

CALGARY WALDORF SCHOOL

WHISTLEBLOWER POLICY AND PROCEDURES

Approved by the CWSS Board of Directors

September 25, 2014

Amended (Updated) April 19, 2018

1. Policy Statement

The Calgary Waldorf School (“the School”) is committed to providing students the best possible, quality learning opportunities in a safe and caring environment characterized by behaviour consistent with our School’s stated moral and ethical beliefs (as expressed, for example, in our Calgary Waldorf School’s “Vision, Mission, and Guiding Principles” document).

In this context, the School’s governing Board of Directors, Chief Officer (the Principal) and Faculty Council, as well as the teachers, administrative staff and other employees, parents and their children, and members of our supporting school community must be assured that their concerns about any wrongdoing will be taken seriously in the best interests of the School and all members of its community.

Teachers, administrative staff, and other employees have the right and obligation to report any wrongdoing.

The Calgary Waldorf School is committed to ensuring that any disclosure of wrongdoing or alleged wrongdoing reported to the School’s Chief Officer (the Principal) will be properly reviewed and investigated and then acted upon by the School, as appropriate.

An employee making a disclosure in good faith will be protected against reprisal or other detrimental impacts that are within the power of the School to protect against.

A copy of the Calgary Waldorf School’s Whistleblower Policy and Procedures is available on paper in the School’s main Office, Parent Library, Kinderwing foyer, Faculty Library, and Faculty Lounge; on paper in the School’s “Policy Handbook” binders; electronically in “Faculty Shared Files” and “Administration Shared Files” on the School’s computer system; and electronically on the School’s website (both in the “Important Documents” section of the password-protected “CWS Parent” zone and in the “Public Documents” section of the public “Resources” zone).

2. Purpose of the Procedures

The purpose of Whistleblower Procedures is to allow teachers, administrative staff, and other employees to report any wrongdoing to the Chief Officer (the Principal) so that the matter may be addressed in keeping with the principles of due process and of fundamental justice.

Should the individual witnessing or alleging wrongdoing report the matter directly to Alberta's Public Interest Commissioner ("the Commissioner"), as named under Alberta's *Public Interest Disclosure (Whistleblower Protection) Act* ("*the Act*" or "*PIDA*"), the School's Chief Officer (the Principal) will make every effort to assist the Commissioner and his/her Office in dealing with said report of wrongdoing and to bring the matter to a reasonable and just conclusion.

Wrongdoing includes:

- a. a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada, a regulation made pursuant to an Act of the Parliament of Canada, or School policies and requirements mandated by legislation;
- 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 and specific danger to the environment;
- c. gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - i) public and/or School funds or a public and/or School asset,
 - ii) the delivery of a public service, including the management or performance of:
 - a) a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or any funds administered or provided under the contract or arrangement, and
 - b) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
 - iii) employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
- d. a wrongdoing prescribed in the regulations;
- e. knowingly directing or counselling an individual to commit a wrongdoing mentioned in clauses a. to d. above.

What are some examples of behaviours or actions that a teacher, administrative staff member or other employee, a parent or student, or a member of the school community may report and to whom?

Bullying or Harassment?

Consult your School's policies related to bullying and harassment and report to the individual indicated in those relevant policies, most often a teacher, or to the Pedagogical Administrator or the School's Principal.

Workplace grievance?

Consult your School's grievance policy and report to the person responsible for employment and staff grievances (most often the School Administrator or the Pedagogical Administrator) or to the School's Principal.

Workplace health or safety?

If your School has a health and safety staff person, speak to him/her; failing that, report your concern to the Facility Manager, the School Administrator or the School's Principal.

Official Misconduct or a Reprisal?

Report the matter to your School's Chief Officer (the Principal); if that is not appropriate, then report it to the President of the School's Board of Directors.

Maladministration or waste of public or School funds?

This may be a public interest disclosure that should be reported to the School's Chief Officer (the Principal); failing that, the matter should be reported to the Treasurer of the School's Board of Directors.

Not sure about the wrongdoing or a failure to act?

Speak to the School's Chief Officer (the Principal) in order to clarify the circumstances and what to do, and then report your concerns to the appropriate/relevant person.

3. Purposes of the Policy and Procedures

Pursuant to Alberta's *Public Interest Disclosure (Whistleblower Protection) Act (the Act)*, this Calgary Waldorf School Whistleblower Policy and its attendant Procedures aim to:

- a. facilitate disclosure and investigation of serious wrongdoing at the Calgary Waldorf School as defined in *the Act* and outlined in the School'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 School among all members of the school community.

4. Definitions

- a. "Chief Officer" means the School's Principal.
- b. "Designated Officer" means the senior internal official assigned by, or the individual contracted by, the School's Board of Directors to manage and investigate any disclosure under this Policy: that is, in the case of the Calgary Waldorf School, "Designated Officer" will usually mean the School Administrator.
- c. "teacher, administrative staff member, or other employee" means a teacher or administrative staff member or any other individual employed by the School, or a teacher, administrative staff member or any other employee who has suffered a reprisal, including a termination, owing to a disclosure.
- d. "public entity" means and includes an Accredited, Funded, Private school in Alberta, including the Calgary Waldorf School.
- e. "wrongdoing" means:
 - i) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada, a regulation made pursuant to an Act of the Parliament of Canada, or School policies and requirements mandated by legislation;
 - ii) an act or omission that creates:
 - a) 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
 - b) a substantial and specific danger to the environment;
 - iii) gross mismanagement, including an act or omission that is deliberate and that shows a reckless or willful disregard for the proper management of:
 - a) public and/or School funds or a public and/or School asset,
 - b) the delivery of a public service, including the management or performance of:
 - 1) a contract or arrangement identified or described in the regulations, including the duties resulting from the contract or arrangement or

- any funds administered or provided under the contract or arrangement, and
 - 2) the duties and powers resulting from an enactment identified or described in the regulations or any funds administered or provided as a result of the enactment, or
 - c) employees, by a pattern of behaviour or conduct of a systemic nature that indicates a problem in the culture of the organization relating to bullying, harassment or intimidation;
 - iv) a wrongdoing prescribed in the regulations;
 - v) knowingly directing or counselling an individual to commit a wrongdoing mentioned in clauses i) to iv) above.
- f. “reprisal” means any adverse employment-related action, 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 have an adverse impact on an individual including bullying, shaming or shunning; and threats to do any of the above.

5. The Disclosure Process

When an employee reasonably believes that a wrongdoing has been committed, that a wrongdoing is about to be committed, or that they have been asked to commit a wrongdoing, the employee may make a disclosure of this wrongdoing to the School’s Chief Officer in accordance with the School’s established procedures (as represented in this “Calgary Waldorf School Whistleblower Policy and Procedures”), or the employee may make a disclosure of this wrongdoing directly to the Public Interest Commissioner in the first instance.

If the employee chooses to make his/her disclosure of wrongdoing to the School’s Chief Officer in the first instance, then the following Calgary Waldorf School Disclosure Process (and overall Calgary Waldorf School Whistleblower Policy and Procedures) will apply. If the employee chooses to make his/her disclosure of wrongdoing to the Public Interest Commissioner in the first instance, then the policy, procedures and processes of the Office of the Public Interest Commissioner will apply.

5.1 Employees who have witnessed a wrongdoing should report to the School’s Chief Officer any of the following or any other matter that represents wrongdoing:

- 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 life, health or safety of employees, students, parents, or the public.
- h. Endangering of the environment.
- i. Any other matter the reporting individual, in good faith, deems to be serious wrongdoing.

5.2 When considering making such a disclosure, the employee may first request information or advice from his/her Calgary Waldorf School supervisor, from the Designated Officer, from the Chief Officer, and/or from the Office of the Public Interest Commissioner. This request for information or advice may be made in person, on the telephone, by written letter, or via email.

5.3 When reporting a matter, the individual should:

- a. not discuss the matter with others, in order to better enable the School to protect the reporting individual from reprisal or detrimental action;
- b. make the report to the Chief Officer as defined in this Policy and Procedures document, or, if the report is about the Chief Officer, then the individual should report the matter to Alberta's Public Interest Commissioner;
- c. recognize that the Chief Officer may refer the matter reported, where appropriate, to a person or body charged with addressing such matters within the School, for example, to a student conduct committee, to a staff grievance body, or to a Board appeal committee;
- d. understand that any report made should be made in good faith and on reasonable grounds and should not be false, misleading or vexatious;
- e. understand that reporting a wrongdoing does not absolve the reporting individual from disciplinary action, if the individual had a role in the wrongdoing;
- f. report the matter internally; and,
- g. report the matter to Alberta's Public Interest Commissioner if in fear of reprisal or for the record.

5.4 The Chief Officer, when receiving a report, will:

- a. establish that the individual making the disclosure is formally reporting the matter and if so, the Chief Officer will commit to handling the matter through the process established under this Policy and Procedures document;
 - 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 school community of the matter being disclosed;
 - e. ensure that the individual making the disclosure is aware of his or her right to report in other ways, if appropriate, or 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 about to commit a wrongdoing, the date and time of the wrongdoing, and any other information deemed important;
 - g. establish whether the matter has already been disclosed 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 should direct the disclosure, if he or she has 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 disclosure.
- 5.5 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 School, 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 allegation or disclosure, and about supporting evidence, possible impending recommendation(s) or decision(s), relevant criteria for possible recommendations or decisions, and possible consequences, including penalties;
 - c. the person about whom a disclosure is made will be provided with a reasonable opportunity to be heard or to respond (orally or in writing) to an allegation or disclosure before a recommendation or decision is finalized;
 - d. any person making a recommendation or decision in respect to a disclosure review or investigation will do so without personal interest in the outcome;
 - e. any review and investigation will follow the prescribed timelines whereby:

- i) a disclosure is acknowledged within five business days of receipt;
- ii) a decision is made and the disclosing individual is informed about the decision to proceed or not to proceed with a review and investigation within 10 days of receipt of the disclosure;
- iii) the investigation report must be completed within 110 days of receipt of the disclosure.

5.6 When a disclosure is made about an alleged wrongdoing, the Chief Officer must:

- a. to the extent possible, ensure the confidentiality of the individual making the disclosure, the individual about whom the disclosure is made, and any witnesses who may be related to the disclosure;
- b. once an investigation report is completed and provided to the Chief Officer, ensure the confidentiality of the individual making the disclosure, the individual about whom the disclosure was made, and any witnesses related to the disclosure.

6. Roles and Responsibilities in Respect to Disclosures

6.1 A teacher, administrative staff member, or any other employee employed by the School may make a disclosure in writing to the Chief Officer. When considering making such a disclosure, the employee may first request information or advice from his/her Calgary Waldorf School supervisor, from the Designated Officer, from the Chief Officer, and/or from the Office of the Public Interest Commissioner. This request for information or advice may be made in person, on the telephone, by written letter, or via email.

6.2 A written disclosure may be made using the form in Appendix A of this Policy and Procedures document or in a manner that provides the information delineated in Appendix A.

6.3 It is understood that the Calgary Waldorf School has a Designated Officer who has clear responsibilities with respect to disclosures.

6.4 The Chief Officer of the School is responsible for:

- a. maintaining an environment in which disclosure of wrongdoing is viewed as a responsibility and obligation on the part of all who are engaged in the school community;
- b. communicating to the school community the School's commitment to the highest standards of ethical and accountable conduct;

- c. establishing an ongoing process for ensuring that those engaged in the life of the School and the school community are aware of the School's Whistleblower Policy and have access to the Procedures for disclosing wrongdoing;
- d. ensuring that members of the school community are aware of the internal disclosure procedures and the School's commitment to upholding the protection which Alberta legislation affords individuals making a disclosure;
- e. carry out the duties outlined in 5.3, 5.4, and 5.5 above;
- f. naming a Designated Officer, who may be a senior official internal to the School or a person contracted by the School, who will investigate (or designate an investigator), report and make findings and recommendations in respect to a disclosure of alleged wrongdoing;
- g. providing resources, including making available the documents, staff and space which will enable the Designated Officer to reasonably investigate, report and make recommendations for action in respect to a disclosure;
- h. receiving a report and recommendations in respect to a disclosure and taking action on recommendations 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 to any finding arising from a disclosure of alleged wrongdoing and recommending to the School's Board of Directors changes to school policy, or him or herself amending operational procedures, to address any future systemic issues; and,
- m. where the School is relatively small and the Chief Officer names a Designated Officer (and/or investigator) external to the School, then the Chief Officer will maintain a tracking system for disclosures of wrongdoing, resulting reports, and the disposition of matters raised, and annually provide information to the School official who is responsible for producing the School's Annual Education Results Report under legislation governing independent (Private) schools in Alberta.
- n. ensure that information about any *PIDA*-related disclosure is annually reported as part of the School's Annual Education Results Report.

6.5 The Designated Officer is an individual appointed by the Chief Officer to review, investigate, and report on a disclosure of alleged wrongdoing.

6.5.1 The Designated Officer may be a senior, internal School official who enjoys credibility with employees, parents, students and the supporting school community on the basis of preparation and experience; or, the Designated Officer may be a contracted individual external to the school

(most often from the list of those individuals pre-screened by AISCA who have received appropriate training) who will serve as the Designated Officer upon being so-named by the Chief Officer in respect to a specific disclosure.

6.5.2 Whether internal or external, pursuant to 6.5.1 above, the Designated Officer shall be an individual who:

- a. has strong interpersonal and communication skills;
- b. understands that the tasks of reviewing, investigating, reporting, and making findings and recommendations must be completed in a unbiased manner which is evidence-based;
- c. respects the evidence and views of all concerned;
- d. makes sound, fact-based judgments;
- e. has investigation and or reporting expertise or access to such expertise; and,
- f. has a sound understanding and appreciation of the letter and spirit of Alberta's *PIDA*, legal considerations which may arise, as well as a sound understanding of the School's policy framework.

6.5.3 The Designated Officer is responsible for carrying out duties pursuant to Alberta's *PIDA*, including:

- a. liaising with the School's Chief Officer and the Office of the Public Interest Commissioner in respect to a disclosure, or if the Designated Officer is internal to the School, in respect to any disclosure generally;
- b. if the Designated Officer is internal to the School, maintaining a tracking system for all disclosures;
- c. making a determination in respect to a disclosure whether it in fact constitutes a public interest disclosure in keeping with the *Whistleblower Act (PIDA)* and/or the School's Whistleblower Policy.
- d. if the Designated Officer determines that the disclosure may not constitute a public interest disclosure, 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, for a legitimate avenue or avenues whereby the substance of the disclosure may best be appropriately addressed;
- e. appoint, if appropriate, a separate investigator;
- f. manage the disclosure process and oversee the investigator, if the Designated Officer has engaged a separate individual to serve as the investigator of the disclosure;

- g. establish and maintain a confidential filing system that contains all relevant information related to a disclosure;
- h. review the evidence compiled in the course of the investigation of a disclosure and make findings and recommendations to the Chief Officer;
- i. advise the individual who made the initial disclosure of the status of the investigation into said disclosure and inform the individual of the final outcome of the investigation;
- j. take all reasonable measures to keep confidential the identity of the individual making a disclosure as well as the individual(s) who may be the focus of the disclosure;
- k. take all reasonable measures to protect from reprisals individuals making a disclosure or providing evidence in respect to a disclosure;
- l. provide to the Chief Officer and the individual who made the disclosure, in writing, a report of the investigation, the outcomes, and recommendations for action;
- m. if the Designated Officer is internal to the School, maintain a tracking system for disclosures of wrongdoing, resulting reports, and the disposition of matters raised and provide information annually to the Chief Officer and to the School official responsible for producing the School's Annual Education Results Report.

7. Confidentiality and Disclosures

7.1 Information about a disclosure must be:

- a. shared only among the Chief Officer, the Designated Officer, and the investigator (if a separate individual);
- b. stored on paper and on electronic files that are kept separate,
 - i) and to which access is limited to only those named in 7.1 a. above;
 - ii) and are held in locked filing cabinets, the contents of which are marked "confidential";
 - iii) and access is via password-protected electronic files.

7.2 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 school;
- b. the likely probability that the issue at the heart of the disclosure will be attributed to the individual making the disclosure;

- c. the probability of investigating the issue without alerting those in the school about the identity of the individual making the disclosure;
- d. the Whistleblower Act (*PIDA*) 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 is 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 Whistleblower Act (*PIDA*) to protect the individual against threats or reprisals for the reporting of wrongdoing;
- f. the possibility that the issue at the heart of the disclosure may be addressed externally by the Designated Officer if he or she believes there is reason to believe that it must be reported or disclosed through another process (for example, through a report to the police or a complaint about professional conduct or practice), and that such external reports, disclosures or complaints may involve identifying the person making a disclosure; and,
- g. the possibility that the Designated Officer may determine that the matter must be reported or disclosed through another, external process (for example, a report to the police or a complaint about professional conduct or practice to the appropriate authority), and that such reports, disclosures, or complaints may involve identifying the person making a disclosure.

8. Anonymous Disclosures

8.1 Under Section 21 of Alberta’s *PIDA*, a person may make an anonymous disclosure directly to the Public Interest Disclosure Commissioner. The Commissioner may choose to investigate the matter or to refer the disclosure to a public entity, including an independent (Private) 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.

8.2 An anonymous report 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 delineated in Appendix A, with the exception of the name and contact information of the individual making the disclosure.
- b. A person making an anonymous disclosure must be aware that the issues or risks described under clause 7.2 above of this document may also apply in the case of an individual making an anonymous disclosure.

- c. Notwithstanding the issues and risks involved in making a disclosure, anonymous or otherwise, the School's Chief Officer and Designated Officer will take all reasonable measures, including those under clause 7.1 above, to maintain the anonymity of a disclosure.

9. Publishing Public Disclosure Information

9.1 The Chief Officer, or where the Designated Officer is internal to the school, the Designated Officer shall maintain annual records that include:

- a. the number of disclosures received or referred within the school year, including any disclosures referred to the School (i.e., to the Chief Officer or to the Designated Officer) by the Public Interest Commissioner;
- b. the number of disclosures acted on and not acted on, including reasons for non-action in cases where the disclosure was not acted on;
- c. the number of investigations commenced by the Designated Officer and/or an investigator named by the Designated Officer;
- d. in the case of investigations that resulted in a finding of wrongdoing: a description of the wrongdoing; any recommendations made in the investigation report; and any corrective measures or remedial actions taken in relation to the wrongdoing and in respect to the recommendations; or where corrective measures or remedial actions were not taken, the reasons for no such corrective measures or remedial actions being taken.

9.2 The information outlined in clause 9.1 above shall be annually reported by the Chief Officer in a section of the School's Annual Education Results Report, and a copy of that Report must be readily available to all members of the school community and to the public. In this annual report by the Chief Officer, he/she cannot publicly identify an employee who sought information or advice, made a disclosure, or made a complaint of reprisal; in addition, in this annual report by the Chief Officer, he/she cannot disclose any individually-identifying health information.

10. Receiving and Assessing a Disclosure

10.1 The Chief Officer of the Calgary Waldorf School 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.

- 10.2 The Chief Officer, at the request of the Designated Officer, may extend the timelines applicable to the processing of a disclosure as per clause 5.4 e. above.
- 10.3 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, the time, and by whom it was received;
 - b. confirmation and notification to the discloser of receipt of the disclosure;
 - c. confirmation of adherence to the required timelines as per clause 5.4 e. 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 artifacts;
 - e. the Designated Officer's or investigator's report (if the investigator is other than the Designated Officer), including findings and recommendations for action; and
 - f. information about implementation of the report recommendations or actions taken or not taken, including reason for inaction.
- 10.4 The Chief Officer will make a preliminary analysis of the alleged wrongdoing to ensure it constitutes a wrongdoing under this School Policy and under Alberta's *Public Interest Disclosure Act*.
- a. Not included in an alleged wrongdoing is a "grievance" which is a personal complaint about the complainant's own employment situation. In a public interest disclosure, the person making a disclosure is normally a witness, whereas in a grievance, an employee normally is a complainant.
 - b. The Chief Officer also may make a determination that the matter is one that should forthwith be reported to the appropriate police services, or is better addressed as a professional conduct or professional practice complaint to the appropriate authority.
 - c. Where the Chief Officer makes a determination under b. above, then the Chief Officer will afford the disclosing individual the opportunity to make the required report or complaint him or herself; or, failing timely action on the part of the disclosing individual, the Chief Officer will initiate the report or make the complaint;
 - d. On the basis of information available, the Chief Officer may determine that the subject of the disclosure constitutes a dispute or difference between or among individuals and parties, and may recommend to the individual making the disclosure and another party recourse to a mediation process;

- e. If a Chief Officer takes action under a., b., c., or d. above, the Chief Officer will maintain written record of the disposition of the matter.

10.5 When making the preliminary analysis 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 the disclosure;
- b. the gravity of the disclosure for the individual making the disclosure, for the School, and for the education system, including independent (Private) schools generally and the public interest generally;
- c. if possible, whether the complaint in 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 life, health or safety of employees, students, parents, or other members of the school community;
- e. if other dispute resolution processes may redress the alleged wrongdoing more effectively than the *PIDA* process;
- f. sources of information that may provide sufficient support to prove or disprove the disclosure;
- g. take into account the time that has elapsed between the alleged wrongdoing and the disclosure of the wrongdoing;
- h. review all aspects of the disclosure and make an assessment of the likelihood of a reprisal against the individual making the disclosure and put in place, to the degree possible, mitigating measures; and,
- i. provide in writing to the individual making the disclosure and to the disclosure file, the reasons for proceeding, or not proceeding, with said disclosure.

10.6 The Designated Officer or the investigator (if the investigator is a person other than the Designated Officer), when assigned 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 artifacts that may assist the investigation.

10.7 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 clause 10.6 above, shall develop an investigation plan consistent with the content of Appendix B.

10.8 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. including in appendices or through clear references, evidence supporting the report's findings; and,
- c. recommendations for actions on the part of the School's Board of Directors, the Chief Officer, and/or other entity.

11. Identifying and Acting Upon Imminent Risk

11.1 Under Section 10(2) of *PIDA*, an employee who discloses a matter that involves Imminent Risk is required to disclose the matter directly to Alberta's Public Interest Commissioner.

11.2 Even though the individual making a disclosure involving Imminent Risk has disclosed the matter to the Commissioner, the individual making the disclosure must also disclose the matter to the Chief Officer of the School. If the disclosure involving Imminent Risk is about the School's Chief Officer, then the individual making the disclosure must also disclose the matter to the Designated Officer of the School.

11.3 The Chief Officer or the Designated Officer must report matters of Imminent Risk to the life, health or safety of individuals or to the environment to:

- a. an appropriate law enforcement agency;
- b. in the case of a health-related matter, to the Chief Medical Officer of Health;
- c. to the department, public entity or office responsible for managing, controlling or containing the risk, if any; and
- d. to a person identified in the procedures created by the Chief Officer.

11.4 If the Chief Officer or the Designated Officer reasonably believes that the matter to which a disclosure relates constitutes an Imminent Risk of a substantial or specific danger to the life, health or safety of individuals or to the environment, then he/she must refer the disclosure to the Public Interest Commissioner.

11.5 An investigation into the matter by the Chief Officer must be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

12. Procedures for Reporting Criminal Offences

12.1 In circumstances where the Chief Officer or the Designated Officer has reason to believe that an offence has been committed under a statute or regulation, then he/she must report the offence to a law enforcement agency and to the Minister of Justice and Solicitor General as soon as reasonably practicable.

12.2 An investigation into the matter by the Chief Officer must be suspended until it has been finally disposed of by a law enforcement agency or the Minister of Justice and Solicitor General.

NOTE:

The Public Interest Disclosure Act may be retrieved from:

<http://www.qp.alberta.ca/documents/Acts/p39p5.pdf>

APPENDIX A

Calgary Waldorf School
515 Cougar Ridge Drive S.W.
Calgary, Alberta, Canada T3H 5G9

Chief Officer: Principal of the Calgary Waldorf School

Public Interest Disclosure Form

This Form serves as the “public disclosure of wrongdoing” form for the Calgary Waldorf School as authorized under Section 13 of Alberta’s *Public Interest Disclosure Act (PIDA)*.

Name of the person making the disclosure: _____

Contact information for the person making the disclosure:

Telephone: _____
Email address: _____
Mailing address: _____

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 or is about to be committed.

[If the above space is insufficient, please continue the description on the back of this page.]

Has a disclosure of this 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 this report/complaint was made. Also please describe acknowledgement of the report, if any.

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

APPENDIX B

Public Interest Disclosure Investigations by the Calgary Waldorf School

An investigation may be conducted by the School's Designated Officer or by an investigator or team of investigators named by the School's 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, and witness statements as well as through 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, a comprehensive overview of fairness and natural justice issues is available at: <http://lawjournal.mcgill.ca/documents/27/2/mullan.pdf>.