

## **16. Board Policy *Public Interest Disclosure***

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The Prairie Rose Board of Trustees is committed to the highest standard of ethical and accountable conduct of school of division operations and recognizes the importance of working to deter and detect wrongdoing within the operations of the Board, and to promote public confidence in the administration of the Board. To ensure this, the Board 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.

### **Background**

On June 1, 2013, the Public Interest Disclosure (Whistleblower Protection) Act (“PIDA”) came into force in Alberta. The purpose of PIDA is to:

- (a) facilitate the disclosure and investigation of significant and serious matters in public entities, including school boards, that an employee believes may be unlawful, dangerous to the public or injurious to the public interest,
- (b) protect employees who make those disclosures,
- (c) manage, investigate and make recommendations respecting disclosures of wrongdoings and reprisals, and
- (d) promote public confidence in the administration of public entities.

Under PIDA, an employee of the Board may make a disclosure of wrongdoing, which the school board will investigate in accordance with these procedures. Under PIDA, no person may make reprisals against an employee for making a disclosure, seeking advice about making a disclosure, or taking any other steps under PIDA, so long as the employee is acting in good faith.

### **Definitions**

1. “PIDA” means the Public Interest Disclosure (Whistleblower Protection) Act
2. “chief officer” means the superintendent of schools;
3. “designated officer” means person designated below to manage and investigate disclosures under PIDA; “commissioner” means the Public Interest Commissioner appointed under PIDA;

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4. “employee” means an individual employed by the school board;
5. “disclosure” means a disclosure of wrongdoing made in good faith by an employee under PIDA and this [policy/procedure];
6. “wrongdoing” means:
  - 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: (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 of public funds or a public asset, and
  - d) knowingly directing or counseling an individual to commit the wrongdoing mentioned above.

### **Designated Officer**

The Deputy Superintendent is designated as the designated officer for the purpose of PIDA. **Receipt of Disclosures**

1. Employees seeking advice on potential disclosure under PIDA and this policy shall be referred to the Deputy Superintendent (the designated officer), who shall provide the employee with information on PIDA, the requirements of PIDA and this policy and other alternative processes for resolution of the employee’s concern.
2. Employees shall make disclosures for the purposes of PIDA and this policy to the designated officer, in writing. The Public Interest Disclosure Form outlines the information required in a disclosure of wrongdoing or reprisal (Policy EL#17 - Appendix A)
3. Disclosures shall provide:
  - a) the name of the disclosing employee;
  - b) a description of the wrongdoing;

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- c) the name of the individual or individuals alleged to have committed the wrongdoing or to be about to commit the wrongdoing;
- d) the date of the wrongdoing.

4. The designated officer shall acknowledge receipt of the disclosure to the employee making the disclosure within 5 business days from receipt of the disclosure.

### **Good Faith**

- 1. An employee who submits a disclosure of wrongdoing or complaint of reprisal must act in good faith.
- 2. Deliberately false or malicious allegations by an employee will form the grounds from disciplinary action up to and including termination of employment.

### **No Reprisals**

- 1. An employee who, in good faith:
  - a. seeks advice about making a disclosure
  - b. makes or made a disclosure
  - c. co-operated in an investigation, or
  - d. declined to participate in a wrongdoingwill not be subject to actions or threats of dismissal, layoff, suspension, demotion, transfer, discontinuation or lamination of a job, change of job location, reduction in wages, change in hours of work or reprimand or any other measure that adversely affects the employee's employment or working conditions.
- 2. An employee may make a written complaint to the Public Interest Commissioner if the employee alleges that a reprisal has been taken or directed against the employee. Such a written complaint must, according to PIDA, be made on the Complaint of Reprisal Form (<http://www.pic.alberta.ca/files/Complaint-of-Reprisal-Form.pdf>)

### **Preliminary Handling of Disclosures**

- 1. Where the designated officer is of the opinion that the subject matter of a

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disclosure would more appropriately be dealt with by a department of the Government of Alberta, an office of the Legislature, or another public entity, the designated officer shall report the subject matter of the disclosure to the designated officer of that other entity.

2. Where an alternative process exists for the handling of the subject matter of the disclosure under:
  - a) another policy/procedure of the Board (for example, P103 Harassment or evaluation policies).
  - b) another Act or regulation (for example, human rights or occupational health and safety legislation), or
  - c) procedures under a collective agreement or employment contract, and the designated officer is of the opinion that the subject matter of the disclosure would more appropriately be dealt with under that alternative process, the designated officer may refer the disclosing employee to those procedures.
3. Where the disclosure:
  - a) is clearly frivolous or vexatious, has not been made in good faith, has not been made in a timely enough manner to permit an investigation, or does not deal with a wrongdoing,
  - b) 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
  - c) does not provide adequate particulars about the wrongdoing to permit the conduct of a fair and effective investigationthe designated officer may decline to investigate the disclosure.
4. If more than one disclosure is made of a single wrongdoing, the designated officer may conduct a single investigation into the wrongdoing.
5. A disclosure of wrongdoing or complaint of reprisal shall be acknowledged not more than five (5) business days from the date on which the disclosure of wrongdoing or complaint of reprisal is received.
6. The designated officer shall advise the employee making the disclosure whether the disclosure will or will not be investigated within 10 business days from receipt of the disclosure.

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### **Mandatory Disclosures to Others**

1. If the designated officer reasonably believes that the matter to which the disclosure relates constitutes an imminent risk of a substantial or specific danger to the life, health or safety of individuals, or to the environment, the designated officer shall as soon as reasonably practicable refer the disclosure to the Commissioner.
2. Notwithstanding whether a disclosure is referred to the Commissioner, where the designated officer is aware:
  - a) 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
  - b) that the alleged wrongdoing, if true, may threaten the welfare of students, staff, or the safe and caring environment of the school, the designated officer shall also ensure that appropriate persons within the school board have sufficient information to act to abate that risk.
3. 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 employee, the designated officer shall advise the superintendent of the alleged wrongdoing for consideration of a possible administrative suspension under section 105(2) of the School Act.
4. 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.

### **Investigations**

1. The designated officer shall conduct all investigations in accordance with the principles of natural justice and procedural fairness.
2. The designated officer may utilize internal personnel and resources, and may retain outside personnel or resources, for the purpose of conducting the investigation.

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3. The designated officer, and any person conducting an investigation on their behalf, may interview any person and shall have access to any documents of the school board necessary for the investigation.
4. 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.

### **Report**

1. The designated officer shall provide a written investigation report to the chief officer detailing whether the disclosure was substantiated and providing recommendations on corrective action.
2. The investigation shall be completed, and the written investigation report provided to the chief officer no later than 110 business days from the date the disclosure was received.
3. Where the designated officer is considering a recommendation to the superintendent that the superintendent exercise authority delegated to them by the Board of Trustees to suspend or terminate a teacher under the School Act, the designated officer shall consult with other board staff typically responsible for such recommendations concerning the necessary process. In such an event, the written investigation report shall be provided to the superintendent in the course of any process under the School Act for the superintendent to consider that recommendation.
4. The chief officer shall consider the recommendations 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 of Trustees. The chief officer shall follow-up with the employees responsible to ensure those actions are taken.
5. The person making the complaint shall be advised when the investigation is completed, the recommendations made in the written investigation report, and the chief officer's actions resulting from the written investigation report.

### **Extensions of Timelines**

1. The designated officer may request the chief officer, and the chief officer may grant extensions of timelines within this policy, provided that the total extensions granted do not extend the overall time period for

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investigation and provision of the investigation report by more than 30 business days.

2. The chief officer may request permission from the Commissioner to extend timelines for a longer period.
3. 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.

### **Conflicts of Interest / Disclosures About the Chief Officer**

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 chief officer 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.
2. In the event of a disclosure to the designated officer concerning the conduct of the chief officer, or concerning which the chief officer has a conflict of interest, the designated officer shall:
  - a) advise the Board Chair of the nature of the disclosure, whereupon the Board of Trustees may authorize an investigation into the disclosure;
  - b) advise the Commissioner of the disclosure and its referral to the Board of Trustees and seek advice from the Commissioner concerning whether the disclosure should be referred to the Commissioner.

### **Confidentiality**

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:
  - a) as necessary for this policy and to conduct the investigation in accordance with the principles of procedural fairness and natural justice;

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- b) in accordance with PIDA or any other statute;
- c) when 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.

### **Statutory Obligations**

1. The Superintendent must ensure that information about PIDA and the internal procedures of the board are widely communicated to the employees of the Board.
2. The Superintendent shall prepare a report annually on the disclosures that have been made to the designated officer.

Legal Reference Public Interest Disclosure (Whistleblower Protection Act) PIDA Public Interest Disclosure (Whistleblower Protection) Regulation

### Appendix A – General Information & Disclosure Form

Consider the following to determine if there is reasonable cause to file a notice with your Public Interest Designated Officer:

1. The Public Interest Disclosure Act applies to employees of government departments, offices of the Legislature and public entities as prescribed in the Public Interest Disclosure Act Regulations, who in good faith disclose wrongdoing in accordance with the Act.
2. The wrongdoing must have occurred after June 1, 2013 and within 2 years of today's date.
3. The type of wrongdoing must fall within one (or more) of the following categories:
  - a) Contravention of an Act or a Regulation (Contravention of a Law)
  - b) An act or omission that creates a substantial and specific danger to the life, health or safety of individuals.
  - c) An act or omission that creates substantial and specific danger to the environment.
  - d) Gross mismanagement of public funds or a public asset.



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e) Counseling an individual to commit the wrongdoing mentioned above.

If none of the above, the Public Interest Disclosure Act does not apply. You should consider internal department/organization resolution mechanisms.

Under the following circumstances you should make the Disclosure to the Public Interest Commissioner in Edmonton:

1. No procedures have been established within my department/public entity, to make a disclosure.
2. The subject matter involves the Chief Officer or Designated Officer of my department/public entity.
3. There is an imminent risk of a substantial and specific danger to the life, health or safety of Individuals, or to the environment, and there is insufficient time to make a disclosure to my Designated Officer
4. An individual reasonably believes that a reprisal is likely to be taken or directed against him/her if the disclosure is made to the Designated Officer.

To proceed with making a Disclosure of Wrongdoing to the Public Interest Commissioner, please complete the form online at <http://www.pic.alberta.ca/wrongdoing-form.aspx>

For more information, clarification and/or advice – you may contact the Provincial Public Interest Commissioner in Edmonton.

Office of the Public Interest Commissioner

10303 Jasper Avenue NW, Suite 2800  
Edmonton, Alberta T5J 5C3  
Fax: 780-427-2759  
Email: [info@pic.alberta.ca](mailto:info@pic.alberta.ca)

To make a formal disclosure of wrongdoing to your Designated Officer (Deputy Superintendent) please complete the guide on the next page and submit it in person or by email attachment.

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Mr. Mark Heinrichs, Deputy Superintendent  
Public Interest Designated Officer  
918 – 2nd Avenue  
Dunmore, AB T1B 0K3  
Email: [markheinrichs@prrd8.ca](mailto:markheinrichs@prrd8.ca)

### **DISCLOSURE OF WRONGDOING**

**Employer:** Prairie Rose Public Schools

**Designated Officer:** Deputy Superintendent, Mark Heinrichs

Individual Reporting a Wrongdoing (Contact Information)

Name:

Address:

Phone Number:

Email:

Description of wrongdoing, including all relevant details, dates and locations where the wrongdoings occurred, and all parties involved. Knowingly making a false or misleading statement is an offence pursuant to the Act.

**Approved:** September 25th, 2025