

West Island College

Whistleblower Policy and Procedures

1. Policy Statement

- 1.1. West Island College (the “College”) is committed to providing students with the best possible learning opportunities in a safe and caring environment, characterized by behaviour consistent with the College's moral and ethical beliefs.
- 1.2. The College's commitment to the safe environment, free of discrimination or abuse, is equally important and applicable to the members of faculty and staff.
- 1.3. The purpose of this Policy is to allow teachers and other employees to report Wrongdoing to the College's CEO (Head of School), so that the matter may be addressed in keeping with the principles of due process and fundamental justice. If the report pertains to the CEO, then the Employee should report the matter directly to the Chair of the College's Board of Directors.
- 1.4. The College made a commitment that any Disclosure of alleged Wrongdoing reported to the College's CEO will be properly reviewed, investigated and acted upon by the College, as appropriate.
- 1.5. All College employees have the right and obligation to report Wrongdoing, which may take many forms. 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.
- 1.6. An Employee who intentionally makes a false, bad faith, or vexatious report will suffer appropriate consequences, up to and included termination of employment.
- 1.7. A copy of this Policy is available to all staff on the College's website.

2. Definitions

- 2.1. “Board” means the Board of Directors of West Island College Society of Alberta;
- 2.2. "Chief Executive Officer" or “CEO” means the Head of School;
- 2.3. “College” means West Island College, located in Calgary, Alberta
- 2.4. “Commissioner” means the Public Interest Disclosure Commissioner under the Alberta *Public Interest Disclosure (Whistleblower Protection) Act*, S.A. 2012 c. P-39.5, as amended;
- 2.5. "Designated Officer" means an individual member of the College's senior leadership team designated by the CEO to manage and investigate any Disclosure under this Policy;

- 2.6. "Disclosure" means the written report of a Wrongdoing;
- 2.7. "Employee" means an individual employed by the College who is making the Disclosure;
- 2.8. "Policy" means the West Island College Whistleblower Policy and Procedures;
- 2.9. "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. Reprisal includes any other measures that adversely impact an individual including bullying, shaming or shunning; and threats to do any of the above; and
- 2.10. "Wrongdoing" means:
 - a) a contravention of Canadian or Alberta regulations and/or acts;
 - b) an act or omission that creates:
 - i. a substantial and specific danger to the life, health or safety of individuals; or
 - ii. a substantial and specific danger to the environment;
 - c) gross (deliberate or reckless) mismanagement of College's funds or assets;
 - d) reckless or willful mismanagement of employees by a pattern of bullying, harassment or intimidation; and
 - e) knowingly directing or counselling an individual to commit a Wrongdoing mentioned in clauses a) to d).

3. The Disclosure Process

- 3.1. Employees who have witnessed a Wrongdoing should file a Disclosure, using the appropriate form set out in Appendix A.
- 3.2. When reporting Wrongdoing, the Employee should:
 - a) not discuss the matter with other College employees in order to better enable the College to protect the reporting Employee from Reprisal or detrimental action;
 - b) make the Disclosure to the CEO as set in this Policy. If the Disclosure pertains to conduct of the CEO then the Employee should make the Disclosure directly to the Chair of the Board;
 - c) if the individual is in fear of Reprisal by the Board, they should make the Disclosure directly to the Commissioner;

- d) recognize that the CEO may appoint a Designated Officer to investigate the Disclosure and also may refer the matter reported, where appropriate, to another body charged with addressing such matters;
- e) understand that any Disclosure 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.

3.3. The CEO, when receiving a Disclosure, will:

- a) confirm with the Employee 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 Employee requires any form of immediate support;
- c) determine the urgency of the Disclosure;
- d) ensure that the Employee making the Disclosure is aware of their right to report in other ways, if appropriate, including to the Board Chair;
- e) informs the disclosing Employee of timelines applicable to the handling of the Disclosure; and
- f) appoint the Designated Officer (clear of potential conflict) and advise the Employee.

3.4. The Designated Officer will ensure that the Employee making a Disclosure understands that the investigation of a Disclosure will be conducted consistent with the principles of procedural fairness and fundamental 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, and criteria related to potential outcomes and consequences, including penalties;
- c) the person about whom a Disclosure is made will be provided with a reasonable opportunity to respond (orally or in writing) to the allegations of the Disclosure before a recommendation or decision is finalized.

3.5. The Designated Officer or the investigator, if the investigator is a person other than the Designated Officer, will conduct the investigation according to Appendix C, and upon its completion will submit a written investigation report providing:

- a) investigation findings;

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

4. Confidentiality and Disclosures

4.1. When a Disclosure is made, the CEO must:

- a) to the extent reasonably possible, maintain confidentiality of the Disclosure process, instructing all participants involved in an investigation to keep confidential the identity of individuals involved in the Disclosure process and the information collected in relation to a Disclosure.
- b) Limit participation in the investigation to only those individuals reasonably required to meet the obligations of due process and fundamental justice set forth in this Policy; and
- c) once an investigation report is completed by the Designated Officer and provided to the CEO, to the extent appropriate in the circumstances, limit the sharing of information regarding outcomes 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.

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

4.3. Information about a Disclosure collected during an investigation must be:

- a) shared with the Board to the extent reasonably required to facilitate compliance with this policy and the general requirement of operational transparency;
- b) stored in paper files (locked) and on electronic files (password protected) that are kept separately.

4.4. The Designated Officer shall advise the Employee 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 likelihood that the issue at the heart of the Disclosure may be attributed to the Employee making the Disclosure;
- b) the unanticipated difficulties associated with investigating the issue without alerting those in the College about the identity of the Employee making the Disclosure;
- c) 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.

5. Anonymous Disclosures

- 5.1. An anonymous Disclosure may be made but must contain sufficient information to permit the CEO to review or investigate the matter.
- 5.2. Notwithstanding the issues and difficulties related to the investigation of a Disclosure, anonymous or otherwise, the College will take all reasonable measures to maintain the anonymity of a disclosing Employee.

Approval

Approved by: West Island College Board of Directors

Effective Date: September 29, 2020

Review Date: August 2021

APPENDIX A

West Island College

Wrongdoing Disclosure Form

Name of the person making the disclosure: _____

Contact information for the disclosing individual:

Mailing Address _____

City _____ Province _____ Postal Code _____

Telephone Work _____ Home _____ Cell/Other _____

Email _____

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; and
6. any supporting information (documentation, electronic sources, names of witnesses) that may provide support for the reason to believe that a Wrongdoing has been committed.

(if more space is required, please continue on the back of the page)

Has a disclosure of a Wrongdoing been made as a report or complaint under 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.

Declaration:

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

(Signature)

(Current Date)

APPENDIX B

West Island College

Complaint of Reprisal Form

This form must be used to submit a complaint of reprisal. Your responses will assist in reviewing the matter under the West Island College Whistleblower Policy

Contact Information

Name _____ Title _____

Mailing Address _____

City _____ Province _____ Postal Code _____

Telephone Work _____ Home _____ Cell/Other _____

Email _____

Best Time to Contact Day Evening Weekend

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.

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.

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

Declaration:

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

(Signature)

(Current Date)

APPENDIX C

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 College 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>.