



Policy Title:

## Protected Disclosure Policy

University Classification & Policy Number:  
A-004-22

Approval Body:  
University Administration

Responsible Designate:  
The Vice-President, Finance and Administration, is responsible for the development, administration, and review of this Policy.

The Executive Director, Audit Services, is responsible for the operational administration of this Policy.

Established:  
11/01/2012

Revised:  
02/18/2022

Editorial Revisions:  
Not applicable

Scheduled Review:  
2027

### 1.0 Policy Purpose

**1.01** The purpose of this Policy is to facilitate the University's compliance with *The Public Interest Disclosure (Whistleblower Protection) Act* (the Act) by adopting principles pertaining to the protection of any member of the University community, who acts to expose any "wrongdoing" at the University, as defined by the Act, in the spirit of the legislation. Further, this Policy directs the University's Executive Director of Audit Services, who shall be the Designated Officer of the University for the purpose of the Act and this Policy, in developing required practices and procedures to ensure adherence with those principles.

### 2.0 Definitions

The following definitions apply to terms as they are used in this Policy and Procedures:

**2.01 Disclosing Employee:** a person covered by the scope of this Policy, who has information that they reasonably believe could show that a wrongdoing has been committed or is about to be committed, as defined in the Policy and Procedures.

**2.02 Disclosure:** refers to a disclosure made in good faith, in accordance with this Policy and Procedures, of alleged wrongdoing that has been committed or is about to be committed.

**2.03 Gross Mismanagement:** refers to a deliberate act or an omission showing a reckless or willful disregard for the efficient management of significant University resources.

**2.04 Reprisal:** refers to retaliatory actions or measures that could be taken against a Disclosing Employee reporting a wrongdoing, including but not limited to:

- (a) a disciplinary measure;
- (b) dismissal;

- (c) demotion or withholding of due promotion or opportunity;
- (d) suspension;
- (e) threat of any of the above reprisals;
- (f) intimidation, coercion or threats;
- (g) imposition of any monetary penalty;
- (h) adverse working or learning conditions.

**2.05. Wrongdoing:** refers to:

- (a) an act or omission constituting an offence under an Act of the Manitoba Legislature or the Parliament of Canada, or a regulation made under an Act, such as fraud;
- (b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee;
- (c) gross mismanagement, including of University funds or a University asset;
- (d) knowingly directing or counselling a person to commit a wrongdoing described in clauses (a) to (c).

### **3.0 Scope**

**3.01** This Policy applies to all employees of the University of Winnipeg.

### **4.0 Policy Elements**

#### **4.01 Principles**

4.01.01 The University of Winnipeg is committed to full compliance with the Act. Because of their involvement in the University's day-to-day operations, employees are often in the best position to observe and report "wrongdoing", as defined by the Act.

4.01.02 Wrongdoing, within the context of the Act, does not include policy decisions, business decisions, or administrative actions, about which reasonable people may disagree, and this Policy is not intended to be used to object to or challenge such decisions or actions.

4.01.03 Wrongdoing is not a disagreement with legitimate decisions or orders, and is not about criticizing lawful University policy decisions.

4.01.04 This Policy and its relevant Procedures are not intended to replace policies and procedures already in place to address issues other than "wrongdoing", or to replace or modify individual rights guaranteed by law, contract or codes of professional ethics.

4.01.05 All employees are encouraged to use the normal reporting relationships, or other available avenues of communication regarding concerns other than violations of the Act, such as speaking to managers, union representatives, human resources specialists, or Audit Services. Employees can expect that such disclosures will be treated with due confidentiality and employee protection.

4.01.06 This Policy and its relevant Procedures do not apply to matters relating to employee performance or discipline related to performance, which are covered by collective agreements or performance management practices.

#### **4.02 Request for Advice**

4.02.01 The University's Executive Director of Audit Services shall provide advice to any person considering making a disclosure of alleged wrongdoing, and may require a request for advice to be in writing.

#### **4.03 Disclosure and Investigation Process**

4.03.01 Processes are to be established to facilitate the disclosure and investigation of significant and serious matters in or relating to the University that are potentially unlawful, dangerous to any person, or injurious to the interests of the University.

4.03.02 The University is committed to protecting persons who make such disclosures in good faith from reprisals, within the meaning of the Act, and to protect the rights of persons against whom allegations are made.

4.03.03 The processes must include procedures for receiving and reviewing disclosures, including setting time periods for actions; for investigating disclosures, in accordance with the rules of natural justice and procedural fairness.

#### **4.04 Confidentiality**

4.04.01 Confidentiality of information collected in relation to disclosures and investigations shall be respected, in particular the identity of persons involved in the disclosure process.

#### **4.05 Communication and Reporting**

4.05.01 Information about the Act, this Policy and the Procedures shall be widely communicated to the University community (a [link](#) to the Policy, Procedures and the Act is available on the UWinnipeg's Protected Disclosure Policy Information webpage).

4.05.02 The University's Executive Director of Audit Services shall prepare an annual report in accordance with the *Public Interest Disclosure (Whistleblower Protection) Act*, including the number of disclosures received, the number acted on and not acted on, the number of investigations commenced as a result of a disclosure, and the outcomes of investigations, to the President & Vice-Chancellor of the University and the University's Audit and Risk Committee of the Board of Regents.

### **5.0 Relevant Legislation**

- The Public Interest Disclosure (Whistleblower Protection) Act

### **6.0 Related Policies, Procedures and Institutional Documents**

- Protected Disclosure Procedures