



C – 14

Whistleblower Protection

Calgary Arts Academy Society Board of Directors (CAAS) maintains a positive working environment for all Calgary Arts Academy (CAA) employees in a culture characterized by integrity, respect, trust and care. CAAS expects all staff to demonstrate high ethical standards in the work. CAA will act in an objective manner to address reports of wrongdoing within the school without retribution to employees who report wrongdoing in good faith.

The Superintendent is responsible for the administration of this policy.

Purpose

- To deter and detect wrongdoing within CAA to positively impact the reputation, effectiveness and finances of CAA and enhance the working environment for CAA employees.
- To provide clear guidance for the safe disclosure of any wrongdoing occurring within CAA.
- To protect CAA employees from any retaliatory action when a wrongdoing is disclosed in good faith within CAA. Protection from retaliation is known as ‘Whistleblower Protection.’

Administrative Procedure

1. Designation of Chief Officer
 - 1.1 The Superintendent is designated the Chief Officer for the purpose of the overall administration and reporting required under the Act.
 - 1.2 The Secretary Treasurer is the designated officer for the purpose of administering and investigating disclosure under the Act.
2. Application
 - 2.1 This administrative procedure applies to the wrongdoing in or related to CAA, its campuses, board office and employees that involve:
 - 2.1.1 A contravention of an Act of Alberta or Canada or the regulations related to these acts.
 - 2.1.2 An act or omission that creates:
 - Substantial and specific danger to the life, health and safety of individuals other than a danger that is inherent in the performance of duties of an employee, and/or
 - Substantial and specific danger to the environment
 - 2.1.3 Gross mismanagement of public funds or a public asset
 - 2.1.4 Knowingly directing or counseling an individual to commit one of the wrongdoings listed above.

3. No Reprisals

3.1 An employee, who in good faith

- seeks advice about making a disclosure
- makes or made a disclosure
- cooperated in an investigation, or
- declined to participate in a wrongdoing

will not be subject to actions or threats of dismissal, layoff, suspension, demotion, transfer, discontinuation or elimination of a job, change of job location, reduction in wages, changes in hours of work, or reprimand, or any other measure that adversely affects the employee's employment or working conditions.

3.2 An employee may make a written complaint to the Public Interest Commissioner if the employee alleges that a reprisal has been taken or directed against the employee. Such a written complaint must, according to the Act, be made on the Complaint of Reprisal Form.

3.3 Any CAA employee who is found to have taken retribution against an individual who has disclosed wrongdoing or knowingly make malicious, misleading or false disclosure are subject to appropriate disciplinary action up to and including termination of contractual relationship, termination of employment and/or loss of privilege/appointment, as would be the case with any other disciplinary action.

3.4 Reasonable human resource management decisions made in good faith do not constitute a reprisal.

4. Disclosure

4.1 Any CAA employee considering making a disclosure may request information or advice from the employee's designated officer, chief officer or the Commissioner. The designated officer, the chief officer or the Commissioner may request for information or advice to be in writing.

4.2 Disclosures of wrongdoing must be made to the designated officer (Secretary Treasurer) in writing. The Public Interest Disclosure (Whistleblower Protection) Act Disclosure Form outlines the information required in a disclosure and is provided.

4.3 Any CAA School employee may also contact the office of the Public Interest Commissioner to advise they have made a disclosure to their designated officer for the purposes of commencing an investigation.

4.4 Disclosures should be factual rather than speculative and contain as much specific information as possible.

4.5 In the event that disclosure to the Secretary Treasurer is not appropriate due to conflict of interest with respect to the nature of the disclosure or the person involved, disclosure may be made to the Superintendent (the Chief Officer.)

4.6 Employees can disclose directly to the Public Interest Commissioner, circumventing their chief officer and their designated officer, in the following circumstances:

- 4.6.1 If the employee has made a disclosure in accordance with the procedures in section 4 and an investigation concerning the disclosure has not yet been completed in accordance with section 6.
 - 4.6.2 If the employee has made a disclosure in accordance with the procedures in section 4 and the matter has not been resolved within the time period established in section 7.
 - 4.6.3 If the employee has made a disclosure in accordance with the procedures in section 4, the investigation has been completed, a final decision has been issued relative to the disclosure and the employee is dissatisfied with the decision.
 - 4.6.4 If the subject matter of the disclosure involved the employee's chief officer or designated officer.
 - 4.6.5 If the employee has made a disclosure to their designated officer however is unable to complete the procedures because of reprisal directed towards them, or reasonably believes a reprisal is likely to be taken or directed towards them, if the disclosure is made in accordance with section 4.
 - 4.7 Disclosures of matters dealing with "imminent risk" (matters that require immediate attention as they pose a specific risk to public health or safety, or a danger to the environment) must be made directly to the Public Interest Commissioner, who will then communicate with appropriate authorities. The employee must also disclose the wrongdoing to the Secretary Treasurer as soon as is practical thereafter.
 - 4.8 When required, the designated officer will request advice from the Commissioner with respect to the management and investigation of a disclosure.
5. Confidentiality
 - 5.1 Maintaining confidentiality is paramount to the success of the process. Accordingly, the risk of confidentiality will be strictly managed from the outset of a disclosure being received through to the end of the investigation and report release. To enhance confidentiality, as few people as are required will handle disclosures. Employees must not share information or evidence regarding disclosures or wrongdoing with fellow employees who do not have a need to know such information and who are not authorized to address disclosures.
 - 5.2 All participants in an investigation shall keep confidential:
 - 5.2.1 the identity of the individual involved in the disclosure process.
 - 5.2.2 the identity of individuals alleged to have committed the wrongdoings.
 - 5.2.3 the identity of witnesses.
 - 5.2.4 the information collected in relation to a disclosure.
 - 5.2.5 the details and results of the investigation provided, however, such confidentiality may not be maintained for matters which pose an imminent risk of a substantial and specific danger to life, health or safety of individuals, or to the environment.
 - 5.3 Confidentiality is also subject to the provisions of the Freedom of Information and Protection of Privacy Act (Alberta) and other legislation.

6. Investigations

- 6.1 Upon receiving a disclosure, the person receiving the disclosure shall determine whether an investigation is warranted.
- 6.2 An investigation may involve both internal and external sources to assist in determining whether an improper activity has occurred and what corrective action may be appropriate.
- 6.3 Where a disclosure received by the designated officer would, in the view of the designated officer, be more appropriately dealt with by the Commissioner or by another department, public entity or office of the Legislature, the designated officer shall register such disclosure to the Commissioner or the chief officer or the designated officer of such department, entity or office within 15 business days of receipt. The employee or the other person making the disclosure will be advised by the designated officer about the referral.
- 6.4 Investigations shall be conducted in accordance with the principles of fairness and natural justice.
- 6.5 A single investigation may be conducted in circumstances where multiple disclosures are made on the same matter.
- 6.6 If the designated officer has reason to believe that another wrongdoing has been committed or may have been committed, the officer may investigate that wrongdoing in accordance with AP-490.

7. Timelines

- 7.1 A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than 5 business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received.
- 7.2 The employee who submitted a disclosure or complaint of reprisal shall be advised no more than 10 business days from the date on which the disclosure or wrongdoing or complaint of reprisal is received of whether an investigation will be made.
- 7.3 An investigation must be concluded not more than 110 business days from the date on which the disclosure of wrongdoing or complaint of reprisal was received. The employee who submitted a disclosure of wrongdoing or complaint of reprisal shall be advised of the result of the investigation in writing.
- 7.4 These timelines may be extended by up to 30 days by the Superintendent, or for a longer period of time, if approved by the Public Interest Commissioner.

8. Reporting

- 8.1 The chief officer must prepare an annual report on all disclosures that have been made to the designated officer. Details of all disclosures will be compiled and tracked by the designated officer and provided to the chief officer.
- 8.2 Annual reports by the chief officer will include the following:
 - 8.2.1 The number of total disclosures received by the designated officer.
 - 8.2.2 The number of disclosures acted upon.
 - 8.2.3 The number if disclosures not acted on by the designated officer.

- 8.2.4 The number of investigations commenced by the designated officer as a result of the disclosures.
 - 8.3 In the case of an investigation that results in a finding of wrongdoing, a description of the wrongdoing and any recommendations made or corrective measures taken in relation to the wrongdoing or the reasons why no corrective measures were taken.
- 9.0 Good Faith
- 9.1 An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
10. Outcomes
- 10.1 Outcomes will be fair and reasonable for all persons involved. Following the complete investigation of a disclosure, outcomes which may result include:
 - 10.1.1 An explanation
 - 10.1.2 An apology
 - 10.1.3 Mediation
 - 10.1.4 An admission of fault
 - 10.1.5 A change in decision
 - 10.1.6 A change in policy, procedure or practice
 - 10.1.7 A change to the relevant law
 - 10.1.8 A correction of misleading records
 - 10.1.9 Financial compensation, including a refund of any fees
 - 10.1.10 The waiving of debt
 - 10.1.11 The remission of a penalty
 - 10.1.12 Protection to the employee making a disclosure
 - 10.1.13 Disciplinary action
 - 10.1.14 Referral of a matter to an external agency for further investigation or prosecution.

Legal Reference: Public Interest Disclosure (Whistleblower Protection) Act
Freedom of Information and Protection of Privacy Act

Cross Reference: Public Interest Disclosure (Whistle Blower Protection Regulation)

Approved: May 15, 2018