



PUBLIC INTEREST COMMISSIONER

A report of the Public Interest Commissioner
in the matter of a disclosure of wrongdoing under the
Public Interest Disclosure (Whistleblower Protection) Act

Case #: PIC-21-00064

Disclosure of Wrongdoing related to Sturgeon Public School Division

December 28, 2022





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COMMISSIONER**

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Foreword

An effective public service depends on the commitment of everyone who works in it to maintain the highest possible standards of honesty, openness, and accountability. The *Public Interest Disclosure (Whistleblower Protection) Act* (the Act) creates a confidential avenue for public servants to speak out about wrongdoings or make complaints of reprisal. Employees of public entities can choose to report internally or directly to the Public Interest Commissioner (the Commissioner). Whether the matter is investigated by the public entity or the Commissioner, Albertans expect the investigation will be thorough, objective, and complete. In addition, potential whistleblowers must have confidence that their concerns will not be met with reprisal. Management should embrace whistleblowing as an opportunity to make positive change and ensure that whistleblowers are celebrated, not punished.

Mandate

The Act facilitates the disclosure and investigation of wrongdoings or reprisals occurring in government departments, offices of the Legislature, and public entities (including provincial agencies, boards and commissions, post-secondary academic institutions, school boards, charter schools, accredited private schools that receive grants, and public sector health entities) and protects public service employees who make disclosures.

Under the Act, the Commissioner is an independent Officer of the Legislature, who reports to Alberta's Legislative Assembly. The purpose of an investigation by the Commissioner is to bring a wrongdoing or reprisal, as defined under the Act, to the attention of the affected department, public entity, or office of the Legislature and to recommend corrective measures. Through the conduct of its investigations, the Office of the Public Interest Commissioner promotes confidence in the administration of the department, public entity, or office of the Legislature. The office's larger aim is to promote a culture in the public sector where employees and managers share a common goal of reporting, investigating, and remedying wrongdoings, encouraging all whistleblowers to come forward without fear of reprisal.

At the conclusion of an investigation, the Act requires the Commissioner to prepare a report setting out the findings of the investigation, reasons for those findings, and any recommendations considered appropriate respecting the disclosure or complaint of reprisal. This report fulfills that requirement.

Overview

- 1 Sturgeon School Division No. 24 (the Division), located just north of Edmonton, provides educational services to approximately 5,000 students in 17 schools. In the summer of 2018, the Board of Trustees for the Division hired Ms. Mary Lynne Campbell as the Superintendent and CEO of the Division.
- 2 On May 17, 2021, my office received a disclosure of wrongdoing alleging that Ms. Campbell grossly mismanaged 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, a wrongdoing as defined in section 3(c)(iii) of the Act.
- 3 The allegation was analyzed to ensure it met the legislative requirements of the Act and to determine if it warranted further investigation. The initial analysis included preliminary interviews with the complainant and witnesses. Upon completion of the analysis, my office determined an investigation was required to determine whether a wrongdoing, as described by the Act, had occurred.
- 4 Prior to the conclusion of the investigation, Ms. Campbell's employment with the Division ended. Despite this, the former Commissioner determined it was in the public interest to continue the investigation given the severity of the allegations and the position of public trust held by Ms. Campbell.
- 5 The investigation into Ms. Campbell's management of Division employees was extensive. The investigator interviewed a total of 40 current and former employees of the Division who had direct contact with Ms. Campbell. In response to the allegations and the evidence collected throughout the investigation, Ms. Campbell provided extensive written submissions.

Allegations

- 6 The investigation examined the following issue:

Whether Mary Lynne Campbell grossly mismanaged employees by a pattern of behaviour or conduct of a systematic nature that indicates a problem in the culture of the Division relating to bullying, harassment or intimidation contrary to section 3(1)(c)(iii) of the Act.

Findings

- 7 I conclude, on the balance of probabilities, that Mary Lynne Campbell did commit a wrongdoing contrary to section 3(1)(c)(iii) of the Act by grossly mismanaging employees through a pattern of behaviour or conduct of a systemic nature that resulted in a problem in the culture of the Division with bullying, harassment, and intimidation.
- 8 Ms. Campbell was hired with a specific mandate to change and improve the culture of the Division. Unfortunately, Ms. Campbell's impact on the employees within the Division did not turn out to be positive, and her conduct had serious negative implications for the Division's employees and its organizational culture.

Investigation Summary

Standard of Proof

- 9 Under the Act, a finding of wrongdoing must be established on a balance of probabilities. Thus, I must examine the relevant evidence and determine whether it is more likely than not that the alleged events occurred. Any evidence I rely on must be clear, convincing, and cogent to satisfy the standard of proof on a balance of probabilities.¹

¹ *FH v McDougall*, 2008 SCC 53 at paras 44-49.

Process of Investigation

- 10 Before the investigation began, the prior Commissioner satisfied herself that all other applicable mechanisms to address bullying, harassment, or intimidation within the Division had been considered as required by section 19(1.1) of the Act. Given Ms. Campbell's significant position within the Division, the number of concerns, and the apparent systemic scope of the alleged misconduct, alternate mechanisms to address Ms. Campbell's conduct were insufficient, and it was open to this office to begin its investigation into the disclosure of wrongdoing.
- 11 At the first stage of the investigation, my office interviewed 34 current and former Division employees who had contact with Ms. Campbell throughout her time as Superintendent. All individuals interviewed as part of the investigation are referred to as witnesses.
- 12 Witnesses were asked general questions concerning the culture and atmosphere of the Division, as well as whether they had experienced or witnessed any instances of bullying, harassing, or intimidating behaviours within the Division. Ms. Campbell **was not** identified as the alleged wrongdoer, nor were the witnesses asked leading questions about Ms. Campbell. Witnesses provided information relating to Ms. Campbell's behaviour of their own volition.
- 13 Following the conclusion of the first round of witness interviews, my office provided Ms. Campbell with a summary of preliminary investigative findings (the Investigation Summary). The Investigation Summary informed Ms. Campbell of the substance of the allegations against her and provided detailed, but anonymized, accounts of specific incidents concerning her conduct. Ms. Campbell was invited to review the evidence collected by the investigator, refute evidence, provide a response to the allegations, and provide any additional information that may not have been considered.
- 14 On April 1, 2022, Ms. Campbell provided a written response, totaling 189 pages, to the Investigation Summary, along with 1,616 pages in supporting documentation and approximately 25 minutes of video evidence. Additionally, Ms. Campbell identified 12 additional individuals she believed would provide support for her position.
- 15 Of the 12 individuals, two had been previously contacted by my office to provide evidence. The statement from one of those individuals was included in the Investigation Summary, while the

other individual did not provide a response to my office's request for an interview. One of the remaining 10 individuals suggested by Ms. Campbell was not contacted as the purported information they could provide did not relate to the issue under investigation. Consequently, my office contacted nine of the individuals identified by Ms. Campbell as being supportive of her position. Of those, three individuals did not respond to my office's request for interview. Consequently, of the 12 individuals identified by Ms. Campbell, only six became witnesses and provided additional evidence.

- 16 My office then provided Ms. Campbell with a summary of the evidence from the six additional witnesses (the Supplemental Investigation Summary). Ms. Campbell provided an additional written response to the Supplemental Investigation Summary on May 25, 2022.

Compliance with the Requirements of Procedural Fairness under the Act

- 17 In her written responses and through her legal counsel, Ms. Campbell also raised concerns regarding the procedural fairness of this investigation. Specifically, she argued that without witness identities and sufficient details about specific events described in the investigational summaries, she was unable to provide a full or meaningful response to the evidence against her.
- 18 Witness and whistleblower confidentiality is a foundational pillar of the whistleblowing regime under the Act. Nevertheless, investigations under the Act must balance the confidentiality of any witness or whistleblower with the procedural fairness obligations owed to alleged wrongdoers. To achieve this balance, the Investigation Summary and the Supplemental Investigation Summary provided to Ms. Campbell contained the substance of the evidence against her and as much detail as possible respecting specific incidents as could be provided without compromising the identity of individuals who cooperated with my office.
- 19 I acknowledge some of the evidence obtained by the investigation related to allegations which Ms. Campbell could not meaningfully respond to without disclosing the identity of the witnesses. In these cases, I can advise that when making my decision I neither considered the evidence nor the allegations the evidence related to.

- 20 Ms. Campbell was able to respond to both the Investigation Summary and the Supplemental Investigation Summary, and she provided extensive submissions and evidence in support of her position. She was also able to identify additional witnesses that my office had not previously interviewed as support for her position.
- 21 Ms. Campbell also raised the possibility of collusion between the witnesses, which could affect the credibility of their evidence. Having reviewed the evidence and the summaries of individual witness interviews, I am satisfied that the witnesses did not discuss the investigation or their interactions with Ms. Campbell to the extent that it would have affected the credibility of the evidence provided. Further, there was limited or no overlap in the employment periods of a number of the witnesses interviewed for the investigation, meaning there was no opportunity for collusion since those witnesses did not know each other. Finally, I note that individuals identified by Ms. Campbell as being witnesses who would support her position in fact corroborated the negative evidence of other witnesses initially contacted by my office.
- 22 Ultimately, I am satisfied the process provided to Ms. Campbell conformed with the principles of natural justice and procedural fairness as required by section 18(3) of the Act. Ms. Campbell was provided with the substance of the evidence which I would be relying upon to make my decision, an opportunity to respond to this evidence, and, in fact, she presented substantial arguments in support of her position.

Definitions

- 23 For the purpose of interpreting section 3(1)(c)(iii) of the Act, I have adopted the following definitions:
- a. Gross mismanagement of employees is described in the Act as an act or omission that is deliberate and that shows a reckless or wilful disregard for the proper management of 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.²

² *Public Interest Disclosure (Whistleblower Protection) Act*, SA 2012, c P-39.5, s 3(1)(c)(iii).

- b. A *pattern of behaviour* is generally described as recurrent actions or inactions that demonstrate a sequence of events that are similar in nature or a sequence of events that are reasonably related.
- c. In the context of an organization, the Law Society of Alberta defines the term *systemic* as relating to policies, procedures and practices within systems and institutions.³ With respect to the gross mismanagement employees, conduct of a systemic nature relates to the bullying, harassment, or intimidation of employees by established organizational practices, or by the organization's failure to implement procedures that would reasonably prevent such conduct.
- d. Health Canada refers to the *culture of an organization* as the shared assumptions, beliefs, and values regarding the extent to which an organization supports and values the integration of employees.⁴
- e. The Canadian Center for Occupational Health and Safety defines bullying as acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade, or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.⁵
- f. The *Alberta Occupational Health and Safety Act* defines "harassment" as any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes:
 - i. conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status,

³ Law Society of Alberta, "Law Society of Alberta Benchers Approve Acknowledgement of Systemic Discrimination", online: <<https://www.lawsociety.ab.ca/about-us/key-initiatives/equity-diversity-and-inclusion-initiatives/acknowledgment-of-systemic-discrimination/>>

⁴ Dr Chris Higgins, Dr. Linda Duxbury & Sean Lyons, "Reducing Work-Life Conflict: What Works? What Doesn't?" (January 2008), online: *Government of Canada* <<https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/occupational-health-safety/reducing-work-life-conflict-what-works-what-doesn.html>>

⁵ Canadian Centre for Occupational Health and Safety, "Bullying in the Workplace", online: *Government of Canada* <<https://www.ccohs.ca/oshanswers/psychosocial/bullying.html>>

source of income, family status, gender, gender identity, gender expression and sexual orientation, and

ii. a sexual solicitation or advance,

but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site.⁶

g. Intimidation is generally defined as forcing someone into or deterring someone from an action by inducing fear.

Assessing Witness Evidence

24 In reaching my findings, I had access to all evidence obtained by my office's investigation along with all evidence provided by Ms. Campbell. I considered the following evidence in particular:

- a. Information submitted as part of the disclosure of wrongdoing;
- b. Interviews with the 34 current and former Division employees who comprised the first round of interviews by my office;
- c. Written submissions and supporting documents submitted by Ms. Campbell on April 1, 2022 and May 25, 2022;
- d. Interviews with six Division employees identified by Ms. Campbell whose evidence was summarized in the Supplemental Investigation Summary.

25 To assess the credibility of the witnesses, I reviewed summaries of individual witness interviews prepared by an investigator and considered the witness's ability to recall events, the probability of their version of events, the consistency of their account both internally and with information provided by other witnesses and Ms. Campbell, as well as the investigator's assessment of their demeanour. I found all the witnesses, including Ms. Campbell, to be credible insofar as they believed the evidence they were providing was true. Consequently, while I have considered credibility in reviewing the evidence, my findings on credibility are not determinative in reaching my final decision.

⁶ *Occupational Health and Safety Act*, SA 2020, c O-2.2, s 1(n).

- 26 In making my decision, I did not give weight to any evidence which was not corroborated by other witnesses or Ms. Campbell herself. Insofar as possible my decision was based on the first-hand accounts of witnesses.
- 27 Finally, many witnesses provided evidence describing the emotional reactions they had in response to Ms. Campbell's conduct. I acknowledge that it is difficult for Ms. Campbell to respond to expressions of another individual's emotions or personal feelings. I considered this evidence only to the extent that it demonstrated the impact of Ms. Campbell's conduct on the culture of the Division.

Summary of Evidence

- 28 I considered the following in determining whether wrongdoing occurred:
- Whether Ms. Campbell's conduct resulted in a problem in the culture of the Division related to bullying, harassment, or intimidation?
 - Whether Ms. Campbell's acts or omissions constituted a pattern of behaviour or conduct of a systemic nature?
 - Whether Ms. Campbell's acts or omissions were deliberate and showed a reckless or wilful disregard for proper management?

Whether Ms. Campbell's conduct resulted in a problem in the culture of the Division related to bullying, harassment, or intimidation?

- 29 I find that Ms. Campbell engaged in conduct that she knew or ought to have reasonably known was objectionable, unwelcome, and humiliating or would otherwise intimidate employees of the Division, regardless of whether employees' reactions were internalized or overt. I make this finding based on the following evidence:
- Twenty witnesses reported that Ms. Campbell used intimidation tactics to bully individuals or assert control over employees. One witness described her conduct as "strategic and severe bullying" and another as "highly vindictive" should an employee find themselves on "her target list."

- b. Eleven witnesses reported Ms. Campbell yelled at employees and was verbally aggressive. For example, two employees described an incident where Ms. Campbell yelled at them because of an email that the first employee, in their capacity as a parent, had sent to a teacher within the Division.
- c. I considered the specific account of a witness who described a situation where they attempted to leave an unscheduled disciplinary meeting to contact a union representative. The witness reported Ms. Campbell stood in front of the door, physically blocking them from leaving, and she stated if the witness left, she would reprimand them for insubordination. The witness remained at the meeting and was denied union representation as a result.
- d. In another incident reported by witnesses, during a meeting where both male and female employees were present, Ms. Campbell expressed her preference for females in leadership and boasted that she had only appointed women to senior leadership roles. A male witness advised he felt ostracized and undervalued by Ms. Campbell's comments, particularly since he had applied for a senior leadership role, something which Ms. Campbell would have been aware of. A second male witness was also in attendance and expressed having similar feelings.
- e. Two witnesses stated that Ms. Campbell created fear amongst employees, describing her as "prickly," manipulative," and "a bully." Nevertheless, one of the witnesses added that Ms. Campbell also "had a heart" as shown when she reached out to an employee who had been ill. On further reflection, the witness advised the investigator that they wondered if Ms. Campbell did this to manipulate the employee. Of note, both witnesses were individuals identified by Ms. Campbell as being supportive of her position.
- f. Overall, there was a significant difference between how Ms. Campbell perceived her behaviour and relationships with employees, and how the employees interviewed viewed and responded to her conduct. Of the 40 witnesses interviewed, only one viewed Ms. Campbell's actions favorably.

30 In response to the evidence provided by witnesses, Ms. Campbell denied showing favoritism to employees or acting in an intimidating, harassing, or bullying manner. Her evidence is as follows:

- a. She believed that she was well-liked by employees. In support of this belief, she advised that she once received so many gifts from employees that it took her the better part of six weeks to open them.
- b. Ms. Campbell further stated she did not yell at employees, and that it was select employees who would shout at her. She recalled allowing employees time to calm down and meeting with them after to ensure they were okay. However, Ms. Campbell did acknowledge two occasions where she did raise her voice at employees. Once because an employee “deflected responsibility” for their actions, which prompted the employee to start crying and leave the room. On a second occasion, Ms. Campbell raised her voice at an employee during a phone call. Ms. Campbell indicated that she apologized to this employee the next day because they had a negative emotional reaction to the phone call.
- c. In addition, Ms. Campbell listed several accomplishments met by the Division during her tenure, including having the highest Accountability Pillar Results, the hiring of several qualified candidates for roles throughout the Division, the implementation of the Pandemic Plan, the development of a Succession Plan, and an increase in student enrollment. It was her evidence that, *“If in fact I bullied, harassed and intimidated people into compliance, the Division would not have achieved any of the outcomes and milestones directed by the Board.”*

31 I have placed less weight on Ms. Campbell’s evidence regarding her behaviour for the following reasons:

- a. I do not dispute that Ms. Campbell believed she was well-liked by the employees and that she was empathetic to their needs. I also do not dispute that she believed she never harassed or intimidated employees. However, her beliefs are not supported by the evidence of 39 witnesses who were interviewed during this investigation. I find the weight of the evidence does not support Ms. Campbell’s beliefs regarding her conduct.
- b. Further, I do not dispute that Ms. Campbell believes she was successful in her role or that the Division’s Board may have even shared this belief. However, the investigation

was not concerned with Ms. Campbell's quantitative success, but the way she interacted with and managed Division employees. The weight of evidence supports a finding that Ms. Campbell's behaviour led to a culture of bullying, harassment, and intimidation.

32 I find that for the duration of Ms. Campbell's tenure as Superintendent of the Division was characterized by a culture of fear. I make this finding based on the following evidence:

- a. Thirty-five witnesses, including four of the witnesses identified by Ms. Campbell, described the culture of the Division under Ms. Campbell's leadership as one of fear. I noted witnesses used words such as "toxic," "awful," "degrading," "scary," "a nightmare," and "broken" to describe working within the organization. Some witnesses indicated the workplace was "very tense," and employees were often "walking on eggshells." A witness informed there was a "palpable fear" in the office as employees were "shaken to the bone." I find the consistent and similar description of the culture of the organization provided by so many witnesses to be a compelling factor.
- b. Twenty-one witnesses stated employees were afraid of Ms. Campbell, believing that Ms. Campbell would terminate their employment for any minor mistake, whether actual or perceived. Several witnesses reported this fear fostered a culture of finger-pointing and employees trying to cover up mistakes to avoid losing their jobs. One witness noted employees were "always on the lookout."
- c. Thirteen witnesses reported that Ms. Campbell's behaviours led to a culture of fear and intimidation that negatively impacted employees and their ability to conduct their work. I noted the following examples provided by witnesses:
 - i. One witness explained staff were fearful of sharing any feelings, even if they were just suggestions, as the culture of the office was one of "those who do not accept us are against us." The witness stated: "people are simply just scared - they can't speak up."
 - ii. Witnesses reported that employees lacked an understanding of their role and expectations because they were too afraid to ask questions that could jeopardize their jobs. As such, staff simply did not know if they were making mistakes that

would hurt their employment, leading to further tension and fear within the organization.

- iii. One witness reported that they would speak in meetings only if they had a severe stress response that would cause them to speak up. The witness noted they would frequently second guess if they could ask questions or the appropriateness of the question they wanted to ask.
- iv. A witness believed some employees would “lose their words” when Ms. Campbell entered a room out of fear that Ms. Campbell would misunderstand the conversation.
- v. A witness advised that they cancelled their in-person doctor’s appointment and chose to have a telephone appointment instead, fearing there would be negative repercussions from Ms. Campbell if they proceeded with their in-person appointment. The witness also requested an appointment during their lunch break out of fear that Ms. Campbell would be angry with them for taking time off.
- vi. A witness reported being panicked about making spelling mistakes in reports out of fear of what Ms. Campbell’s reaction would be.
- vii. Multiple witnesses in supervisory roles reported being a “buffer” between Ms. Campbell and their direct reports by taking blame for matters that were not their responsibility and filtering out negative feedback from Ms. Campbell.
- viii. Multiple witnesses reported messaging other employees on their personal cell phones to inform one another when they believed Ms. Campbell was in an irritable mood. A witness stated they would message employees to provide a “heads up and to prepare to brace themselves” when they noticed Ms. Campbell walking to an employee’s workspace.
- ix. Fifteen witnesses, including four witnesses identified by Ms. Campbell, believed Ms. Campbell was surveilling the activities of staff. The investigation found no evidence that Ms. Campbell, at any time, was monitoring any of her staff’s email,



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telephone, or private conversations. However, the perception that Ms. Campbell was monitoring devices fostered an atmosphere of extreme caution on the part of employees with witnesses reporting taking precautionary measures including:

- A. Witnesses adopted the practice of closing their computers and making sure their cellphones were turned off when having conversations. Witnesses also unplugged their office phone lines when having conversations in the office, while others reported placing their office phones in desk drawers or under their desks to hold conversations in confidence.
 - B. One witness advised they would access internet services via a “hot spot” from their personal cell phone rather than use the division’s wi-fi even though it was to speak to a colleague about work-related matters.
 - C. One witness advised they would send an e-mail to another employee to tell them they would contact them in half an hour. At the half hour mark, the witness would go to their car and use their personal cell phone to contact the other employee’s personal cell phone. The witness took this precaution even though the discussion was work-related.
 - D. Two witnesses reported they ceased all detailed communication via work devices and only utilized their personal devices to communicate with employees. One witness added that if they need to send a detailed e-mail, they documented the circumstances that led to them sending the e-mail and why specific information was contained within the correspondence.
- x. While my office found no evidence that Ms. Campbell conducted surveillance on employees, the fact that employees felt they had to take such extreme steps to communicate in the office speaks to a pervasive atmosphere of fear and distrust within the Division.

- d. Twelve witnesses reported that Ms. Campbell's actions had negative effects on their mental health. Five witnesses reported that Ms. Campbell's conduct and the environment she created within the Division led them to require treatment for panic, anxiety, or post-traumatic stress disorders. Seven witnesses also indicated they took medical leave due to mental health concerns arising from working for Ms. Campbell. Other witnesses recalled instances where employees cried or had anxiety attacks because of Ms. Campbell's conduct. Evidence provided by the witnesses includes:
- i. A witness had an anxiety attack during a meeting when Ms. Campbell called on them to answer a question. As the witness did not know the answer and out of fear of Ms. Campbell, they began to have a physical stress response. The witness left the meeting to gather their composure.
 - ii. Another witness had a panic attack when reviewing the amount of work that they were asked to complete for Ms. Campbell. Additionally, the witness recalled a second incident when they forgot to bring a document to a meeting with Ms. Campbell. When Ms. Campbell was not provided this document, she allegedly said, "I am going to find out who was responsible for this – this is unacceptable." The witness began to cry during the meeting and started to experience a panic attack. The witness indicated she had to leave the meeting because of her adverse reaction.
 - iii. A third witness reported that the stress and fear of the workplace affected them in their personal life, making them absent from their family as they dwelled on the stability of their job.
 - iv. A witness, who was identified by Ms. Campbell as supportive of her position, reported their physical health declined because of the intimidating work environment created by Ms. Campbell, having to obtain a prescription for medication to continue their work. The witness also described an occasion where, not knowing how to proceed on directions from Ms. Campbell, they were overcome by anxiety and vomited. Lastly, the witness recounted how they consoled employees who cried after being informed that Ms. Campbell was planning to meet with them.

- e. The evidence also indicates that Ms. Campbell's conduct motivated employee turnover. Thirteen witnesses reported they left the Division due to Ms. Campbell's bullying, harassment, and intimidation. Seven witnesses stated they left the Division due to Ms. Campbell, even knowing that doing so caused them a financial disadvantage.

33 It was Ms. Campbell's evidence that in fact she was supportive of staff taking care of their mental and physical health. To promote employee wellbeing, Ms. Campbell recalled organizing staff events. She also provided evidence that employee access to counselling support peaked in 2018 at 12.83% under the previous Superintendent and began to decline following Ms. Campbell's appointment, reaching a rate of 4.23% for the period of January 2021 to June 2021. I do not give significant weight to Ms. Campbell's evidence for the following reasons:

- a. An employee would not be required to access counseling support solely through their workplace benefits and therefore the data provided is not necessarily all inclusive. Further, a reduction in access to counselling support is not evidence of a positive workplace culture. There is no evidence to explain why the reduction occurred or the causal relationship between this data and Ms. Campbell's conduct.
- b. Moreover, the weight of evidence, including evidence from witnesses Ms. Campbell believed would support her, has led me to find that Ms. Campbell's tenure as Superintendent of the division was characterized by a culture of fear.

34 I also find that Ms. Campbell was specifically responsible for the culture of fear that existed in the Division. In addition to the evidence outlined above, I relied on the following evidence in support of this finding:

- a. Thirty-one witnesses reported the culture of the organization changed for the worse after Ms. Campbell was hired as Superintendent. Two witnesses stressed that prior to Ms. Campbell's employment, the culture of the Division was like "one big family" or had a "small town family feeling."
- b. I noted the position of one witness that the changes implemented at the Division could be viewed as both positive and negative; however, all the witnesses attributed changes

to the Division's culture to Ms. Campbell and her leadership style, conduct, and way she made decisions.

- c. I found one witness's description of the feeling within the Division about Ms. Campbell's departure to be particularly impactful. The witness described a "collective sigh of relief" when Ms. Campbell departed her position as Superintendent.

35 It was Ms. Campbell's evidence that:

- a. Cultural issues within the Division had existed since 2013, particularly in the Division's Finance and Human Resources department. In support of this, Ms. Campbell referred to an independent third-party review which identified several issues, describing the department as "a toxic work environment." Ms. Campbell indicated that since 2013, neither the Secretary Treasurer nor the previous Superintendent had addressed the issues and, as such, it was her role to do so.
- b. Any negative changes to the culture of the Division were caused by the direction of the Board which she was contractually obligated to implement. Ms. Campbell stated that when she started as Superintendent of the Division, the Board asked her to resolve the challenges facing the Division and implement change rapidly. Specifically, Ms. Campbell recalled that the Board requested that she alter the culture within the Division that fostered routine employee mistakes, slow responses to the Board's requests, and an overall "attitude of ... entitlement and ennui."
- c. It was Ms. Campbell's evidence that she was diligent in confirming the Board's directions and articulated the risks and potential outcomes that could arise from those directions. She also reported that many of the decisions she made were at the direction of legal counsel and her support staff. One witness supported this evidence indicating Ms. Campbell frequently claimed to be acting on the directions of the Board Chair.

36 I have placed less weight on Ms. Campbell's explanation regarding the culture of the Division and her conduct for the following reasons:

- a. The third-party review referred to by Ms. Campbell related to only one department and is not necessarily evidence of the culture in the Division as a whole.

- b. Over 31 witnesses, including individuals that were interviewed at the request of Ms. Campbell, attributed the poor culture of the Division to Ms. Campbell and her tenure commencing in 2018.
- c. I acknowledge that cultural issues may have existed in one department in the Division. However, a reasonable person would not view Ms. Campbell's conduct, as described by witnesses, as addressing cultural issues. I find, rather, that a reasonable person would view her conduct as exacerbating the problem in the culture of the organization.
- d. I do not find Ms. Campbell's argument that her conduct was related to her contractual obligations to be persuasive. There was no independent evidence to support her suggestion that the Board directed her to alter the culture of "entitlement" in the Division. Further, I note her contract specifically states that, *"A major component of the position is to enhance relationships with system staff, parents, communities, and the media. Accordingly, the Superintendent will provide leadership to the system emphasizing the cooperative team approach."* Also, regarding corporate wellness, her contract states, *"The superintendent exercises executive responsibility required to ensure that the division is a healthy, productive work environment. Teachers and other employees at all levels feel valued and empowered and this positive incentive results in increased job satisfaction and reduced absenteeism and turnover."* The wording and direction provided to Ms. Campbell in her contract does not support her explanation.
- e. Regardless of the strategic direction of the Board, Ms. Campbell had control over the way changes were implemented within the Division, making her solely accountable for her conduct in achieving the Board's objectives. In addition, Ms. Campbell cannot excuse or explain her conduct by pointing to advice obtained from legal counsel. Legal counsel provides opinion or advice, but it was ultimately Ms. Campbell's prerogative to accept or reject that advice or implement the advice in a way that did not intimidate her staff.
- f. I found there is no independent evidence to support Ms. Campbell's assertions that the Board, legal counsel, or Ms. Campbell's support staff directed her to engage in behaviour that intimidated or bullied employees. Ms. Campbell's methodologies, conduct, and related decisions were within her control.

Whether Ms. Campbell's acts or omissions constituted a pattern of behaviour or conduct of a systemic nature?

- 37 I find that Ms. Campbell engaged in a pattern of behaviour that created a widespread problem throughout the Division. In making this finding, I rely on the evidence discussed above, which demonstrates recurring incidents of bullying or intimidation that are similar in nature.
- 38 The witnesses speaking to Ms. Campbell's conduct and its impact do not constitute a small contingent within the Division. At the time of the investigation, the Division's Central Office was comprised of approximately 45 individuals, of which 39 spoke as witnesses to the negative impact of Ms. Campbell's actions. Even accounting for the fact that some of the witnesses filled the same role due to turnover, 39 individuals still constitute a substantial majority of the staff within the Division.
- 39 More notably, the perception that Ms. Campbell engaged in ongoing bullying behaviours was shared by witnesses that Ms. Campbell herself asked this office to contact. Even individuals who Ms. Campbell believed would speak positively of her conduct shared the view that Ms. Campbell engaged in ongoing and systemic conduct constituting bullying.

Whether Ms. Campbell's acts or omissions were deliberate and showed a reckless or wilful disregard for proper management?

- 40 I find that Ms. Campbell's conduct was deliberate and showed a reckless or wilful disregard for proper management. I make this finding based on the following evidence:
- a. There is no evidence that Ms. Campbell's actions were inadvertent or that she did not act of her own volition. Consequently, I find that her conduct was deliberate.
 - b. I find that Ms. Campbell created restrictions on information within the Division, which created confusion and dissuaded employees from communicating or collaborating in their work. This finding is based on the following:
 - i. Eight witnesses stated that Ms. Campbell managed her employees in a manner that isolated them and created closed systems where employees could not collaborate or communicate with one another without fear of Ms. Campbell.

- ii. Fifteen witnesses explained how Ms. Campbell’s control of information resulted in limited contact between employees in different departments because Ms. Campbell provided information in a compartmentalized fashion.
- iii. Ms. Campbell directed Central Office employees to not share any information about the office with other Division staff, such as principals or teachers. For example, a witness was required to liaise information from the Central Office to staff within schools of the Division. After changes to their job profile, the witness was no longer required to complete this task. However, school staff were not informed that the witness was no longer a liaison, and consequently the witness continued to receive questions from employees. The witness feared informing employees of this change without permission from Ms. Campbell. Further, as Ms. Campbell did not give approval immediately for the witness to reply to employees, the lack of communication from Central Office gave staff within the Division’s schools cause for further concern.
- iv. Ms. Campbell disallowed employees from speaking to the Board or at Board meetings unless she had instructed them on the specifics of the information they could provide. As a result, employees whose job profile contained tasks requiring them to present to the Board were directed to not participate in these duties. A witness explained that prior to Ms. Campbell’s tenure, employees were able to speak openly at Board meetings. I find that in imposing these restrictions, Ms. Campbell adopted an authoritarian management style, and the way that she communicated this direction to staff contributed to the culture of fear within the Division.
- v. Ms. Campbell’s own evidence supports the contention that she kept strict control over information. She stated that she viewed information as “currency and power” because employees “fish” for information to use to their advantage. She stated communications were provided to employees when necessary and disseminated by Executive Team Members where needed, in a manner that would not lead to employee confusion nor breach any confidentiality requirements.

- c. I also find that Ms. Campbell led the Division in a manner that stifled employee autonomy and discouraged any disagreement with her:
- i. Nineteen witnesses described Ms. Campbell's management style as "micromanagement," with some describing her as "militaristic," and having to control everything.
 - ii. Three individuals, who were identified by Ms. Campbell as being supportive of her position, described her as having little to no trust in employees' decision-making abilities or autonomy. As a result, employees reported feeling discouraged from innovating and often felt they were denied information that could assist them in progressing their work.
 - iii. Seventeen witnesses, including four individuals identified by Ms. Campbell as being supportive of her position, stated she led through fear and deterred employees from questioning her ideas or decisions. The witnesses advised that Ms. Campbell style did not encourage open dialogue between employees within the Division.
 - iv. Seventeen witnesses, including four individuals identified by Ms. Campbell as being supportive of her position, advised that Ms. Campbell's conduct discouraged staff from making decisions without her direct involvement or express consent. It was the witnesses' evidence that the employees avoided speaking to Ms. Campbell. Witnesses further advised that they stopped speaking freely or expressing their opinions out of fear that Ms. Campbell would label them as being insubordinate or incompetent.
 - v. Sixteen witnesses described how Ms. Campbell's conduct impeded their independence and decision-making ability. Any major, minor, or, at times, personal decisions required Ms. Campbell's approval. I noted specific statements from witnesses that support a finding that Ms. Campbell impeded employees from doing their job freely, by yelling, belittling, and questioning the knowledge of employees. Another witness provided the opinion that "*you simply cannot cross her* [Ms. Campbell]." Specific examples of employee concerns include:



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- A. A witness stated Ms. Campbell took away autonomy from principals, noting that they would be reprimanded if they exercised any authority or decision-making powers that they had under the *Education Act*.
- B. Four witnesses reported that associate superintendents and directors required employees to obtain authorization from Ms. Campbell before approving various requests. Prior to Ms. Campbell's tenure, associate superintendents or directors were able to approve those requests themselves.
- C. A witness indicated the Superintendent of a neighboring school division invited them to a weekend educational event. The witness was asked to present to university students enrolled in Bachelor of Education programs about techniques for applying to teaching positions within the province of Alberta. Out of fear of upsetting Ms. Campbell, the witness requested permission from Ms. Campbell to attend this event. Although the witness explained they would be attending this event in their personal capacity during their own time, Ms. Campbell declined the request.
- D. Witnesses indicated that Ms. Campbell began a practice of including pop quizzes during Administrative Council Meetings to measure attendees' knowledge of the education sector. The witnesses stated some test questions were fair while others were not. They explained that once answers were written down, the paper was passed to a colleague and read out loud; however, employees were not afforded the opportunity to explain their written responses. The witnesses stated there was heightened anxiety among employees as they feared answering incorrectly or not quickly enough. They recalled the humiliating nature of participating in what they viewed as an unprofessional practice and stated employees were treated like students. Four witnesses described this practice as Ms. Campbell asserting her dominance during the meetings. In contrast, one witness explained that the use of pop quizzes by Ms. Campbell was to encourage the expansion of educational knowledge amongst staff. The witness reported this practice did not

bother them as they felt challenged by Ms. Campbell in a positive way. The witness noted that while this approach worked for them, they were aware other employees found the atmosphere at the meetings to be punitive and authoritarian.

41 It was Ms. Campbell's evidence that her management style was appropriate. Her evidence was as follows:

- a. Ms. Campbell characterized her management style as fostering an open-door-policy and stated she encouraged employees to communicate with her and seek her advice. Further, she encouraged cooperation and communication between employees, and they did not need her permission or direction to collaborate with each other.
- b. While she did not deny the incidents presented by the witnesses, Ms. Campbell stated witnesses were erroneously attributing negative intentions. She explained her actions were reasonable management decisions reflective of her desire to improve the Division and work within the Division's budgetary constraints.
- c. Ms. Campbell disputes the assertion that employees had to receive approval from her before communicating and collaborating. She asserts that she strongly encouraged conversation amongst Division employees and denies explicitly or implicitly setting unreasonable expectations for communication. She stated she consistently advised employees which decisions were within the authority of the Board, and which decisions were open for discussion and input. Ms. Campbell did indicate that where the Board required compliance, she did not answer questions from employees because these matters were "non-negotiable."
- d. Ms. Campbell acknowledged that in specific circumstances, she instructed employees to refrain from communicating or collaborating with colleagues because of the employee's conduct. She provided specific examples of occasions when it was appropriate for her to restrict communication and collaboration amongst employees.

42 I have placed less weight on Ms. Campbell's evidence as it relates to her management style for the following reasons:

- a. For the most part, Ms. Campbell's evidence is based upon her perception. I do not dispute that Ms. Campbell believes her management style was appropriate; however, her belief runs contrary to the vast weight of evidence obtained during the investigation.
 - b. I have found that the weight of evidence supports that Ms. Campbell's conduct resulted in a problem in the culture of the Division relating to bullying, harassment, and intimidation. I have also found that the weight of evidence supports Ms. Campbell's acts constituted a pattern of behaviour and conduct of a systemic nature. These findings in and of themselves demonstrate Ms. Campbell's disregard for proper management of the Division.
 - c. While Ms. Campbell was able to provide reasonable examples of circumstances when it was appropriate to restrict communication and collaboration between employees, I find the few circumstances described by her do not outweigh the many contrary instances identified by the witnesses.
 - d. I do not dispute that Ms. Campbell believes her management style and conduct was appropriate. However, her assertions that she did not lead through fear and intimidation do not outweigh the numerous accounts from the employees that corroborate the allegations of her negative conduct. There is a profound difference between how Ms. Campbell perceived her behaviour and relationships with employees and the effect she in fact had on Division employees. Given the overwhelming weight of evidence running contrary to Ms. Campbell's perception, in making my findings I give more weight to evidence provided by 39 of the witnesses.
- 43 Finally, I note one witness did provide evidence in support of Ms. Campbell. The witness indicated they enjoyed Ms. Campbell's company because they had been "let in" to see her personal side, which they indicated was fun, joking, and kind. The witness reported that employees had an ingrained fear of Ms. Campbell and little personal interaction with her, which led them to not trust her and mischaracterize her conduct as bullying. The witness further reported that Ms. Campbell was "trying to get through to those employees" and replace them with "good staff." I did not place significant weight on this witness's evidence for the following reasons:

- a. The witness advised they had a closer relationship with Ms. Campbell than other employees. Consequently, this witness's evidence was substantially different from the 39 other witnesses interviewed. Having a close personal relationship with Ms. Campbell, however, should not have been a prerequisite to being managed appropriately or not being bullied or intimidated.
- b. Further, the witness's inference that individuals who were afraid of Ms. Campbell were not "good staff" is concerning. This statement only supports the belief amongst many of the witnesses that Ms. Campbell did not tolerate disagreement from employees within the Division.

Conclusion

44 I conclude, on the balance of probabilities, that Ms. Campbell committed a wrongdoing by grossly mismanaging employees of the Division contrary to section 3(1)(c)(iii) of the Act. This conclusion is based upon the following findings:

- a. Ms. Campbell's conduct resulted in a problem in the culture of the Division related to bullying, harassment, and intimidation.
- b. Ms. Campbell's acts constituted a pattern of behaviour or conduct of a systemic nature.
- c. Ms. Campbell's acts were deliberate and showed a reckless or wilful disregard for proper management.

45 While Ms. Campbell believes her conduct and management style were appropriate, the overwhelming weight of evidence provided by over 85% of the Division's Central Office employees supports my findings. Ms. Campbell's inappropriate conduct created a culture of fear within the Division demonstrating a reckless or wilful disregard for the proper management of the Division.



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Recommendations/Observations

- 46 At the conclusion of an investigation, I may make recommendations for corrective measures in the interest of assisting organizations to address the matter appropriately and to promote public confidence in the administration of public services within the organization. In this case, I have decided to make no recommendations that are specific to Ms. Campbell as she is no longer employed by the Division.
- 47 My office works to foster a culture that supports whistleblowers, and where management and employees share a common goal of detecting and remedying wrongdoing. In this case, my investigative staff inform me of the professionalism and accommodation extended to them by the Division's employees and newly appointed Board Chair. My office will readily support the new Superintendent and CEO and the Board in continuing to foster this cultural shift and realize the organizational benefits of a positive whistleblower culture.
- 48 The Complainant is commended for using the Act for its intended purpose. The Complainant did the right thing by coming forward to my office. Only through a thorough investigation were we able to determine how events transpired.



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