

414 PUBLIC INTEREST DISCLOSURE (DUTY TO REPORT)

Belief

The Maskwacis Education Schools Commission (MESC) follows cultural and traditional teachings of the Maskwacis Cree, in particular Wahkohtowin. Wahkohtowin is the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires us to maintain good relationships with each other and other aspects of existence. We recognize that respect for mother earth, elders, youth, and the Treaties are paramount to planning ahead and making decisions for future generations.

MESC is committed to the highest standard of ethical and accountable conduct, and recognizes the importance of working to deter and detect wrongdoing within MESC operations, and to promote public confidence in MESC administration. MESC employees are encouraged to act in ways consistent with the teachings of Iyiniw Mamtohneicikan and Nehiyaw Pimatisiwin. To ensure this, the MESC is committed to maintaining a positive and supportive environment whereby employees can disclose potential wrongdoing, or seek advice about disclosing a potential wrongdoing, without retribution, and are provided with clear guidance for how those disclosures may take place. Employees have a duty to report all wrongdoings or suspected wrongdoings to the Superintendent in accordance with this Administrative Procedure.

Procedures

1. Role of the Superintendent
 - 1.1. The Superintendent must:
 - 1.1.1. Establish and maintain written procedures for managing and investigating disclosures.
 - 1.1.2. Appoint a Designated Officer to manage and investigate disclosures.
 - 1.1.3. Ensure employees are aware of the internal disclosure procedure and their protections and this Administrative Procedure.
 - 1.1.4. Receive recommendations and reports resulting from investigations.
2. Role of the Designated Officer
 - 2.1. The Superintendent or their designate shall be the "Designated Officer" to manage and investigate any disclosure.
 - 2.2. The Designated Officer is responsible for:

- 2.2.1. Providing general advice and guidance about this Administrative Procedure.
- 2.2.2. Receiving and processing disclosures by employees of suspected wrongdoings.
- 2.2.3. Assessing disclosures of suspected wrongdoings and determining if there are sufficient grounds to warrant further action.
- 2.2.4. If the Designated Officer is not the Superintendent then , determining what actions must be taken to address the suspected wrongdoings, including consulting with the Superintendent regarding the management and investigation of a disclosure, where necessary.
- 2.2.5. Providing an investigation report to the Superintendent.
- ~~2.2.6. Keeping records of all disclosures, including:~~
 - ~~2.2.6.1. — the number of disclosures received annually.~~
 - ~~2.2.6.2. — the number of disclosures acted on and not acted on.~~
 - ~~2.2.6.3. — the number of investigations commenced as a result of disclosures.~~
 - 2.2.6.4. 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 measure was taken.
- 2.2.7. Implementing measures to protect employees who disclose suspected wrongdoing in good faith from reprisals.
- 2.2.8. Implementing measures to protect employees, who are witnesses or provide information in relation to a disclosure of suspected wrongdoing from reprisals.
- 2.2.9. Making recommendations to the Superintendent for consequences if a disclosure of suspected wrongdoing is made maliciously or in bad faith.

3. Receipt of Disclosures

- 3.1. Employees seeking advice on potential disclosure under this Administrative Procedure shall be referred to the Designated Officer, who shall provide the employee with information on this Administrative Procedure, and other alternative processes for resolution of the employee's concern.
- 3.2. An employee who, in good faith reasonably believes a wrongdoing has been committed or is about to be committed, or who has been asked to

commit a wrongdoing, may make a disclosure to the Designated Officer in writing.

3.3. Disclosures shall provide:

3.3.1. the name of the disclosing employee.

3.3.2. a description of the wrongdoing.

3.3.3. the name of the individual(s) alleged:

3.3.3.1. to have committed the wrongdoing.

3.3.3.2. to be about to commit the wrongdoing.

3.3.4. the date(s) of the alleged wrongdoing.

3.3.5. the Designated Officer shall acknowledge receipt of the disclosure to the employee making the disclosure within 5 business days from receipt of the disclosure.

3.4. Where the disclosure:

3.4.1. is clearly frivolous or vexatious, has not been made in good faith, had not been made in a timely enough manner to permit an investigation, or does not deal with a wrongdoing;

3.4.2. relates to a decision, action or matter that results from a balanced and informed decision-making process on a public policy or operational issue; or

3.4.3. does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigation;

3.4.4. the Designated Officer may decline to investigate the disclosure.

3.5. If more than one disclosure is made of a single wrongdoing, the Designated Officer may conduct a single investigation into the wrongdoing.

3.6. Within ten (10) business days from receipt of the disclosure, the Designated Officer shall advise the employee making the disclosure whether the disclosure will or will not be investigated.

4. Mandatory Disclosures to Others

4.1. where the Designated Officer is aware:

4.1.1. of a disclosure relating to an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment; or

4.1.2. that the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school;

4.1.3. the Designated Officer shall also ensure that appropriate persons within MESCC have sufficient information to act to abate that risk.

4.2. Where, at any point following a disclosure, the Designated Officer has reason to believe that the alleged wrongdoing, if true, could potentially give rise to the Superintendent being of the opinion that the welfare of students is threatened by the presence of the teacher, the Designated Officer shall advise the Superintendent of

4.2.1. the alleged wrongdoing for consideration of a possible administrative suspension;

4.3. Where in the course of an investigation the Designated Officer has reason to believe that an offence has been committed under an Act or regulation of the Province of Alberta, or under an Act or regulation of the Parliament of Canada, the Designated Officer shall report the potential offence to the appropriate law enforcement authorities.

5. Investigations

5.1. The Designated Officer shall conduct all investigations in accordance with the principles of natural justice and procedural fairness.

5.2. The Designated Officer may utilize internal personnel and resources, and may retain outside personnel or resources, for the purpose of conducting an investigation.

5.3. All employees shall cooperate fully with the Designated Officer or any outside personnel retained for the purpose of conducting an investigation.

5.4. The Designated Officer, and any person conducting an investigation on their behalf, may interview any person and shall have access to any documents of MESC necessary to manage and investigate disclosure.

5.5. Where, in the course of an investigation the Designated Officer has reason to believe that another wrongdoing has been committed or may be committed, the Designated Officer shall investigate that other potential wrongdoing as if a disclosure had been made.

6. Reporting

6.1. The Designated Officer shall provide a written investigation report to the Superintendent detailing whether the disclosure was substantiated and provide recommendations on corrective action.

6.2. Where the Designated Officer is considering a recommendation to the Superintendent that the Superintendent exercise authority delegated to him/her by the Board to suspend a teacher, the written investigation report shall be provided to the Superintendent to consider that recommendation.

6.3. The Superintendent shall consider the recommendation in the investigation report, and shall be responsible for determining what action, if any, including disciplinary action, shall be either taken as a result or recommended to the Board. The Superintendent shall follow up with the employees responsible to ensure those actions are taken.

6.4. The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the Superintendent's actions resulting from the written investigation report.

7. Extensions of Timelines

7.1. The Designated Officer may request extensions of timelines within this procedure, provided that the total extensions granted do not extend the overall time period for investigation and provision of the investigation report by more than 30 business days.

7.2. In the event of an extension of a timeline, the Designated Officer shall promptly advise the person who submitted a disclosure of wrongdoing when he or she may expect the next procedural step to occur or be completed.

8. Conflict of Interest/Disclosures About the Superintendent

8.1. In the event the Designated Officer is in a conflict of interest with respect to the nature of the disclosure or any person involved in the disclosure or alleged wrongdoing, the Designated Officer shall request the Superintendent to designate an alternative Designated Officer for the disclosure. The alternative Designated Officer shall have all the powers of the Designated Officer for the purpose of the disclosure.

8.2. In the event of a disclosure to the Designated Officer concerning the conduct of the Superintendent, or concerning which the Superintendent has a conflict of interest, the Designated Officer shall:

8.2.1. Advise the Board Chair of the nature of the disclosure, whereupon the Board of MESCC may authorize an investigation into the disclosure.

9. Confidentiality

9.1. The Designated Officer shall ensure all disclosures, and information gathered in the course of investigating disclosures, including the identity of the person making the disclosure, those alleged to have committed the wrongdoing and witnesses, are maintained in confidence and disclosed only:

9.1.1. As necessary for this Administrative Procedure and to conduct the investigation in accordance with the principles of procedural fairness and natural justice.

9.1.2. In accordance with any other statute.

9.1.3. If the disclosure of that information is necessary due to an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment.

10. No Reprisal

10.1. No person will engage in reprisal against an individual for:

10.1.1. Seeking advice about making a disclosure.

10.1.2. Making a disclosure.

10.1.3. Co-operating with an investigation under this Administrative Procedure.

10.1.4. Declining to participate in wrongdoing.

10.2. All complaints of reprisals will be managed and investigated by the Superintendent.

11. False Accusations/Vexatious Reporting

11.1. Any individual who intentionally makes a false, bad faith or vexatious report of wrongdoing will be subject to disciplinary action, up to and including termination of employment.

DISCLOSURE OF WRONGDOING FORM

~~This Disclosure of Wrongdoing Form is to assist you in providing information about a disclosure of wrongdoing to your supervisor or the designated officer for your organization. Your responses will assist in reviewing the matter under *The Public Interest Disclosure (Whistleblower Protection) Act*.~~

Your Information:

Last Name: _____ **First Name:** _____

Mailing _____ **Address:** _____

_____ **Postal Code:** _____

Daytime Telephone Number: _____ **Other Number:** _____

May a message be left at your daytime telephone number? Yes No

DISCLOSURE OF WRONGDOING

~~(If you need more space for your responses, attach a letter explaining the wrongdoing.)~~

1. Description of the wrongdoing:

2. Name of the person or persons alleged to have committed or about to commit the wrongdoing (Provide department and position information):

3. Date of wrongdoing:

4. Has the wrongdoing already been disclosed? If yes, to whom? Has a response been received? If yes, please attach a copy.

5. Additional Comments:

Signature:

Date:

