

# **St. Matthew Lutheran (SML) Christian Academy**

## **Whistleblowing Policy Information**

### **September 11, 2014**

In June, 2013, The Government of Alberta enacted the *Public Interest Disclosure (Whistleblower Protection) Act (the Act)*. In keeping with the requirements of the *Act*, St. Matthew Lutheran (SML) Christian Academy passed a policy to bring the school society in compliance with and to facilitate disclosures made under the provisions of the *Public Interest Disclosure (Whistleblower Protection) Act*.

#### **Independent Schools and Whistleblowing**

The *Act* applies to most public entities in the Province of Alberta, as well as independent schools like SML Christian Academy. The *Act* facilitates the disclosure and investigation of wrongdoings alleged to have occurred at an Alberta entity to which the *Act* applies. It also protects individuals who report alleged wrongdoings from reprisal.

The *Act* facilitates reporting on the part of an entity's employees. Wrongdoing that can be formally reported under the *Act* is as follows:

- (a) 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 an imminent risk to the health and safety of individuals, or a specific threat to the environment;
- (c) gross mismanagement of public funds or a public asset; or
- (d) knowingly directing or counseling an individual to commit a wrongdoing mentioned in the above instances.

The *Act* strongly highlights protection from reprisal against those that disclose wrongdoing. 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, co-operated in an investigation, or declined to participate in a wrongdoing:

- (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 above that adversely affects the employee's employment or working conditions; or
- (c) a threat to take any of the measures mentioned above.

## **Responsibilities**

The Chief Officer, of SML Christian Academy, as defined in the *Act* is the School Principal. The Chief Officer is responsible for the overall administration and reporting requirements under the legislation. Additionally, each Chief Officer is responsible for ensuring information concerning the schools Whistleblower Policy is widely communicated to all personnel of the school.

The Designated Officer for SML Christian Academy, as defined in the *Act*, is responsible for receiving disclosures of wrongdoing and assessing whether or not to investigate is the Vice Principal.

The Designated Officer for this school is charged with:

- conducting investigations of wrongdoing and issuing a report; and
- ensuring that the Chief Officer is apprised of investigations.

For more information about the duties and work of Chief and Designated Officers under the *Act*, please see attached the Public Interest Commissioner's document titled *Practice and Procedure Considerations for Chief and Designated Officers*, October 24, 2013.

The provincial Public Interest Commissioner is an Officer of the Legislature of Alberta established by the *Act*. The Public Interest Commissioner's office will also accept reports of wrongdoing or reprisal.

## **Reporting Protocols**

The *Act* better enables individuals who wish to make a disclosure to utilize the public entity's internal reporting mechanisms as the initial step for reporting wrongdoing.

The Chief Officer of SML Christian Academy should be the initial contact for individuals wishing to make a disclosure under the *Act*.

The Chief officer will ask an employee or other person with a disclosure if they are making a formal disclosure under the *Act*, and will require that the individual make the disclosure in writing including the names individuals alleged to have engaged in wrongdoing and providing sufficient particulars to serve as the basis for investigation consistent with the school's policy and Alberta legislation. Individuals may also choose to disclose directly to the Public Interest Commissioner. In either case, an individual disclosing an alleged wrongdoing should review the form at the following link, <https://www.yourvoiceprotected/wrongdoing-form.aspx>. It provides a number of questions a person making a disclosure may ask him or herself. When making a disclosure, a teacher or other person should use the form provided in APPENDIX A of the school's Whistleblower Policy <http://smlacademy.ca/media/11590/Whistleblowing-Policy.pdf> and should provide the completed form to the school's Chief Officer and/or to the Public Interest Commissioner.

A disclosure to the Commissioner can be made in conjunction with a disclosure to the Chief Officer or independently. The link to the Commissioner's office is: <http://www.yourvoiceprotected.ca>.

The *Act* only applies to wrongdoings alleged to have been committed after June 1, 2013.

### **Investigation Procedures**

The investigation of an allegation will be conducted in keeping with the school's Whistleblower Policy and in a manner consistent with due process and the principles of fundamental justice.

### **Time Limits**

SML Christian Academy will comply with time limits as established in the *Act*. Once a disclosure has been made to the chief officer, the officer will have:

1. The Chief Officer will have five business days to acknowledge receipt of the disclosure;
2. Ten business days to determine whether the disclosure merits investigation by a designated officer and to inform the person disclosing accordingly; and
3. The designated officer will have one hundred and ten business days to complete an investigation and provide the report required under the school's Whistleblower Policy and Alberta legislation.

The Chief Officer may grant an extension of up to thirty business days for investigations, if required.

### **Contact Information**

- Chief Officer: [dressler@smlacademy.ca](mailto:dressler@smlacademy.ca) 780-963-2715
- [Office of the Public Interest Commissioner](#)

Adopted by the board Oct 14, 2014