THE COPPERBELT UNIVERSITY

WHISTLE BLOWING POLICY

Approved June 2017

WHISTLE BLOWING POLICY

1.0 POLICY STATEMENT

The Council of the Copperbelt University (CBU) is committed to maintaining the highest standards of honesty, openness and accountability. Employees will usually be the first to know when someone inside or connected with the university is doing something illegal, dishonest or improper, but may feel apprehensive about voicing their concerns. The council does not believe that it is in anyone's interests for employees with knowledge of wrong doing to remain silent.

This whistle blowing policy is designed to allow concerns of a public interest nature arising in relation to the University to be raised, investigated and where appropriate, acted upon.

Therefore, the purpose of this policy is to provide a means by which members of staff and students are enabled to raise concerns with the appropriate University authorities if they reasonably believe there is serious malpractice within the Institution.

Concerns that are not of a public interest nature or which fall into an area covered by another procedure will not be considered under this Whistle Blowing Policy.

2.0 PREAMBLE

2.1 The Copperbelt University (CBU, hereinafter the University, is committed to the highest standards of honesty, fairness, transparency and accountability.

2.2 The University aims to foster a culture of responsiveness to constructive criticism, and therefore a climate in which problems and concerns can to a large extent be addressed amicably and timely. However, it recognizes that this is not always possible, and that its members and others also have the right to pursue their concerns by similar means.

2.3. If a person covered under this policy has any genuine concerns related to suspected wrongdoing or danger affecting any of the University's activities (a "whistle blowing concern") they should report it under this policy "or as provided for under the Public Interest Disclosure (Protection of Whistle Blowers) Act, 2010 Sections 23 and 24".

2.4 This policy shall not be used where there are issues of poor performance or a lack of professionalism; nor should it be used to resolve personal disputes. It shall only be used where there is wrong doing: Whether it is intentional or done unknowingly. The policy shall also not be used for complaints relating to personal circumstances, such as the way you have been treated at work or in relation to contract breaches. In those cases you should use the Grievance Procedures shall be used.

3.0 POLICY OBJECTIVES

3.1 Through this policy CBU aims to:

3.1.1 Encourage those covered by the policy to report suspected wrongdoing as soon as possible ,in the knowledge that their concerns will be taken seriously and investigated as appropriate ,and that their confidentially will be respected.

3.1.2 Provide those covered by the policy with guidance as to how to raise those concerns.

3.1.3 Reassure those covered by the policy that they are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken (a disclosure motivated by dishonesty, malice, or a predominant ulterior motive unrelated to the policy objectives, will not be a disclosure made in good faith).

3.2 This policy is non contractual and may be subject to review and change at any time.

4.0 DEFINITIONS AND INTERPRETATION

4.1 **"Whistle blowing"** is the disclosure of information which relates to suspected wrongdoing or dangers relating to the running of the University or to the work – related activities of members of staff of the University and which is in the public interest.

This may include information relating to:

4.1.1 Professional or Academic malpractice such as issues relating to maladministration including financial, examinations malpractices or professional misconduct.

4.1.2 A criminal offence including, but not limited to bribery, fraud or corruption.

4.1.3 Non-financial maladministration, malpractice, impropriety, corruption or fraud.

4.1.4 Miscarriage of justice

4.1.5 Risk or actual damage to the environment.

4.1.6 Danger to the health and safety of any person in the University or the general public.

4.1.7 Unauthorised disclosure of sensitive and confidential information.

4.1.8 Deliberate attempt to suppress or conceal any information relating to any of the above.

4.1.9 Failure to comply with legal obligations or with the Statutes, Ordinances and Regulations of the University.

4.1.10 Any other unethical conduct and/or situation that may arise which is not covered above.

4.2 **A "whistle blower"** is a person or employee who raises a genuine concern in good faith relating to any of the above and which is in the public interest.

4.3 **"Prescribed body"** means –

4.3.1 the Auditor General's office;

4.3.2 the Anti-Corruption Commission;

4.3.3 the Drug Enforcement Commission;

4.3.4 the Public Protector;

4.3.5 the Zambia Police Service; and

4.3.6 the Human Rights Commission; or any other prescribed person or body by the Public Interest Disclosure Act, 2010.

4.4 **"Detrimental action"** means action causing, comprising or involving any of the following:

(a) Risk or actual Injury, damage or loss;

(b) Intimidation or harassment;

(c) Discrimination, disadvantage or adverse treatment in relation to employment;

(d) Dismissal from, or prejudice in, employment; or

(e) Unfair disciplinary proceeding.

5.0 SAFEGUARDS

The University is keen to ensure that the position of both the individual raising concerns and anyone about whom allegations might be made are safeguarded. It will do this through the following measures.

5.1 Confidentiality

The University will aim to treat all disclosures and information regarding any action taken under these procedures in confidential and sensitive manner, in particular:

5.1.1 Named individual

During the course of any investigation the University will, as far as is reasonably possible without prejudicing that investigation, endeavour to maintain confidentiality regarding the names of any person/(s) named in an allegation.

5.2 Protection of Whistleblower

The identity of the individual making an allegation will remain confidential, unless otherwise agreed with that individual, as long as it does not hinder or frustrate the investigation and is compatible with natural justice. However, the investigation process may at some stage need to reveal the source of the information, and the individual making the disclosure may at that stage need to provide an attributable statement as part of the evidence to be presented.

The procedure offers protection against dismissal or other penalty by the University to those individuals who disclose any relevant concerns, provided that the disclosure is made:

5.2.1 In good faith; and

5.2.2 In reasonable belief that what is disclosed may help identify malpractice, and

5.2.3 to the appropriate person.

5.3 Protection against reprisals

5.3.1 A person shall not engage, or attempt or conspire to engage in an unlawful reprisal.

5.3.2 A person who takes any detrimental action that is in reprisal for a Whistleblower will be in breach of this Policy and disciplinary action will be taken against them under the University Grievance Procedure.

5.4 Anonymous Allegations

Individuals are normally expected to put their name to any disclosure or allegations they make. However, a person may make an anonymous disclosure in accordance with the Public Interest Disclosure (Protection of Whistleblowers) Act, 2010 Section 12.

5.5 Unsubstantiated Allegations

No action will be taken against an individual who makes an allegation in good faith even if it is not confirmed by subsequent investigation. If, however, an individual makes what are subsequently determined by the Deputy Vice Chancellor or the Chairperson of the Audit and Risk Committee to be malicious allegations or made for personal gain, and particularly if he or she persists in making them, disciplinary action may be taken. A disclosure may be deemed malicious at any stage of the procedure.

6.0 INDEPENDENT ADVICE

If an individual is not clear whether to use this procedure, or if they want independent advice at any stage, they are advised to contact the following, as appropriate:

6.1 Registrar's Office

6.2 Employee Union Representative

7.0 This policy is designed to clarify for individuals the route through which concerns can be raised and to assure them that such matters will be taken seriously and acted upon within the University.

8.0 External Disclosure

8.1 A member of staff who makes an external complaint in good faith to any prescribed body after exhausting the University's procedure will be protected under this policy.

9.0 WHISTLE BLOWING PROCEDURES APPROVAL

This policy was approved by:

Chairperson of Council:……………………………………………

Chairperson Audit and Risk Committee:………………………

Vice Chancellor:…………………………………………………..

Approved this day of ……………………………………………

1.0 PROCEDURE FOR MAKING AND INVESTIGATING A DISCLOSURE

1.1 WHO CAN RAISE A CONCERN

1.1.1 This policy applies to all members of staff and students.

1.2 Concerns should normally be expressed in writing or by email and addressed to the Chairperson of the Audit and Risk Committee and the Deputy Vice Chancellor, who are designated as the persons primarily responsible for oversight of this procedure. If, however, an allegation directly concerns the Vice Chancellor or Deputy Vice Chancellor, then an individual may write to the Chairperson of the Audit and Risk Committee of the Governing Council.

1.3 The Deputy Vice Chancellor, or any other senior management officer identified by the Chairperson of the Audit and Risk Committee, will consider the information disclosed and decide whether the matter falls within the scope of this procedure and, if so, whether there are grounds for proceeding with an investigation.

1.3.1 If the matter falls outside this procedure but within another, then the individual making the disclosure will be informed and directed to the appropriate process by the Chairperson of the Audit and Risk Committee or the Deputy Vice Chancellor or.

1.3.2 If the Chairperson of the Audit and Risk Committee or the Deputy Vice Chancellor decides that there are insufficient grounds on which to proceed, the individual making the disclosure will be informed and will have the right to provide further information and resubmit his or her concerns.

1.3.3 If there are grounds for proceeding, the Chairperson of the Audit and Risk Committee or the Deputy Vice Chancellor will decide how the investigations should be undertaken. This will depend on the nature of the matter and may involve:

1. An internal investigation conducted by a sufficiently independent senior member of the university or its external or internal auditor.
2. Referring the matter to a prescribed body.
3. An independent external inquiry.

1.4 The investigation will not be conducted by the Chairperson of the Audit and Risk Committee, the Deputy Vice Chancellor or any other person who may have taken a significant decision arising from the findings. It will be conducted as sensitively as possible, and normally be complete within a reasonable time period of three months of the disclosure being made. The investigation will also take into account concepts of natural justice and the need to safeguard reputations.

1.5 When an allegation concerns a named individual, the person concerned will be informed of the allegation and of the evidence supporting it. He/she will be invited to respond to the allegation as part of the investigation and/or before any final conclusion is reached. The point at which it is appropriate for the individual to be informed will depend on the nature of the case.

1.6 The findings of any investigation will be reported to Executive Management who will reach a decision on any further action to be taken.

1.7 All files and records created from an investigation will be retained under strict security. Subject to law, the unauthorized release of information without a Whistleblower's consent to any person not involved in the investigation (other than the Audit and Risk Committee) is a breach of this policy.

1.8 Following an initial investigation, other internal procedures may be identified as relevant and may be invoked, such as the disciplinary, grievance or complaints procedures. In some cases it may be appropriate to refer a matter outside the University for further Investigation.

1.9 The Chairperson of the Audit and Risk Committee or the Deputy Vice Chancellor will inform the individual ("whistleblower") making the disclosure of the conclusion reached and what action, if any, is to be taken and why.

1.10 Where the individual making the disclosure is dissatisfied about how an inquiry was carried out, and its resultant outcome, then he/she may appeal but only on procedural grounds, to the Chairperson of the Audit and Risk Committee, who may order a procedural review and establish its terms of reference. If the initial disclosure was made to the Chairperson of the Audit and Risk Committee, an appeal may be made to the Chairperson of council.

1.11 A report summarizing all disclosures and inquiries and any subsequent actions taken will be made by the Deputy Vice Chancellor to the Audit and Risk Committee.