties or functions of an employee, or
 - 2.2.2. a substantial and specific danger to the environment, or
 - 2.3. gross mismanagement of public funds or a public asset, or
 - 2.4. knowingly directing or counseling an individual to commit one of the wrongdoings listed above, or
 - 2.5. complaints of reprisals as a result of the disclosure of a wrongdoing.
3. Disclosures
 - 3.1. Disclosures of wrongdoings made to the Designated Officer must be in writing. The Disclosure of Wrongdoing Form 400.3.1 outlines the information required in a disclosure.
 - 3.2. Complaints of reprisals for disclosing a wrongdoing made to the Designated Officer must be in writing. The Complaint of Reprisal Form 400.3.2 outlines the information required in a complaint.

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- 3.3. In the event of a disclosure or complaint of reprisal to the Designated Officer concerning the conduct of the Chief Officer, or concerning which the Chief Officer has a conflict of interest, the Designated Officer shall:
 - 3.3.1. advise the Board Chair of the nature of the disclosure, where upon the Board of Trustees may authorize an investigation into the disclosure; and
 - 3.3.2. advise the Commissioner of the disclosure and its referral to the Board of Trustees, and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.
- 3.4. Disclosures of wrongdoings and complaints of reprisal may also be made directly to the Public Interest Commissioner using the Public Interest Disclosure Form.
- 3.5. Disclosure of matters dealing with “imminent risk” (matters that require immediate attention as they pose significant risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner using the [Public Interest Disclosure Form](#). The Public Interest Commissioner will then communicate with the appropriate authorities. The employee must also disclose the wrongdoing to the Designated Officer as soon as practicable thereafter.
4. Investigations
 - 4.1. Upon receiving a disclosure, the person receiving the disclosure shall determine whether or not an investigation is warranted.
 - 4.2. An investigation may involve both internal and external sources to assist in determining whether a wrongdoing has occurred and what corrective action may be appropriate.
 - 4.3. Confidentiality of the discloser of a wrongdoing shall be maintained to the extent possible consistent with the need to conduct an adequate investigation.
 - 4.4. Investigations shall be conducted in accordance with the principles of fairness and natural justice.
5. Timelines
 - 5.1. A disclosure of wrongdoing or complaint of reprisal made to the Designated Officer 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.
 - 5.2. The employee who submitted a disclosure of wrongdoing or complaint of reprisal to the Designated Officer shall be advised no more than twenty (20) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received of whether or not an investigation will be made.

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- 5.3. An investigation by the Designated Officer must be concluded not more than 120 business days from the date on which the disclosure of wrongdoing or complaint or reprisal is received.
- 5.4. The above timelines may be extended by up to 30 business days by the Superintendent, or for a longer period of time if approved by the Public Interest Commissioner.
- 6. Report
 - 6.1. The Designated Officer shall provide a written investigation report to the Chief Officer detailing whether the disclosure was substantiated, and providing recommendation on corrective action.
 - 6.2. Where the Designated Officer is considering a recommendation to the Superintendent that the Superintendent exercise authority delegated to them by the Board of Trustees to suspend or terminate a teacher or administrative designation under the School Act, the Designated Officer shall consult with other board 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 School Act for the Superintendent to consider that recommendation.
 - 6.3. The Chief Officer shall consider the recommendations in the investigation report, and shall be responsible for determining what action, if any, including disciplinary action shall be either taken as a result or recommended to the Board of Trustees. The Chief Officer shall follow-up with the employees responsible to ensure those actions are taken.
 - 6.4. The person making the complaint shall be advised when the investigation is completed, what recommendations were made in the written investigation report, and the Chief Officer's actions resulting from the written investigation report.
- 7. Good Faith
 - 7.1. An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
 - 7.2. Deliberately false or malicious allegations by an employee will form the grounds for disciplinary action up to and including termination of employment.

References

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| Alberta School Act: | Sections 92-117, 131-143 |
| Legal References: | Public Interest Disclosure (Whistleblower Protection) Act (PIDA) Public Interest Disclosure (Whistleblower Protection) Regulation |
| District Forms: | Disclosure of Wrongdoing Form 400.3.1 Complaint of Reprisal Form 400.3.2 |
| Other Forms: | Public Interest Commissioner Online Disclosure Form: https://yourvoiceprotected.ca/wp-content/uploads/2014/03/Online-Disclosure-Form.pdf |