

 <b>BRANDON UNIVERSITY</b>	<b>Public Interest Disclosure – Whistleblower Protection</b>		
<b>Board of Governors</b>	Policy Sponsor:	President & Vice-Chancellor	<b>First Approved:</b> <i>26 NOVEMBER 2024</i>
	Primary Contact:	Vice-President (Administration & Finance)	<b>Last Updated:</b> <i>26 NOVEMBER 2024</i>
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## 1. PURPOSE

Brandon University (the “University”) is 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 purpose of this Act is to provide a clear process for the disclosure and investigation of significant and serious matters in public service that are potentially unlawful, dangerous to the public, or injurious to the public interest. The Act also provides protection from reprisal for a Person or third-party observer who makes a good faith disclosure of a situation they reasonably believe shows Wrongdoing has been or is about to be committed.

## 2. SCOPE

It is the policy of Brandon University that a Person who becomes aware of Wrongdoing as defined by the Public Interest Disclosure Act is encouraged to make disclosure of such information. There will be no reprisal against a Person who has made such a disclosure in good faith.

This Policy deals with disclosures of Wrongdoing made by a Person and is not intended to deal with routine operational or human resource issues.

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 “Person(s)”.

### 3. DEFINITIONS

**Chief Executive:** the Chief Executive Officer of the University, i.e. the President and Vice-Chancellor of the University.

**Disclosure:** means a disclosure made in good faith by a Person in accordance with the Act.

**Employee:** 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 refers 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”).

**Person/Persons:** See “Employee” above.

**Policy:** means the Public Interest Disclosure – Whistleblower Protection Policy.

**Reprisal:** Reprisal is any of the following measures taken against a Person, or any third party, because of having, in good faith, sought advice about making a disclosure, made a disclosure, or co-operated in an investigation:

- a disciplinary measure
- a demotion
- termination of employment
- any measure that adversely affects their employment or working conditions
- a threat to take any of the measures listed above

**The Act:** The Public Interest Disclosure (Whistleblower Protection) Act (PIDA).

**University:** means Brandon University

**University Public Interest Disclosure Officer:** the Act requires every chief executive to designate a senior official for the purpose of this Act, responsible for the handling and managing of disclosures and investigations. The Brandon University Public Interest Disclosure Officer is the Vice-President, (Administration & Finance).

**Wrongdoing:** The Act defines Wrongdoing in or relating to the public service as:

- 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.
- an act or omission that creates a substantial and specific danger to the life, health or safety of a Person(s), or the environment, other than a danger that is inherent in the performance of the duties or functions of that person.
- gross mismanagement, including of public funds or a public asset.
- knowingly directing or counselling a Person to commit a Wrongdoing described above.

## 4. POLICY

### 4.1. MAKING A DISCLOSURE

4.1.1. A disclosure of Wrongdoing must be made in writing and include the following information:

- a) a description of the Wrongdoing
- b) the name of the Person(s) alleged to have committed or is about to commit the Wrongdoing
- c) the date of the Wrongdoing
- d) whether the Wrongdoing has already been disclosed and a response received and
- e) the signature of the discloser and the date the disclosure is submitted.

A Disclosure of Wrongdoings Form is available on the Government of Manitoba's website and may be used as a tool to provide the written disclosure ([https://www.gov.mb.ca/csc/whistle/pdf/disclosure\\_of\\_wrongdoing\\_form.pdf](https://www.gov.mb.ca/csc/whistle/pdf/disclosure_of_wrongdoing_form.pdf)).

4.1.2. The written disclosure can be made to any of:

- a) in the case of an employee:
  - i. the employee's supervisor
  - ii. the University Public interest Disclosure Officer or
  - iii. the office of the Manitoba Ombudsman.

- b) in the case of a student:
  - i. the office of the Manitoba Ombudsman
- c) in the case of any other party:
  - i. the office of the Manitoba Ombudsman

- 4.1.3. Upon receipt, each disclosure will be marked to show the date of receipt.
- 4.1.4. Each disclosure must be maintained in a separate file.
- 4.1.5. Disclosures and related correspondence must be kept and handled in paper form only. Information received by electronic mail must be printed and the electronic mail deleted. Electronic mail must not be forwarded or responded to by using the “reply” option.
- 4.1.6. Disclosure files will be treated as strictly confidential, maintained in a secure manner and location, and protected from unauthorized access.
- 4.1.7. Care must be taken at all times to protect the identity of the disclosing Person, any witnesses, and the alleged wrongdoer.
- 4.1.8. All written information obtained as a result of the receipt of the disclosure, review of the disclosure, or the investigation of the alleged Wrongdoing must be included in the disclosure file. All pertinent information obtained verbally must be documented in writing in the disclosure file and dated and signed by the Employee receiving the information.
- 4.1.9. Anonymous disclosures are not allowed under The Public Interest Disclosure Act.

## **4.2. RESPONSIBILITIES OF THE SUPERVISOR**

- 4.2.1. A supervisor who receives a disclosure from an Employee will arrange to have a private discussion with the Employee as soon as possible upon receipt of the disclosure but not to exceed ten working days of receiving the disclosure.
- 4.2.2. The supervisor will advise the Employee that all information regarding their identity as a discloser will be protected to the fullest extent possible.
- 4.2.3. The supervisor will advise the Employee that they have a responsibility to protect information related to the disclosure and will make every attempt to protect the identity of those individuals involved in the alleged Wrongdoing to the fullest extent possible.

- 4.2.4. The supervisor will then notify the University Public Interest Disclosure Officer and transfer the disclosure in a confidential manner for further review and handling.

### **4.3. RESPONSIBILITIES OF THE UNIVERSITY PUBLIC INTEREST DISCLOSURE OFFICER**

- 4.3.1. The University Public Interest Disclosure Officer who receives a disclosure from a Person will arrange to have a private discussion with the Person as soon as possible upon receipt of the disclosure but not to exceed ten working days of receiving the disclosure.
- 4.3.2. The University Public Interest Disclosure Officer will advise the Person that all information regarding their identity as a discloser will be protected to the fullest extent possible.
- 4.3.3. The University Public Interest Disclosure Officer will advise the Person that they have a responsibility to protect information related to the disclosure and will make every attempt to protect the identity of those individuals involved in the alleged Wrongdoing to the fullest extent possible.
- 4.3.4. When a disclosure is received, the University Public Interest Disclosure Officer will review the disclosure to ensure the criteria outlined in 4.1 is included and will determine if the disclosure meets the following criteria:
  - a) The disclosure was made in good faith.
  - b) The disclosure falls within the definitions of Wrongdoing covered by the Act.
  - c) The Person has reasonable belief that the information could show that a Wrongdoing has been or is about to be committed.
- 4.3.5. If the University Public Interest Disclosure Officer determines that there is a real and/or perceived conflict of interest in handling the disclosure, the disclosure will be forwarded to the President accordingly.
- 4.3.6. A disclosure must be reviewed promptly to determine if the matter disclosed represents a Wrongdoing as defined in the Act and to determine the appropriate action to be taken. Every effort will be made to complete the review and investigation if required, in a timely manner but within 60 working days from the initial receipt of disclosure. In instances where additional information is required this timeframe may be exceeded.

- 4.3.7. Investigations must be managed by the University Public Interest Disclosure Officer and if required, may be delegated according to the nature of the Wrongdoing (i.e., Police Services). The President can also delegate responsibility where required.
- 4.3.8. Investigations will be conducted promptly and in a confidential manner, with due regard for the protection of the identity of all individuals involved. The investigation will adhere to all principles of procedural fairness and nature justice.
- 4.3.9. The University Public Interest Disclosure Officer will document the outcome of the investigation in the disclosure file. If the investigation results in a finding of Wrongdoing, the disclosure file will include any recommendations of corrective actions to be taken. If the investigation results in a finding that no Wrongdoing has occurred, the file will include reasons why no corrective action was recommended or taken.
- 4.3.10. A Person who commits Wrongdoing is subject to appropriate disciplinary action.

#### **4.4. ADVISING OF OUTCOME OF AN INVESTIGATION**

- 4.4.1. The University Public Interest Disclosure Officer will inform the disclosing Person, the alleged wrongdoer, and the President of the outcome within sixty days of the completion of an investigation. The University Public Interest Disclosure Officer must include a note in the disclosure file, signed and dated, confirming this communication has occurred.
- 4.4.2. If the University Public Interest Disclosure Officer finds an investigation is not warranted, the reason for this determination and any action that has been taken is to be documented in writing in the disclosure file. The disclosing Person and the President will be advised promptly that the review of the disclosure has been concluded.

#### **4.5. WITHDRAWAL OF A DISCLOSURE**

- 4.5.1. If, after submitting a disclosure, the disclosing Person wishes to withdraw the disclosure, the University Public Interest Disclosure Officer will determine whether further investigation of the alleged Wrongdoing is warranted and will advise the disclosing Person to that effect.
- 4.5.2. If a disclosure is withdrawn, the University Public Interest Disclosure Officer must determine whether any action regarding the subject matter of the disclosure needs to be taken. This action is independent of the disclosure process and is to be determined on a case- by-case basis.

#### **4.6. PROTECTION FROM REPRISAL**

4.6.1. There will be no Reprisal against a Person if the Person has, in good faith:

- a) sought advice about making a disclosure from his or her supervisor, the University Public Interest Disclosure Officer, or the provincial Ombudsman
- b) made a disclosure, or
- c) co-operated in an investigation under this Act.

4.6.2. If a Person believes that there has been a reprisal due to their disclosure of Wrongdoing, they may seek redress by filing a written complaint to the Manitoba Labor Board.

#### **4.7. FALSE STATEMENTS AND INTERFERENCE**

4.7.1. If a disclosure is deemed to have been false or misleading, a Person may be subject to disciplinary action.

4.7.2. No Person shall willfully obstruct an investigation or the activities of any of the University Public Interest Disclosure Officer or any other person in carrying out their obligations under this policy and the act.

4.7.3. No person shall, knowing that a document or thing is likely to be relevant to an investigation, destroy, mutilate, or alter the document or thing, falsify the document, conceal the document or thing, or direct, counsel or cause in any manner someone else to do any of the aforementioned activities.

4.7.4. Anyone who fails to abide by this policy may be subject to disciplinary action and/or prosecution under the act.

#### **4.8. RESPONSIBILITIES**

4.8.1. Under the Act – the President as Chief Executive Officer has responsibility:

- To establish procedures to manage disclosures by a Person.
- To designate a senior official to be the designated officer.
- To ensure that information about the Act and the disclosure procedures is widely communicated to Persons of the organization.
- To prepare an annual report on any disclosures of Wrongdoing that have been made to a supervisor or designated officer.

- 4.8.2. The University has the responsibility to oversee all aspects of the disclosure, investigation, and reporting process of the Public Interest Disclosure Act.
- 4.8.3. The University Public Interest Disclosure Officer has responsibility to receive and deal with disclosures by Persons of the organization including the handling and managing of investigations.
- 4.8.4. The Supervisor of an Employee who makes a disclosure has the responsibility to accept the disclosure and follow the procedures of this Policy to transfer the disclosure and disclosure file to the University Public Interest Disclosure Officer.

## 5. POLICY AUTHORITY

- **Policy Sponsor:** President and Vice-Chancellor of the University.
- **Primary Contact:** Vice-President (Administration & Finance) is responsible for the review, maintenance, and implementation of this policy and associated documents.
- **Approval Authority:** Board of Governors

## 6. RELEVANT LEGISLATION

- *The Public Interest Disclosure (Whistleblower Protection) Act*  
([www.gov.mb.ca/csc/whistle/index.html](http://www.gov.mb.ca/csc/whistle/index.html))
- and *Disclosure of Wrongdoing Form*  
([www.gov.mb.ca/csc/whistle/pdf/disclosure\\_of\\_wrongdoing\\_form.pdf](http://www.gov.mb.ca/csc/whistle/pdf/disclosure_of_wrongdoing_form.pdf))

## 7. RELATED POLICY DOCUMENTS

None.