



Procedure Title:

Protected Disclosure Procedures

University Classification & Procedure 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 these Procedures.

The Executive Director, Audit Services, is responsible for the operational administration of these Procedures.

Established:

11/01/2012

Revised:

02/18/2022

Editorial Revisions:

Not applicable

Scheduled Review:

2027

1.0 Procedure Purpose

- 1.01** The University Administration has issued a Protected Disclosure Policy, directing the University's Executive Director of Audit Services to develop and administer Procedures to implement the Policy in accordance with *The Public Interest Disclosure (Whistleblower Protection) Act* (the Act).

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 These procedures apply to disclosures made by employees of the University of Winnipeg under the Protected Disclosure Policy.

4.0 Procedure Elements

4.01 Disclosure

- 4.01.01 A Disclosing Employee may make a disclosure to the University's Executive Director of Audit Services, or to that employee's supervisor, or to the Manitoba Ombudsman, in accordance with the Act.
- 4.01.02 The disclosure shall normally be made within thirty (30) working days of the Disclosing Employee coming into possession of the information on which the disclosure is based, to ensure timely attention to the matter.
- 4.01.03 The University's Executive Director of Audit Services is available to provide advice to any person who is considering making a disclosure under these procedures.
- 4.01.04 A disclosure must be made in writing and should include the following information, if known:
 - a) a description of the alleged wrongdoing;
 - b) the name of the person or persons alleged to
 - i. have committed the alleged wrongdoing, or
 - ii. are about to commit the alleged wrongdoing;
 - c) the date(s) of the alleged wrongdoing;
 - d) if the alleged wrongdoing has already been disclosed, provide details about who it was disclosed to, when it was disclosed and whether a response was received;
 - e) an explanation of any potential risk(s) to the University arising from the alleged wrongdoing;
 - f) any known witnesses to the alleged wrongdoing;
 - g) any other information that would assist in evaluating the disclosure. To assist in the disclosure process, the Executive Director, Audit Services has developed a Disclosure reporting form available on the Protected Disclosure [website](#). The

completed form may be emailed to the confidential email inbox protecteddisclosure@uwinnipeg.ca or mailed to the Audit Services office.

4.01.05 A disclosure may be submitted anonymously. However, the Disclosing Employee should be aware that this may limit the University's ability to respond and investigate.

4.01.06 Where a disclosure is made that:

- a) Relates to the conduct of a Senior Executive of the University, the Executive Director of Audit Services shall report the disclosure directly to the President and Vice-Chancellor of the University as soon as is reasonable in the circumstances.
- b) Relates to the conduct of the President and Vice-Chancellor of the University, the Executive Director of Audit Services shall report the disclosure directly to the Chair of the Audit and Risk Committee of the University's Board of Regents as soon as is reasonable in the circumstances.
- c) Does not relate to the conduct of a Senior Executive of the University, the Executive Director of Audit Services shall report the disclosure directly to the Vice-President Finance and Administration as soon as is reasonable in the circumstances.

4.01.07 Notwithstanding 4.01.06, where a disclosure is made which:

- a) because of the nature of the wrongdoing or because of the persons involved in the disclosure, it would be inappropriate for the Executive Director of Audit Services to deal with, they may refer the disclosure to the Ombudsman and shall simultaneously notify the Disclosing Employee and the Chair of the Audit and Risk Committee; or
- b) is in respect of alleged wrongdoing in or relating to another part of the public service (as that term is defined in the Act), the Executive Director of Audit Services may refer the disclosure to the designated officer for that part of the public service so implicated by the disclosure.

4.02 Protection from Reprisal

4.02.01 A disclosing employee, a witness, or any other person cooperating with an investigation is entitled to be protected from Reprisal, as defined in the Act and the Policy.

4.02.02 Any employee who experiences or believes that they have experienced a reprisal as a result of seeking advice about a disclosure, making a disclosure or cooperating with an investigation pursuant to the Policy and these Procedures, should document the details and immediately inform the Executive Director of Audit Services, who will ensure that the allegation of reprisal is investigated, and if justified, that the appropriate corrective steps are taken.

4.02.03 Any person found to be engaging in acts of reprisal shall be subject to disciplinary action.

4.03 Withdrawal of a Disclosure

4.03.01 If, after making a disclosure, the Disclosing Employee wishes to withdraw the disclosure, the Disclosing Employee must provide a written request for withdrawal to the person to whom the disclosure was made.

4.03.02 In the event that a disclosure is withdrawn, the Executive Director of Audit Services shall determine whether any action regarding the disclosure will be taken. Such action will be independent of these procedures, and will be determined on a case-by-case basis, considering all of the relevant circumstances.

4.04 Preliminary Review

4.04.01 The University's Executive Director of Audit Services shall conduct a preliminary review of the disclosure, and determine if an investigation is warranted.

4.04.02 Disclosures made to a Disclosing Employee's supervisor shall be forwarded by the supervisor as soon as is reasonable in the circumstances, and normally within ten (10) working days, to the Executive Director of Audit Services who will determine whether an investigation is warranted.

4.04.03 If the disclosure was not made anonymously, the Executive Director of Audit Services shall respond to a Disclosing Employee within ten (10) working days of receiving a disclosure directly from a Disclosing Employee, or indirectly from a Disclosing Employee's supervisor, to acknowledge the disclosure and explain the decision to investigate or not, and what the next steps are, if any.

4.04.04 Disclosures which are determined by the Executive Director of Audit Services to be outside the scope of this Policy and the relevant Procedures will be resolved by reference to other University policies or procedures (e.g., Respectful Working and Learning Environment).

4.04.05 In determining whether an investigation is warranted or at any point during an investigation the Executive Director of Audit Services may decline to investigate or to continue to investigate on the following grounds:

- a) the Disclosing Employee has failed to exhaust other reasonable avenues to appropriately deal with the issue;
- b) the alleged wrongdoing is not covered by the Act;
- c) there is insufficient information to undertake an investigation;
- d) there has been undue delay in making a disclosure;
- e) the disclosure is frivolous or vexatious, has not been made in good faith or does not deal with a sufficiently serious subject matter; or other valid reason.

4.05 Investigation

4.05.01 When an investigation is deemed warranted, it shall be conducted as follows:

- a) the investigation will be conducted expeditiously and confidentially; all persons involved in the investigation will be informed of their obligations regarding confidentiality, and the protections available to them;
- b) all persons involved in the investigation will be treated fairly and impartially;
- c) all persons affected by the allegations will be informed of the facts alleged and given a full opportunity to respond;
- d) a summary of the findings of the investigation will be conveyed to all persons affected; and

- e) if a wrongdoing is confirmed, the appropriate remedial actions or disciplinary measures shall be recommended.

4.05.02 Everyone involved in the disclosure or an investigation shall keep information relating to the disclosure and investigation confidential. Details or results of an investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know.

4.05.03 No person shall willfully obstruct an investigation under this Policy and these Procedures. No person shall, knowing that information, a document or thing is likely to be relevant to an investigation,

- a) destroy, mutilate or alter the document or thing;
- b) falsify the document or make a false document;
- c) knowingly make a false or misleading statement;
- d) conceal or withhold information, a document or thing; or
- e) direct, counsel or cause, in any manner, a person to do anything mentioned in the above clauses.

4.05.04 If an alleged wrongdoing appears to involve criminal behaviour, the appropriate authorities will be notified (e.g., the RCMP or the Winnipeg Police Service) and they will coordinate and conduct criminal investigations as they judge appropriate.

4.05.05 All persons affected by the disclosure will be provided in writing with the outcome of the investigation or the reason(s) why an investigation was not undertaken by the Executive Director of Audit Services.

4.05.06 In the circumstance where either the disclosing employee or the person who is alleged to have committed the wrongdoing involves both the University and any affiliated or associated entity, communication and coordination will take place between representatives from the University's Audit and Risk Committee and the Directors of the affiliated or associated entity on how to proceed with any investigation if deemed necessary.

4.06 Bad Faith Disclosures

4.06.01 Any person found to have made a disclosure in bad faith or in breach of this Policy and/or these Procedures shall be subject to disciplinary action.

4.07 Communication

4.07.01 These Procedures shall be posted on the University's Policy Website.

5.0 Relevant Legislation

- The Public Interest Disclosure (Whistleblower Protection) Act

6.0 Related Policies, Procedures and Institutional Documents

- Protected Disclosure Policy