



THE UNIVERSITY OF ZAMBIA

WHISTLEBLOWING POLICY

August 2019



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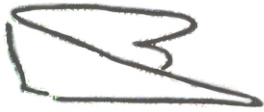
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FOREWORD

The University of Zambia is committed to the highest possible standards of ethical, moral and legal business conduct. In line with this commitment and the University's commitment to open communication, this policy aims to provide an avenue for employees to raise concerns and reassurance that they will be protected from reprisals or victimisation for whistleblowing in good faith.

The diversity and complexity in the nature of the University's operations require that every employee contributes to creating a shared culture underpinned by the University values. Therefore, it is the responsibility of each and every member of staff to ensure that we fulfil this commitment and maintain high standards in line with our policies and procedures.

I, therefore, implore everyone to adhere to the prescribed procedures in this policy so as to promote transparency and accountability in the University.



Prof Luke E Mumba

VICE-CHANCELLOR

30 / 08 / 19

Date

WORKING DEFINITIONS

Conduct:	Means moral principles that govern a person's behaviour or the conducting of an activity.
Discrimination:	Means the unjust or prejudicial treatment of different categories of people or things especially on grounds of race, age or sex.
Ethics:	Means moral beliefs and rules about right and wrong.
Fairness:	Means to impartial or just treatment or behaviour without favouritism or discrimination.
Favouritism:	Means the practice of giving unfair preferential treatment to one person or group at the expense of another.
Fraud:	Means wrongful or criminal deception intended to result in financial or personal gain.
Mission:	Means the fundamental purpose of the University that describes the reason of its existence, what it does and how it does its business to achieve its vision.
Principal Officers:	Means a category of staff in Executive Management at the University of Zambia who include, the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Dean of Students and Librarian.
Unfairness:	Means lack of equity and justice.
University Values:	Means core and governing beliefs, through which the University will behave, make decisions and relate with its client and society at large during the implementation of the Strategic Plan.
Victimisation:	Means the action of singling someone out for cruel or unjust treatment.
Vision:	Means long term projection and desire of what the University would like to be in the higher education and knowledge environment.
Whistleblowing:	Means the disclosure of information which relates to suspected wrong-doing which could be breach of a legal, statutory or regulatory requirements or unethical, immoral behaviour.

ACRONYMS AND ABBREVIATIONS

AC	:	Audit Committee
ACC	:	Anti-Corruption Commission
CIA	:	Chief Internal Auditor
DEC	:	Drug Enforcement Commission
UNZA	:	University of Zambia
VC	:	Vice-Chancellor
WBC	:	Whistleblowing Committee
WO	:	Whistleblowing Officer
ZP	:	Zambia Police Service

PART 1: WHISTLEBLOWING POLICY.

The University of Zambia (UNZA) has developed this Whistleblowing Policy to show its commitment to transparent and accountable management. This policy is intended to encourage staff to disclose information that they believe shows misconduct, unethical conduct or illegal practices in the workplace, without being victimised in any way. This includes protecting staff from any victimisation or discrimination if they do report (i.e. ‘blow the whistle on’) improper or illegal conduct within the University.

The aim of this policy is to ensure that all cases of suspected wrong-doing are reported and managed in a timely and appropriate manner so as to promote good governance, high compliance levels, excellence and ethical conduct among staff, students and all stakeholders.

Further, this policy provides a framework for an internal mechanism of reporting, investigating and remedying any wrongdoing in the workplace. In most cases, staff should not find it necessary to alert anyone externally. However, the law recognises that in some circumstances it may be appropriate for staff to report their concerns to an external body such as the Zambia Police (ZP), Anti-Corruption Commission (ACC) and the Drug Enforcement Commission (DEC). This policy would encourage staff, students and other stakeholders not to rush to report to the media but rather use this policy as an established channel of reporting.

As part of the University of Zambia’s commitment to its core values of integrity and accountability, it maintains an open culture of governance where staff, students and other stakeholders can report as soon as possible any legitimate concerns in confidence in every area of its operations. This policy reflects the legal protection given to staff under the *Public Interest Disclosure (Protection of Whistleblowers) Act* Number 4 of 2010 of the Laws of Zambia. As such, the University of Zambia recognises the importance for these same standards to apply wherever UNZA workers are in the country.

This policy applies equally to all employees, students, consultants, contractors, volunteers, casual workers of UNZA regardless of seniority or length of service.

2.0 SITUATION ANALYSIS

Globally, having a Whistleblowing Policy is considered as a best practice in ensuring transparency and accountability in an organisation. In the case of UNZA, it shall provide an environment which encourages members of staff, students and other stakeholders to make good faith reports of suspected fraud, corruption, or unethical conduct in the University.

A written formal policy, if properly communicated is an effective means of preventing and deterring misconduct that might be contemplated but has not yet taken place. It is also a transparent method of addressing issues relating to whistleblowing, such as answering standard questions, giving assurances, providing information, and offering explanations.

Since inception in 1966, the University of Zambia had never had a written Whistleblowing Policy that would promote transparency and accountability. The University Staff and other stakeholders have previously relied on anonymous letters in trying to report unethical conduct in the University. However, this is not an appropriate and effective way of promoting whistleblowing as indicated above.

In addition, the absence of a Whistleblowing Policy resulted in the University community and other stakeholders to resort to reporting perceived misconduct through social media platforms.

In view of the foregoing and in order to promote transparency, good governance and whistleblowers protection, the University has embarked on the formulation of this policy.

3.0 VISION, MISSION AND CORE VALUES

The Whistleblowing Policy is premised on the University's vision, mission and core values.

3.1 Vision

An eminent University driven by pursuit of knowledge, innovation and social responsiveness.

3.2 Mission

To provide relevant, innovative and demand-driven higher education for socio-economic development.

3.3 Core Values

The University of Zambia's core values are Academic Freedom; Excellence; Innovativeness; Eco-Friendliness; Integrity; and Equity.

4.0 POLICY STATEMENT

The University of Zambia is committed to operating lawfully with whoever it deals with, in an ethical manner and with integrity in accordance with values and management philosophy as outlined in the University of Zambia Strategic Plan 2018 - 2022. It is, therefore, the responsibility of the entire University community to ensure that this commitment is fulfilled. However, from time to time there may be situations where the right course of action is unclear, or there may be situations where there is suspicion or knowledge of an improper, unethical or inappropriate or unlawful conduct. The University has both a legal and moral duty to take corrective measures to identify such situations and make every effort to remedy them.

Whereas it is acknowledged that it is sometimes difficult to know when to speak out about something that concerns the University, staff, students and other stakeholders shall be brave and courageous to speak out. Often people are reluctant to get involved but this could result in serious consequences for UNZA and its employees. Therefore, the institution has put in place this Whistleblowing Policy so that academic staff, or administrative staff, students or any other stakeholders can talk to someone in confidence.

4.1 Policy Goal

The goal of this policy is to promote transparency and adherence to the policies and procedures of the University.

4.2 Policy Objectives

The objectives of this policy are as follows:

- (a) ensure all employees, students and the public at large feel encouraged and protected to speak out in confidence and reporting matters they suspect may involve anything improper, unethical, inappropriate or illegal;
- (b) encourage identification of improper, unethical or inappropriate and illegal behaviour at all levels of the University;
- (c) provide clear procedures for whistleblowing;
- (d) manage all disclosures in a timely, consistent and professional manner; and
- (e) provide assurance that all disclosures will be taken seriously, treated as confidential and managed without fear of retaliation.

5.0 SCOPE

This policy shall apply to all matters of whistleblowing in the University as defined in this document. These include criminal offences, unfairness and discrimination, criminal negligence, fraud, failure

to comply with a legal obligation, miscarriage of justice, endangering the health and safety of any individual, willful damage to the environment and deliberate concealment of information tending to show any of the above.

Concerns raised under this policy shall relate to UNZA employees and students but may also relate to the actions of a third party, such as a supplier, agent, distributor or joint partner. It may be appropriate for persons to raise their concerns directly with the third party where they believe that the wrong doing identified or suspected relates solely or mainly to their conduct or is a matter which is their legal responsibility. However, people should consult the Line Manager before speaking to any third party.

This policy can be used by any employee or group of employees or students. In addition, suppliers, customers and other third parties such as agents, or other stakeholders may also use this policy to report suspected wrongdoing.

6.0 POLICY STRATEGIES

For this Policy to be effectively implemented, the following strategies shall apply:

- a) All members of staff, students and other stakeholders shall be sensitised on the policy and reporting procedures.
- b) The policy shall be publicised through the University website and, staff and students emails.

7.0 POLICY DIRECTION

In order to attain the Vision and Mission, the University shall conduct its business in a transparent and accountable manner. The Whistleblowing Policy shall create an environment where staff, students and other stakeholders will be able to make good faith reports of suspected fraud, corruption, or unethical conduct in the Institution.

8.0 IMPLEMENTATION FRAMEWORK

8.1 Institutional Framework

The *Higher Education Act* Number 4 of 2013 provides for a primary institutional framework in which management of resources is highlighted and Part 20 of the University of Zambia financial regulations outlines the responsibility of University staff with regard to safeguarding of institutional assets against losses through wilful negligence, fraud, theft and other illegal intentional conduct.

8.1.1 Registrar

It shall be the responsibility of the Registrar's Office to coordinate the whistleblowing process and ensure that all matters reported in good faith are exhaustively dealt with in line with this policy.

8.1.2 Administrative Structures and Arrangements

The administrative structures have been established to support Management (Registrar) to manage the university resources on a day-to-day basis. For purposes of this policy, there shall be an independent Whistle Blowers Committee (WBC) appointed by management to oversee its implementation. The Committee shall become a sub-Committee of Audit Committee of Council which shall meet as and when cases arise. This will comprise the following membership:

- | | |
|-----------------------------|---------------|
| i. Audit Committee Member | - Chairperson |
| ii. Risk Manager | - Member |
| iii. Chief Internal Auditor | - Member |

- | | |
|--------------------------------|---------------|
| iv. Legal Counsel | - Member |
| v. Director, Quality Assurance | - Secretariat |

9.0 LEGAL FRAMEWORK

This Policy has been developed in line with the pertinent national instrument which is to be applied or referred to in the management and implementation of this policy ‘*The Public Interest Disclosure (Protection of Whistle Blowers) Act* number 4 of 2010’ of the Laws of Zambia and other Institutional policies. The Act provides that ‘An employer shall not subject an employee to any detriment on account, or partly on account, of having made a protected disclosure or public interest disclosure’ and that ‘Any person may make a public interest disclosure to an investigating authority’.

UNZA has other policies and procedures that deal with complaints, critical or constructive comments, and appeals. The Disciplinary, Grievance, Harassment and Equal Opportunities policies also address standards of behaviour at work. The relevant policy should be followed where appropriate. In addition, Management has developed policies to guide members of staff in the running of the University.

The following institutional policies and frameworks should be referred to in this regard:

- (a) Staff Disciplinary and Grievance Procedure Code;
- (b) Financial Regulations;
- (c) Accounting Procedures Manual;
- (d) Procurement Policy;
- (e) Asset Management Policy and
- (f) Risk Management Policy.

10.0 MONITORING, EVALUATION AND REVIEW OF THE POLICY

10.1 Review

For successful implementation of the Whistle blowing Policy, a review framework shall be an integral part of this Policy. This shall be achieved through periodic reports and recommendations prepared by the Registrar’s office and the committee charged with the implementation of this policy.

10.2 Monitoring and Evaluation

For monitoring and evaluation of the effective implementation of this policy document, the Registrars’ office and the committee shall identify and recommend key pertinent areas in this policy document that may require review. All amendments to this policy shall require approval of the University of Zambia Council. The Policy shall be reviewed every five years.

11.0 POLICY DEVELOPMENT PROCEDURE

The development of the Policy followed a consultative process with relevant Stakeholders. The Policy was reviewed by the Senior Management Committee, Policy Formulation and Development Committee and was considered by the University of Zambia Executive Management and approved by the University Council.

PART II: WHISTLE BLOWING PROCEDURES

12.0 Reporting Procedures

When a matter which is of a public interest occurs, a member of staff, student or any other stakeholder may report this matter to the office responsible for whistleblowing using the laid down procedures.

12.1 If a member of staff, student or stakeholder believes that a matter or practice within the scope (section 7.0) of this policy is or has been taking place, they should make the disclosure immediately to the Principal Officers. If the matter or practice is more serious and/or concerns the Principal Officers then it should be reported directly to the Whistleblowers Committee (WBC). Staff and students may also report their concerns confidentially to internalaudit@unza.zm which will be received by the Chief Internal Auditor (CIA) and subsequently the chairperson of the Audit Committee (AC) of the Council of the University of Zambia. Exceptionally, if Whistleblowers believe it is inappropriate for any reason to report the concern(s) to the rest of the Principal Officers, they may report it to either one of the Whistleblower Committee Members (for details, see UNZA website, www.unza.zm [the website would be specifically for five members of the Whistleblower Committee]). An investigation will then take place into the alleged matter or practice.

12.2 For example, there should be written submissions either by use of an email, telephone or post. Whistleblowers can raise their concerns by email, orally or in writing, stating that they are using the Whistleblowing Policy.

It is however preferable that, as much as is possible, anyone reporting any matter include the information below:

- (a) An outline of the known or suspected wrong-doing;
- (b) Details, to the best of their knowledge, about when, where and how it occurred;
- (c) A list of the names of those suspected of being involved (both within UNZA and externally);
- (d) A list of names of anyone who may have relevant information;
- (e) Details of how they came to know about the suspected activities of the Whistleblower;
- (f) The estimated value of the loss to UNZA and government or other parties;
- (g) What, if any, breaches of internal controls, policy, procedure or other requirements they believe took place;
- (h) The names of anyone who they have discussed or reported this incident to; and
- (i) The date and time of making the report.

12.3 Once a protected disclosure has been received it will be referred to the Whistle Blowers Committee giving details of the protected disclosure, including:

- 12.3.1. Date and substance of the protected disclosure
- 12.3.2. Identity and level of seniority of the alleged wrongdoer(s)
- 12.3.3. Level of risk associated with the alleged wrongdoing.

12.4 The Committee shall decide whether sufficient information exists to allow the allegation(s) to be investigated and, if so, the appropriate process to determine:

- 12.4.1. The nature and scope of the investigation;
- 12.4.2. Who will lead the investigation (that person may be external to UNZA);
- 12.4.3. The nature of any technical, financial or legal advice that may be required ;
- 12.4.4. A timeframe for the investigation (paying regard to the level of risk) ; and
- 12.4.5. Whether any individual(s) under investigation should be suspended as per the University Code of Conduct.

12.5 The Committee shall also consider the appropriate time to inform any alleged wrongdoer(s) of the investigation process. The University shall also aim to keep the Whistleblower who raised the concern(s) informed of the progress of any investigation and its likely timescale. However, sometimes the need for confidentiality may prevent UNZA from giving specific details of the investigation or any disciplinary action taken as a result. Staff, students and other stakeholders should treat any information about the investigation as confidential.

13.0 Reporting in good faith

If anyone makes an allegation, in utmost good faith, but it is not confirmed by investigation(s), no action shall be taken against such a one. If however, anyone makes allegations that are malicious or simply to cause anger, irritation or distress, disciplinary action may be taken against such a one in accordance with the Disciplinary Code of Conduct.

If any other person other than a UNZA employee, who may have acted with malice, perjury or submitted libelous reports, disciplinary action may be enforced upon that person.

14.0 Contact Procedures

It is recognised that, due to the potential sensitivity of the allegation(s), one may not always feel contended about discussing their concerns internally with Line Managers. As soon as anyone becomes aware of any suspected wrong-doing, they should notify the matter to one of the Officers below:

- (a) The Vice-Chancellor
- (b) Registrar
- (c) Chief Security Officer

Or UNZA Chief Internal Auditor who can be contacted through internalaudit@unza.zm or directly through the contact details that can be found at the UNZA website – www.unza.zm.

If the disclosure is extremely serious or if notifying any of the Officers above is not possible, inappropriate or would serve no purpose, you should notify the Chairperson of the Audit Committee, whose details can be found at www.unza.zm.

15.0 Anonymity

It is understood that disclosure(s) made under this policy may involve highly confidential and sensitive matters and that they may require to make an anonymous disclosure(s). When this is the case, the Committee shall endeavour to investigate the concern(s) in full, although a full investigation may be impeded if the University cannot obtain further information from the anonymous whistleblower.

16.0 Appeal Process

Where the Whistleblower is not happy with the outcome of the investigations, they may appeal to University of Zambia Chairperson of Council detailing their concerns.

17.0 Protection

The University of Zambia undertakes that no one who reports any concern(s) under this policy in utmost good faith will be subjected to any detriment for coming forward, regardless of whether or not the concern is ultimately substantiated. In the event that a whistleblower believes that they are being victimised, or subjected to a detriment by any person within the University as a result of reporting a concern(s) or assisting the University in any investigation under this policy, they must inform the Chairperson of the Audit Committee immediately and appropriate action will be taken to protect them from any reprisal in form of sanctioning the Committee that reveals information to unauthorised persons.

18.0 Data Protection and Privacy

All information shall be treated confidentially as far as is reasonably practicable. There may be circumstances where (because of the nature of the investigation), it shall be necessary to disclose the whistleblower's identity. In such circumstances, every effort shall be made to seek consent from them before such disclosure(s) is or are made.

If it is necessary for the whistleblower to be involved in an investigation (for example by providing evidence), the fact that they made the original disclosure(s), will so far as reasonably practicable be kept confidential, and all reasonable steps will be taken to protect them from any victimisation or detriment as a result of having made a disclosure(s).

19.0 Further Information

If one has any questions about the content or application of this policy, they should contact the Chief Internal Auditor whose contact details can be found on www.unza.zm.

Appendix - Management of Investigations

1. Complaint procedure stages

- (a) The Whistleblower Committee shall be responsible for investigating the complaint.
- (b) Members of the Whistleblower Committee shall undergo appropriate orientation in whistleblowing and/or awareness training on the provisions of the University of Zambia Whistleblowing Procedures.
- (c) The Whistleblowing Committee shall have access to all relevant documents relating to the complaint and request other written information as appropriate. The Committee shall interview relevant employees involved in the whistleblowing process and the complainant her or himself. The Committee shall be responsible for ensuring that the investigation is conducted fairly and that all decisions relating to it are reasonable and justified in the light of the evidence. The Whistleblowing Committee shall also ensure that procedural fairness is maintained in the investigation of the complaint as well as ensuring that the findings of the investigation are appropriate in light of the evidence.
- (d) The Whistleblowing Committee shall be responsible for preparing a written report to the Chairperson of the Audit Committee, showing how the investigation was carried out, a summary of the evidence received and recommended action, including any remedies to be offered.
- (e) The Whistleblowing Committee may undertake any consultation that it may deem useful for the purpose of examining the issues referred to it, and may request the assistance, on an ad hoc basis, of any resource person or consultant whose expertise may, in the Committee's judgment, be required to carry out its mandate.
- (f) The Whistleblowing Committee shall appoint an Investigations Manager, either from among members or outside depending on the nature of the complaint, who will lead the investigations into the reported allegations. He or she shall also arrange individual interviews with relevant witnesses or individuals and inform them of their right to be accompanied at the meeting by a legal advisor/trade union representative/work colleague. The other duties of the Investigations Manager shall be as follows:
 - i. Establish the facts/obtain statements/collect documentary evidence.
 - ii. Maintain detailed records of the investigation process.
 - iii. Make any recommendations for action to be submitted to the Registrar.
 - iv. Any other duties as assigned by the Committee.

The Investigations Manager shall have the following responsibilities towards the employee or party who raised the disclosure(s):

- (a) Hold a formal meeting with the employee making the complaint to discuss the matter.
- (b) Inform them of their right to be accompanied at any interview by a legal advisor/trade union representative/work colleague.
- (c) Keep the employee up to date with progress on the matter and agree timescales for action.
- (d) Notify the employee making the disclosure about the outcome of the investigation, including how the matter will be dealt with and whether they will be required to attend an investigatory interview.
- (e) Give details of employee support mechanism available.

The Investigations Manager shall have the following responsibilities towards the party against whom the disclosure is raised, pending consideration of the severity of the allegations, legal counsels' advice and safeguards to avoid tipping off:

- (a) Inform the individual or individuals about whom the disclosure is made in writing of the seriousness of the allegations and provide any supporting evidence.
- (b) Advise in writing of the procedure to be followed.
- (c) Give the person the opportunity to respond in person and in writing to the claims made and receive and consider any relevant evidence.
- (d) Inform them of their right to be accompanied at any interview by a legal advisor/trade union representative or work colleague.
- (e) Give details of employee support mechanism available.
- (f) The investigating officer may also be required to act as a witness at any subsequent disciplinary hearing if required.
- (g) Where necessary, the University shall provide support, counselling or mediation to any team subject to investigation in order to ensure normal working relationships are resumed as effectively as possible.

The officer appointed to hear an appeal shall have the following responsibilities:

- (a) Hold appeal meeting with employee who made the disclosure.
- (b) Ensure all parties are informed of their right to be accompanied at any meeting by a legal advisor/trade union representative/work colleague.
- (c) Review the investigation report/procedure followed and findings.
- (d) Decide whether to uphold appeal or not.
- (e) Initiate a new investigation if necessary.
- (f) Report the appeal findings in writing to the Committee.
- (g) Communicate outcome in writing to the employee making the disclosure and the employee against whom the disclosure is made .