



MEMORANDUM

May 24, 2022
Regular Board Meeting

TO Board of Trustees

FROM Lorraine Stewart, Board Chair
Anne Montgomery, Board Vice-Chair

ORIGINATOR Shauna Boyce, Superintendent

RESOURCE Policy Review Committee

GOVERNANCE POLICY Board Policy 2: Role of the Board
Board Policy 11: Board Delegation of Authority
Board Policy 12: Role of the Superintendent

ADDITIONAL REFERENCE BP 2: Governance and Organization
BP 12: Section 5. Policy
Education Act
Public Interest Disclosure (Whistleblower Protection) Regulation AR 71/2013

SUBJECT **REVISED BOARD POLICY 20: WHISTLE-BLOWER PROTECTION**

PURPOSE

For approval. Recommendation required.

RECOMMENDATION

That the Board of Trustees approves the Revised Board Policy 20: Whistle-Blower Protection, as recommended by the Policy Review Committee and presented at the Regular Meeting of May 24, 2022.

BACKGROUND

The Board of Trustees is responsible to review Board Policies on an ongoing basis in order to adhere to the requirements necessary to provide excellence in public education and comply with the *Education Act* and provincial, as well as federal, legislation. The following revised policy is in support of this responsibility.

REPORT SUMMARY

On April 5, 2022, the Policy Review Committee met and discussed updates to Board Policy 20: Whistle-Blower Protection.

Key Changes to Board Policy 20 include:

- Updates to reflect the inclusion of the *Education Act*; and
- Updates to reflect the inclusion of the *Public Interest Disclosure (Whistleblower Protection) Regulation* AR 71/2013.

The draft policy was reviewed and discussed at the April 21, 2022, Governance and Planning Session to ensure all necessary revisions were addressed.

The Policy Committee would be pleased to respond to any questions.

LS:kz



Parkland School Division Policy 20

WHISTLEBLOWER PROTECTION

The Board is committed to acting with integrity and to ethical behaviour in all matters. To that end, the Board will help to foster and maintain an environment where employees can act appropriately, without any fear of reprisal. Further, the Board strongly encourages employees to seek counsel from supervisors whenever they are in doubt about the best and ethical course of action in a particular situation.

Guidelines

1. The Superintendent is the “chief officer” of the District as stipulated in the *Public Interest Disclosure (Whistleblower Protection) Regulation*.
2. The Superintendent maintains an Administrative Procedure to operationalize the *Public Interest Disclosure (Whistleblower Protection) Act* and *Public Interest Disclosure (Whistleblower Protection) Regulation* throughout the District.
3. The Administrative Procedure shall reinforce the duty of every staff member to report genuine concerns of any wrongdoings as defined in the Act that involve:
 - 3.1. A contravention of an Act of Alberta or Canada or the Regulations related to those acts, or
 - 3.2. An act or omission that creates:
 - 3.2.1. 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 of functions of an employee, or
 - 3.2.2. Substantial and specific danger to the environment, or
 - 3.2.3. Gross mismanagement, including an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of
 - a. Public funds or a public asset,
 - b. The delivery of a public service, including the management or performance of
 - (i) 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
 - (ii) 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

- 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

3.2.4. Knowingly directing or counseling an individual to commit one of the wrongdoings listed above.

3.3. Day-to-day workplace issues that fall short of “wrongdoings” are to be dealt with using existing Division policies and/or procedures.

3.4. The Administrative Procedure shall provide assurance that any concerns expressed will be investigated thoroughly and that staff members raising concerns reasonably and responsibly shall not be penalized in any way.

3.5. Further, the Administrative Procedure shall make provision for the reporting of concerns to the Board Chair in the event circumstances prevent a disclosure to the Superintendent, or to Vice Chair in the event circumstances prevent a disclosure to the Board Chair, or to the Vice-Chair in the event that circumstances prevent a disclosure to the Board Chair.

Reference:	Education Act: 52-53, 86, 222 Public Interest Disclosure (Whistleblower Protection) Act	Approved:	(signature)
	Public Interest Disclosure (Whistleblower Protection) Regulation AR 71/2013	Date Approved:	May 24, 2022
Cross-Reference:	Board Policy: 3-6, 12 Admin Procedure: 199 Whistleblower Protection	Reviewed or Revised:	May, 2022 March, 2017



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Guidelines

1. The Superintendent is the “chief officer” of the District as stipulated in the *Public Interest Disclosure (Whistleblower Protection) Regulation*.
2. The Superintendent ~~shall develop~~ **maintains** an Administrative Procedure to operationalize the *Public Interest Disclosure (Whistleblower Protection) Act* and *Public Interest Disclosure (Whistleblower Protection) Regulation* throughout the District.
3. The ~~intent of the~~ Administrative Procedures shall reinforce the duty of every staff member to report genuine concerns of any wrongdoings as defined in the Act that involve:
 - 3.1. A contravention of an Act of Alberta or Canada or the Regulations related to those acts, or
 - 3.2. An act or omission that creates:
 - 3.2.1. 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 of functions of an employee, or
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3.4. The Administrative Procedure shall provide assurance that any concerns expressed will be investigated thoroughly and that staff members raising concerns reasonably and responsibly shall not be penalized in any way.

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Reference:	School Act: 60, 61, 65, 113 Education Act: 52-53, 86, 222 Public Interest Disclosure (Whistleblower Protection) Act	Approved: (signature)
	Public Interest Disclosure (Whistleblower Protection) Regulation AR 71/2013	Date May 24, 2022 Approved:
Cross-Reference:	Board Policy: 3-6, 12 Admin Procedure: 199 Whistleblower Protection	Reviewed or May, 2022 Revised: March, 2017



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Guidelines

1. The Superintendent is the “chief officer” of the District as stipulated in the Public Interest Disclosure (Whistleblower Protection) Regulation.
2. The Superintendent shall develop an Administrative Procedure to operationalize the Public Interest Disclosure (Whistleblower Protection) Act and Regulation throughout the District.
3. The intent of the Administrative Procedures shall reinforce the duty of every staff member to report genuine concerns of any wrongdoings as defined in the Act that involve:
 - 3.1. A contravention of an Act of Alberta or Canada or the Regulations related to those acts, or
 - 3.2. An act or omission that creates:
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- 3.3. Day-to-day workplace issues that fall short of “wrongdoings” are to be dealt with using existing Division policies and practices.
- 3.4. The Administrative Procedure shall provide assurance that any concerns expressed will be investigated thoroughly and that staff members raising concerns reasonably and responsibly shall not be penalized in any way.
- 3.5. Further, the Administrative Procedure shall make provision for the reporting of concerns to the Board Chair in the event circumstances prevent a disclosure to the Superintendent, or to Vice Chair in the event circumstances prevent a disclosure to the Board Chair, or to the Vice-Chair in the event that circumstances prevent a disclosure to the Board Chair.

Reference:	School Act: 60, 61, 65, 113 Public Interest Disclosure (Whistleblower Protection) Act Public Interest Disclosure Regulation 7/2013	Approved:	(signature)
		Date Approved:	UNAPPROVED – Indicate Board Meeting Date
Cross-Reference:	Board Policy: 3-6, 12 Admin Procedure: 403	Reviewed or Revised:	March, 2017