

UNIVERSITY OF MANITOBA POLICY

Policy:	SAFE DISCLOSURE (WHISTLEBLOWER)
Effective Date:	March 20, 2012
Revised Date:	March 20, 2018
Review Date:	March 20, 2028
Approving Body:	Board of Governors
Authority:	<i>The University of Manitoba Act, Section 16(1); The Public Interest Disclosure (Whistleblower Protection) Act, C.C.S.M., c.P217</i>
Responsible Executive Officer:	President
Delegate: (If applicable)	Vice-President (Administration)
Contact:	Vice-President (Administration)
Application:	Board of Governors members; Senate members; Faculty/ School Councils; Students; External contractors, vendors, volunteers, members of the public; All Employee groups

Part I Reason for Policy

- 1.1 The University of Manitoba (the "University") has been designated as a "government body" under the regulations to *The Public Interest Disclosure (Whistleblower Protection) Act*, C.C.S.M., c.P217 (the "Act"). All government bodies are required to implement Procedures to manage disclosures, as defined by the Act ("Disclosures"). The University desires to meet or exceed the requirements of the Act.

Part II Policy Content

- 2.1 The University will:
- (a) Facilitate the Disclosure and investigation of wrongdoing, as defined in the Act ("Wrongdoing"), in or relating to the University; and

- (b) Protect persons who make those Disclosures.
- 2.2 This Policy is intended to apply only to the Disclosure of Wrongdoing, as that term is defined in the Act and may be amended from time to time. This Policy is not intended to apply to other types of disclosures, and is not intended as a dispute resolution mechanism to replace grievances, appeal hearings, and other administrative processes. At the time this Policy was approved, the definition of Wrongdoing was:
- (a) An act or omission constituting an offence under an Act of the Legislature or the Parliament of Canada, or a regulation made under an Act;
 - (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 public funds or a public asset;
 - (d) Knowingly directing or counseling a person to commit a wrongdoing described in clauses (a) to (c).
- 2.3 The University desires to protect the public and the public interest by encouraging legitimate Disclosures and the participation in the investigation of required members of the University community. As a result:
- (a) All persons to which this Policy applies must disclose any credible evidence of Wrongdoing, about which they become aware; and
 - (b) All persons to which this Policy applies must provide reasonable cooperation in the investigation of Wrongdoing.
- 2.4 The University desires to encourage legitimate Disclosure from the broadest possible scope of individuals, and will extend the protections under the Act and this Policy beyond its employees. This Policy will refer to a "Person" or "Persons" as the individuals anticipated to make Disclosures under this Policy, which definition shall include:
- (a) Employees in all employee groups;
 - (b) Students of the University;
 - (c) Members of all University governing bodies, including the Board of Governors and Senate;
 - (d) Contractors and vendors to the University;
 - (e) Volunteers to the University; and

- (f) Members of the public with a real and substantial connection to the University. (collectively referred to in this Policy as a “Person” or “Persons”).

For the purposes of applying the Act to the University, an “Employee” (as defined by the Act) shall be deemed to also include all additional individuals captured within this definition of “Persons”.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The Vice-President (Administration) is responsible for the implementation, administration and review of this Policy.
- 3.3 Board of Governors members, Senate members, Faculty/School Councils, Students, External Contractors, Vendors, Volunteers and Employees are responsible for complying with this Policy.

Part IV Authority to Approve Procedures

- 4.1 The President may approve Procedures, if applicable, which are secondary to and comply with this Policy, which will include, but not be limited to, Procedures related to:
 - (a) The appointment of a Designated Officer (as defined in the Act);
 - (b) Referring a disclosure where it is not appropriate for the Designated Officer to deal with it;
 - (c) Receiving and reviewing disclosures, including setting time periods for action;
 - (d) For investigating disclosures in accordance with the principles of procedural fairness and natural justice;
 - (e) Respecting the confidentiality of information collected in relation to disclosure and investigations;
 - (f) For protecting the identity of persons involved in the disclosure process, subject to any other Act and to the principles of procedural fairness and natural justice;

- (g) For protecting persons involved in the disclosure process against reprisal;
- (h) For reporting the outcomes of investigations; and
- (i) Generally defining the responsibility, authority and accountability of members of the University community under the Policy.

Part V Review

- 5.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Policy is March 20, 2028.
- 5.2 In the interim, this Policy may be revised or repealed if:
 - (a) the President or the Approving Body deems it necessary or desirable to do so;
 - (b) the Policy is no longer legislatively or statutorily compliant; and/or
 - (c) the Policy is now in conflict with another Governing Document.
- 5.3 If this Policy is revised or repealed all Secondary Documents, if applicable, shall be reviewed as soon as possible in order that they:
 - (a) comply with the revised Policy; or
 - (b) are in turn repealed.

Part VI Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
 - (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (b) all previous Administration Governing Documents on the subject matter contained herein.

Part VII Cross References

- 7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

(a) Safe Disclosure (Whistleblower) Procedure