

# **West Island College**

## ***Public Interest Disclosure (Whistleblower Protection) Act***

### **Policy and Procedures**

#### **1. Policy Statement**

- 1.1 West Island College is committed to providing students the best possible, quality learning opportunities in a safe and caring environment, characterized by behavior consistent with the College's stated moral and ethical beliefs.
- 1.2 In this context, and having regard to the best interests of the College and the larger community, the College's Board of Directors, the Head of School, teachers, employees, students, parents and members of the supporting school community must be assured that all concerns about Wrongdoing will be taken seriously.
- 1.3 West Island College commits that any disclosure of Wrongdoing or alleged Wrongdoing reported to the Chief Officer, will be properly reviewed and investigated and then acted upon by the College, as appropriate.
- 1.4 All College employees have the right and obligation to report Wrongdoing. An Employee making a report of Wrongdoing in good faith will be protected against Reprisal or other detrimental impacts within the power of the College.
- 1.5 A copy of this Policy is available at the Front Office and on the College's website.

#### **2. Purpose of the Policy and Procedures**

- 2.1 The purpose of this Policy and the procedures is to allow teachers and other employees to report Wrongdoing to the Chief Officer (in this policy, the Head of School) so that the matter may be addressed in keeping with the principles of due process and of fundamental justice. If the report pertains to the Chief Officer, then the individual should report the matter directly to the Commissioner.
- 2.2 Should a report of Wrongdoing be made directly to the Commissioner, as named under Alberta's *Public Interest Disclosure (Whistleblower Protection) Act*, the Chief Officer and the College will make every effort to assist the Commissioner's office with its review of the report of Wrongdoing, to bring the matter to a reasonable and just conclusion.
- 2.3 Pursuant to Alberta's *Public Interest Disclosure (Whistleblower Protection) Act*, this Policy and attendant procedures aim to:
  - a) facilitate disclosure and investigation of serious Wrongdoing at West Island College as defined in the Act and outlined in the College's policy;
  - b) protect Employees and others who make disclosures in good faith;

- c) manage, investigate and make recommendations in respect to disclosures of Wrongdoing and Reprisals for disclosure; and
- d) promote confidence in the administration and operations of the College among all members of the school community.

### 3. Definitions

- 3.1 "Act" means the *Alberta Public Interest Disclosure (Whistleblower Protection) Act*, S.A. 2012 c. P-39.5, as amended;
- 3.2 "Board" means the Board of Directors of West Island College Society of Alberta;
- 3.3 "Chief Officer" means the Head of School;
- 3.4 "College" means West Island College;
- 3.5 "Commissioner" means the Public Interest Disclosure Commissioner under the Act;
- 3.6 "Designated Officer" means the Manager of Corporate Services, or other individual designated by the Chief Officer, to manage and investigate any Disclosure under this Policy;
- 3.7 "Disclosure" means the written report of a Wrongdoing;
- 3.8 "Employee" means an individual employed by West Island College;
- 3.9 "Policy" means the West Island College Public Interest Disclosure (Whistleblower Protection) Act Policy and Procedures;
- 3.10 "Public Entity" means an accredited private school including West Island College;
- 3.11 "Reprisal" means any adverse employment action taken against an Employee, or adverse action taken against a parent or student or member of the school community who seeks advice about making a Disclosure, makes a Disclosure, cooperates in investigating a Disclosure, or refuses to participate in obscuring or hiding a Disclosure. The meaning of "Reprisal" may include adverse employment related action including dismissal, layoff, suspension, demotion or transfer, elimination of a position, reduction in wages or hours of work, or a reprimand; any other measures that adversely impact an individual including bullying, shaming or shunning; and, threats to do any of the above; and
- 3.12 "Wrongdoing" means:
  - a) a contravention of Canadian or Alberta legislation, including the regulations related to those acts;
  - 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 inherent in the performance of duties or functions of an Employee; or

- ii. a substantial and specific danger to the environment;
- c) gross mismanagement of public funds or asset(s); or
- d) knowingly directing or counselling an individual to commit a Wrongdoing mentioned in clauses i to c).

#### **4. The Disclosure Process**

4.1 Employees who have witnessed a Wronging should file a Disclosure with the Chief Officer, using the appropriate form set out in Appendix A. By way of example, Wrongdoing may include, but is not limited to, the following:

- a) Corrupt conduct;
- b) Fraud and theft;
- c) Official misconduct;
- d) Maladministration;
- e) Waste of public resources;
- f) Reprisal against a report of Wrongdoing;
- g) Endangerment of the health and safety of students, Employees or the public;
- h) Endangering the environment; and
- i) Any other conduct the reporting individual, in good faith, believes to be a Wrongdoing.

4.2 When reporting Wrongdoing, the individual should:

- a) not discuss the matter with others in order to better enable the College to protect the reporting individual from Reprisal or detrimental action;
- b) make the Disclosure to the Chief Officer as set forth in this Policy. If the Disclosure pertains to conduct of the Chief Officer then the individual should make the Disclosure directly to the Commissioner in accordance with the Act;
- c) if the individual is in fear of Reprisal, make the Disclosure directly to the Commissioner;
- d) recognize that the Chief Officer may refer the matter reported, where appropriate, to another person or body charged with addressing such matters;
- e) understand that any Disclosure made must be made in good faith, on reasonable grounds, and must not be false, misleading or vexatious; and

- f) understand that reporting a Wrongdoing does not absolve the reporting individual from disciplinary action, if the individual had a role in the Wrongdoing.

4.3 The Chief Officer, when receiving a Disclosure will:

- a) confirm with the individual that a formal Disclosure under this Policy has been made and commit to handling the matter through the process established under this Policy;
- b) make a determination about whether the disclosing individual requires any form of protection or support as a result of making the Disclosure;
- c) determine the urgency of the Disclosure;
- d) ascertain whether the disclosing individual has informed any other person within the College community of the matters set forth in the Disclosure;
- e) ensure that the individual making the Disclosure is aware of their right to report in other ways, if appropriate, including directly to the Commissioner under the Act;
- f) inform the disclosing individual that a Disclosure must be in writing and include a description of the Wrongdoing, the name of the individual or individuals alleged to have committed a Wrongdoing or are about to commit a Wrongdoing, the date and time of the Wrongdoing, and any other information deemed important, using the appropriate form included as Appendix A;
- g) establish whether a Disclosure has already been made to the Commissioner, and, if so, inform the disclosing person that prior to proceeding with the Disclosure, the Chief Officer will communicate with the Commissioner's office to determine how best to proceed without duplication;
- h) recommend, if appropriate, that the disclosing individual, direct the Disclosure, if they have not already done so, to another appropriate body, for example, a governing board committee or external body such as the labour relations board; and
- i) keep the disclosing person informed about timelines applicable to the handling of the Disclosure.

4.4 The Chief Officer will ensure that the individual making a Disclosure clearly understands that any review and investigation of a Disclosure is consistent with the principles of procedural fairness and natural justice, including the requirements that:

- a) any decision made must be in keeping with the policies of the College, applicable codes of conduct, standards, and Alberta and Canadian legislation;

- b) the person about whom a Disclosure is made will be informed about the substance of the allegations, supporting evidence, criteria relating to potential outcomes and consequences, including penalties;
- c) the person about whom a Disclosure is made will be provided with a reasonable opportunity to be heard or respond (orally or in writing) to the allegations contained in the Disclosure before a recommendation or decision is finalized;
- d) any person making a recommendation or decision in respect of the review or investigation of a Disclosure will do so impartially, without personal interest in the outcome; and
- e) any review and investigation of the allegations set forth in the Disclosure will proceed as follows:
  - i. the Disclosure will be acknowledged within five business days of receipt;
  - ii. a decision will be made within 10 business days of receipt as to whether a review and/or investigation of the matters set forth in the Disclosure will be undertaken, and that decision will be communicated to the disclosing individual at the same time; and
  - iii. if an investigation is undertaken, a written investigation report will be complete within 110 days of receipt of the Disclosure.

4.5 When a Disclosure is made, the Chief Officer must, in recognizing that confidentiality is paramount to the success of the process:

- a) to the extent reasonably possible, maintain confidentiality of the Disclosure process, including instructing all participants involved in an investigation to keep confidential:
  - i. the identity of individuals involved in the Disclosure process;
  - ii. the identity of individuals alleged to have committed the Wrongdoings;
  - iii. the identity of witnesses;
  - iv. the information collected in relation to a Disclosure.
- b) Limit participation in the investigation to only those individuals as reasonably required to meet the obligations of due process and natural justice set forth in this Policy and in keeping with the Act; and
- c) once an investigation report is completed and provided to the Chief Officer, to the extent appropriate in the circumstances, limit the sharing of information regarding recommendations, outcomes and penalties to only those individuals with a need to know, recognizing however, that 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.

- 4.6 Confidentiality is also subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (Alberta), and other legislation.

## **5. Roles and Responsibilities in Respect of Disclosures**

- 5.1 Employees understand that as per this Policy a written Disclosure is to be made using the appropriate form included at Appendix A, submitted to the Chief Officer, or to the Commissioner (where appropriate).

- 5.2 The Chief Officer is responsible for:

- a) maintaining an environment in which Disclosure of Wrongdoing is viewed as a responsibility and obligation on the part of all engaged in the school community;
- b) communicating to the school community the commitment of the College to the highest standards of ethical and accountable conduct;
- c) establishing an ongoing process for ensuring that those engaged in the life of the College are aware of this Policy and have access to the procedures set forth herein for disclosing Wrongdoing;
- d) ensuring that members of the school community are aware of the internal Disclosure procedure and the College's commitment to upholding the protection Alberta legislation affords individuals making a Disclosure;
- e) carry out the duties outlined in 4.3 and 4.4 above;
- f) ensuring that the Designated Officer is ready, willing and able to investigate, report and make finding(s) and recommendations in respect of a Disclosure of alleged Wrongdoing;
- g) providing resources, including making available documents, staff and space to enable the Designated Officer to reasonably investigate, report and make recommendations for action in respect of a Disclosure;
- h) receiving a report and recommendations in respect of a Disclosure and taking action on recommendations or penalties in keeping with required timelines;
- i) ensuring that due processes are in place to mitigate the risk of Reprisals;
- j) managing the workplace to reduce the impact of Reprisals or threats of Reprisal;
- k) reporting to the Commissioner any Reprisal or threat of Reprisal against a person making a Disclosure or providing witness information about a Disclosure;

- l) taking remedial action in respect of any finding arising from a Disclosure of alleged Wrongdoing and recommending to the Board changes to College policy, or amending operational procedures to address any future systemic issues; and
- m) ensuring that information about Disclosures is reported annually as part of the annual education results report.

5.3 The Designated Officer is an individual appointed by the Chief Officer to review, investigate and report on a Disclosure of alleged Wrongdoing.

- a) The Designated Officer will be an individual who enjoys credibility with staff, parents, students and the supporting school community on the basis of background, education, training and experience, or, the Designated Officer may be a contracted individual external to the College who will serve as the Designated Officer upon being so named by the Chief Officer in respect of a specific Disclosure.
- b) The Designated Officer shall be an individual who:
  - i. has strong interpersonal and communication skills;
  - ii. understands that the tasks of reviewing, investigating, reporting and making findings and recommendations must be completed in a unbiased manner that is evidence based;
  - iii. respects the evidence and views of all concerned;
  - iv. makes sound, fact based judgments;
  - v. has investigation and or reporting expertise or access to such expertise; and
  - vi. has a sound understanding and appreciation of the letter and spirit of the Act, legal considerations that may arise and a sound understanding of the College's Policy framework.

5.4 The Designated Officer is responsible for carrying out duties pursuant to the Act, including:

- a) liaising with the Chief Officer and the Office of the Commissioner in respect of a Disclosure, or if a Designated Officer is internal to the College, in respect of any Disclosure generally;
- b) if the Designated Officer is internal to the College, maintaining a tracking system for all Disclosures;
- c) making a determination in respect of a Disclosure whether it in fact constitutes a public interest Disclosure under the Act;
- d) if the Designated Officer determines that the Disclosure may not constitute a public interest Disclosure under the Act, then the Designated Officer shall report accordingly, in writing, to the Chief Officer and the

individual who made the Disclosure, and include a recommendation, if appropriate, of alternate avenues or procedures whereby the substance of the Disclosure may best be appropriately addressed;

- e) appointing, if appropriate, a separate investigator;
- f) managing the Disclosure process and overseeing the investigator, if the Designated Officer has engaged a separate individual to serve as the investigator of the Disclosure;
- g) establishing and maintaining a confidential filing system that contains all relevant information related to a Disclosure;
- h) reviewing the evidence compiled in the course of the investigation of a Disclosure and making findings and recommendations to the Chief Officer;
- i) advising the individual who made the initial Disclosure of the status of the investigation and informing the individual of the final outcome of the investigation, subject to confidentiality and privacy considerations;
- j) taking all reasonable measures to keep confidential the identity of the individual making a Disclosure, the identity of the individuals named in the Disclosure as well as the names of any witnesses or participants in the investigation process;
- k) taking all reasonable measures to protect from Reprisal individuals making a Disclosure or providing evidence in respect of a Disclosure;
- l) providing to the Chief Officer, in writing, a report of the investigation, the outcomes and recommendations for action; and
- m) providing to the individual who made the Disclosure, such information regarding the outcome of the investigation as reasonable in the circumstances.

## **6. Confidentiality and Disclosures**

6.1 Information about a Disclosure collected during an investigation must be:

- a) shared only among the investigator (if a separate individual), the Designated Officer, and the Chief Officer, as reasonable and appropriate in the circumstances;
- b) shared with the Board, but the information shared shall be limited to only that information reasonably required to facilitate compliance with this policy;
- c) stored on paper and on electronic files that are kept separate, and to which access is:
  - i. limited to only those in 6.1a) above;



- ii. held in locked filing cabinets the contents of which are marked "confidential"; and
- iii. password protected for electronic files.

6.2 The Designated Officer, whether internal or external, shall advise the individual making a Disclosure of the risks to confidentiality and the circumstances under which confidentiality may not be maintained, including, but not limited to:

- a) the impact of the disclosing individual having shared the matter at hand with others within the College;
- b) the likelihood that the issue at the heart of the Disclosure may be attributed to the individual making the Disclosure;
- c) the difficulties associated with investigating the issue without alerting those in the College about the identity of the individual making the Disclosure;
- d) the Act applies notwithstanding a code of professional conduct provision that may result in a negative impact on the person making a Disclosure, if the person about whom the Disclosure being made is not informed prior to the Disclosure, for example, Practice Review of Teachers Regulation, Schedule, Section 3 provisions;
- e) the intent of the Act to protect the individual against threats or Reprisals for the reporting of Wrongdoing; and
- f) the possibility that the issue at the heart of the Disclosure is required to be reported or disclosed through another process, for example, a report to the police or a complaint about professional conduct or practice, and that such complaints may involve identifying the person making a Disclosure;

## **7. Anonymous Disclosures**

7.1 Under Section 21 of the Act, a person may make an anonymous Disclosure directly to the Commissioner. The Commissioner may choose to investigate the matter or refer the Disclosure to a Public Entity, including an independent school, to investigate and address. Where the Commissioner refers a matter, the Commissioner may request regular updates and follow up as to the status of the matter, including recommendations and the extent to which they have been implemented.

7.2 An anonymous Disclosure must contain sufficient information to permit the Commissioner or a Public Entity to review or investigate the matter:

- a) sufficient information is defined as the information described in

- b) Appendix A with the exception of the name and contact information of the individual making the Disclosure;
- c) a person making an anonymous Disclosure must be aware that the issues or risks described under section 6.2 above of this document may apply in the case of an individual making an anonymous Disclosure; and
- d) notwithstanding the issues and risks involved in making a Disclosure, anonymous or otherwise, the College, to the extent it is advised of the Disclosure, will, through the Designated Officer and/or Chief Officer, take all reasonable measures, including those under section 6.1 above, to maintain the anonymity of a Disclosure.

## **8. Publishing Public Disclosure Information**

- 8.1 The Chief Officer, or where the Designated Officer is internal to the College, the Designated Officer, shall maintain annual records that include:
  - a) the number of Disclosures received during the school year;
  - b) the number of Disclosures acted on and not acted on, including the reasons in cases where the Disclosure was not acted on;
  - c) the number of investigations pursued by the Designated Officer and/or an investigator named by the Designated Officer; and
  - d) in the case of investigations that resulted in a finding of Wrongdoing, a description of the Wrongdoing, recommendations for action in the investigation report and remedial actions taken in respect to recommendations, or where not action was taken, the reason(s) for no action being taken.
- 8.2 The information outlined in Section 8.1 shall be reported annually in a section of the College's annual education results report and a copy of that report must be readily available to all members of the school community and the public.

## **9. Receiving and Assessing a Disclosure**

- 9.1 The Chief Officer shall receive all Disclosures, acknowledge receipt of a written Disclosure and refer the Disclosure to the internal or external Designated Officer for review and investigation within the required timelines.
- 9.2 The Chief Officer, at the request of the Designated Officer, may extend the timelines applicable to the overall time limit for the investigation and reporting of a Disclosure as per section 4.4e) above, but such extension shall not be more than thirty (30) days.
- 9.3 The Chief Officer shall put in place a file tracking system for Disclosures that includes, but is not limited to, the following:
  - a) the original copy of the Disclosure including the date, time and by whom it was received;

- b) confirmation of receipt of the Disclosure and notification of receipt to the individual making the Disclosure;
- c) adherence to the required timelines as per section 4.4e) above;
- d) information collected as part of the review or investigation of a Disclosure, including documents, lists of witnesses, witness interviews signed by witnesses and any other evidence;
- e) the Designated Officer's and investigator's report (if the investigator is other than the Designated Officer) including findings and recommendations for action; and
- f) records of implementation of report recommendations or actions taken or not taken, including reason for inaction.

9.4 The Chief Officer will undertake a preliminary review of the alleged Wrongdoing to ensure it constitutes a Wrongdoing under this Policy and the Act using the following as guidelines:

- a) Not included in an alleged Wrongdoing is a "grievance" which is a personal complaint about the person's own employment situation. In a Disclosure, the person making the Disclosure is normally a witness, whereas in a grievance, the person is normally a complainant;
- b) The Chief Officer may also make a determination that the matter is one that should forthwith be reported to the police, or is a matter better addressed as a professional conduct or professional practice complaint;
- c) Where the Chief Officer makes a determination under b) above, then they will afford the disclosing individual the opportunity to make the required report or complaint directly to the police or other third party, or, failing timely action on the part of the disclosing individual, the Chief Officer may initiate the report or make the complaint directly to the police or third party, if appropriate;
- d) On the basis of the information available, the Chief Officer may determine that the subject of the Disclosure constitutes a dispute or difference between or amongst individuals and parties and may recommend to the individual making the Disclosure and another party, recourse to a mediation process; and
- e) If a Chief Officer takes action under a), b) c) or d) above, they will maintain written record of the disposition of the matter.

9.5 When undertaking the preliminary review of a Disclosure, the Chief Officer will take into account the following matters and determine:

- a) the validity and credibility of the information provided, including, if necessary, interviewing the individual making a Disclosure to obtain further information in order to make such assessment;

- b) the gravity of the Disclosure for the individual making the Disclosure, for the College and the education system, including independent schools generally, and the public interest generally;
  - c) whether the Disclosure is trivial, frivolous or vexatious;
  - d) whether the critical nature of the Disclosure requires immediate action, for example in the case of a criminal act or impending criminal act, or, an imminent concern for the health and safety of students or other members of the school community;
  - e) if other dispute resolution processes may address the alleged Wrongdoing more effectively than the processes set forth in this Policy;
  - f) the sources of information that may provide sufficient support to prove or disprove the Disclosure;
  - g) whether the time that has elapsed between the alleged Wrongdoing and the Disclosure of the Wrongdoing makes an investigation into the Wrongdoing impractical or impossible; and
  - h) the likelihood of a Reprisal against the individual making the Disclosure and put in place, to the degree reasonably possible, mitigating measures.
- 9.6 The Chief Officer will provide in writing to the individual making the Disclosure and file in the Disclosure file, the reasons for proceeding, or not proceeding, with said Disclosure.
- 9.7 The Designated Officer or the investigator, if the investigator is a person other than the Designated Officer, when assigned to investigate a Disclosure, shall forthwith meet with the individual making the Disclosure to:
- a) clarify, to the extent possible, the substance of Disclosure;
  - b) establish the facts or other evidence that support the Disclosure's alleged Wrongdoing that has or is likely to occur; and
  - c) identify any corroborating documents, witnesses or evidence that may assist in the investigation.

The Designated Officer or the investigator, if the investigator is a person other than the Designated Officer, when assigned a Disclosure and after having completed the steps outlined under 9.7 above, shall develop an investigation plan consistent with the content of

9.8 Appendix B.

9.9 The Designated Officer or the investigator, if the investigator is a person other than the Designated Officer, shall complete a written investigation report providing:

- a) evidence based supports for the report's findings;
- b) specific references to the evidence supporting the report's findings; and
- c) recommendations for action on the part of the Board, the Chief Officer or other entity.

**10. Identifying and Acting Upon Imminent Risk**

10.1 Under Section 10(2) of the Act, an Employee who discloses a matter that involves imminent risk is required to disclose the matter directly to the Commissioner.

10.2 Even though an Employee making a Disclosure has disclosed the matter directly to the Commissioner, the Employee must also disclose the matter to the Chief Officer and/or Designated Officer (as appropriate).

10.3 An Employee may only make a Disclosure directly to the Office of the Commissioner, circumventing their Chief Officer and/or Designated Officer, in the following circumstances:

- a) If the subject matter of the Disclosure involves the Chief Officer or Designated Officer;
- b) If the Employee has made a Disclosure and an investigation concerning the Disclosure has not been completed in accordance with this Policy;
- c) If the Employee has made a Disclosure in accordance with this Policy and the matter has not been resolved within the time periods established;
- d) If the Employee has made a Disclosure in accordance with this Policy, the investigation has been completed, a final decision has been issued relative to the Disclosure, and the Employee is dissatisfied with the decision;
- e) If the Employee reasonably believes a matter constitutes an imminent risk of substantial and specific danger to the life, health or safety of individuals and there is insufficient time to make a Disclosure to their Chief Officer or Designated Officer. However, in these circumstances the Employee must, as soon as is reasonably practicable, make a Disclosure of this matter to their Chief Officer or Designated Officer; and
- f) If the Employee has made a Disclosure to their Chief Officer or Designated Officer under this Policy but is unable to complete the process due to a Reprisal directed towards them, or because the Employee reasonably believes a Reprisal is likely to be taken or directed towards them.

NOTE:

The *Public Interest Disclosure (Whistleblower Protection) Act* may be retrieved from:  
<http://www.qp.alberta.ca/documents/Acts/p39p5.pdf>

## APPENDIX A

West Island College

### Public Interest Disclosure Form

This Form serves as the public disclosure of Wrongdoing form of West Island College as authorized under Section 13 of Alberta's Public Interest Disclosure (Whistleblower Protection) Act.

Name of the person making the disclosure: \_\_\_\_\_

Contact information for the disclosing individual:

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Description of the alleged Wrongdoing – including specifically – 1) the Wrongdoing; 2) when it took place; 3) where it took place; 4) the context in which it took place; 5) the name of the person who allegedly committed or is about to commit the Wrongdoing; 6) any supporting information – documentation, electronic sources, witnesses – that may provide support for the reason to believe that a Wrongdoing has been committed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(if space is insufficient above, please continue the description on the back of the page.)

Has a disclosure of a Wrongdoing been made as a report or complaint under other legislation (for example, a professional conduct or practice complaint) or a report of a criminal code violation? Please describe, how, when, where, and to whom. Also please describe acknowledgement of the report, if any.

\_\_\_\_\_  
\_\_\_\_\_

Has a disclosure been made to the Public Interest Disclosure Commissioner? Please describe how, when and confirmation of the report, if any.

\_\_\_\_\_  
\_\_\_\_\_

### Complaint of Reprisal Form

This form must be used to submit complaint of reprisal. Your responses will assist in reviewing the matter under the *Public Interest Disclosure (Whistleblower Protection) Act*. Please send this form directly to the Public Interest Commissioner at: \_\_\_\_\_

#### **Reprisal**

**24** No person shall take or direct, or counsel or direct a person to take or direct, any of the following measures against an employee because the employee has, in good faith, sought advice about making a disclosure, made a disclosure, cooperated in an investigation under this Act, declined to participate in a wrongdoing or done anything in accordance with this Act:

- (a) a dismissal, layoff, suspension, demotion or transfer, discontinuation or elimination of a job, change of job location, reduction in wages, change in hours of work or reprimand;
- (b) any measure, other than one mentioned in clause (a), that adversely affects the employee's employment or working conditions;
- (c) a threat to take any of the measures mentioned in clause (a) or (b).

#### **General Contact Information**

Name \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Telephone Work \_\_\_\_\_ Home \_\_\_\_\_ Cell/Other \_\_\_\_\_

Email (Optional) \_\_\_\_\_

Best Time to Contact Day ☐ Evening ☐ Weekend ☐

Name of Employer \_\_\_\_\_

#### **Information about the Reprisal**

Please provide a brief description of the disclosure of wrongdoing you made or participated in. Please include all relevant dates, locations, etc. Please attach any available supporting documents.

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Please provide a description of the reprisal(s) or threat(s) that have occurred or are occurring. Be sure to include all relevant dates, locations, etc. Please attach any available supporting documents.

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Is there any additional information about this complaint of reprisal you wish to provide? Please attach any available supporting documents.

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**Declaration:**

I believe that all the information provided is true to the best of my knowledge.\*

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(Signature)

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(Current Date)

\*Knowingly making a false or misleading statement is an offence pursuant to the Act.

## **APPENDIX B**

### **Public Interest Disclosure Investigations**

An investigation may be conducted by the Designated Officer or by an investigator or team of investigators named by the Designated Officer.

Investigations must be carried out systematically and thoroughly. The evidence gathered through the investigation hopefully will assist with making a determination about the validity and gravity of the disclosure. The investigator will identify the substance of the disclosure and identify evidence in support or otherwise of the disclosure:

The objectives of the investigation of a disclosure are to:

- Gather information through documents, artifacts, witness statements as well as statements from the alleged wrongdoer;
- Gather information in keeping with procedural fairness principles;
- Collate information relating to the disclosure as expeditiously as possible;
- Based on the information collected, make evidence-based findings objectively and impartially; and
- Make recommendations to the school or other appropriate bodies based on the findings.

When conducting an investigation, good administrative and internal investigation principles must be adhered to, specifically:

- the investigation must be conducted in a timely manner;
- any findings must be objectively determined;
- interviews and the collection of documents are handled in keeping with the principles of procedural fairness and natural justice;
- discretion is practiced when conducting the investigation;
- confidentiality is maintained to the degree possible in the circumstances;
- sensitive information is protected, especially where the investigation may lead to further legal or professional due process procedures; and
- recommendations, including recommendations for action, are reasonable and practical in the context.

Principles of procedural fairness and natural justice may be reviewed by linking to the Alberta Ombudsman's site at: <http://www.ombudsman.ab.ca/fairness-guidelines.php>. Also, comprehensive overview of fairness and natural justice issues is: <http://lawjournal.mcgill.ca/documents/27/2/mullan.pdf>.