



WHISTLE-BLOWERS POLICY

Policy Number	PN05		
Custodian:	REGISTRAR		
Policy approved by:	UNIVERSITY COUNCIL	Date:	
Chairman of Council's Signature:	<i>[Signature]</i>	Date	29.09.23
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* Revision recommended by: Senate or University Policy committee		Date:	
* Revised policy approved by:		Date:	

1. PREAMBLE

1.1 This policy governs the manner in which whistle blowers and concerns raised by them shall be handled by Great Zimbabwe University. It encourages and enables

University representatives, without the fear of victimisation, to raise concerns regarding suspected unethical and/or illegal conduct or practices on a confidential or on an anonymous basis, so that the University can address and correct inappropriate conduct and actions. It is acknowledged that unethical conduct, fraud and corruption within the University is detrimental to good, effective, accountable and transparent governance and that such actions can endanger the economic stability of the University and potentially cause social and/or reputational damage. Accordingly, there is need for procedures in terms of which employees, students and external stakeholders may without fear of reprisal, disclose information relating to suspected or alleged unethical conduct, fraud and corruption affecting the University. The University has a responsibility to take all the necessary steps to ensure that employees, students and external stakeholders who disclose such information are protected from any reprisal that may result from the disclosure.

1.2 This is a new policy meant to provide platforms for reporting unethical conduct, matters of corruption and other vices that can potentially harm the reputation and integrity of the university. It also aims to clarify the stages that the University will follow in handling whistleblowing and necessary recourse at law.

2. SCOPE

This policy applies to all members of the Great Zimbabwe University community, including but not limited to members of Council, Senate, members of staff and students. This policy is not intended to be the method for reporting violations of the University's applicable human resources policies, problems with colleagues, co-workers, or supervisors, or for reporting issues related to alleged employment discrimination or sexual or any other form of unlawful harassment, all of which should be handled in accordance with the University's code of conduct policies. The University will exercise its authority to take whatever action may be needed to prevent and correct activities that are found to constitute wrongful conduct.

3. DEFINITION OF TERMS

3.1 **Corruption** - directly or indirectly accepting or agreeing or offering to accept any gift or gratification from any other person, whether for the benefit of oneself or for the benefit of another person; or giving or agreeing or offering to give to any other person any gift or gratification, whether for the benefit of that other person or for the benefit of another person, in order to act personally or by influencing another person to act, in a manner that amounts, but not limited to:

- (a) unauthorised or improper inducement to do or not to do anything or;
- (b) the abuse of a position of authority; breach of trust; or violation of a legal duty or set of rules designed to achieve an unjustified result; or
- (c) the illegal, dishonest, unauthorised, incomplete, biased; misuse, selling of information or material acquired in the course of the exercise of carrying out of duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;

3.2 University Resources - For purposes of this policy, the term University resources is defined to include, but not be limited to the following, whether owned by or under the management of the University:

- Cash and other assets, whether tangible or intangible; real or personal property;
- Receivables and other rights or claims against third parties;
- Effort of University personnel and of any non-University entity billing the University for its effort;
- Facilities and the rights to use of University facilities;
- The University's name; and
- University records, including student records.

3.3 Wrongful Conduct Concern - means a violation of University policies and/or Laws of the country; or the use of University property, resources, or authority for personal gain or other non-University-related purposes.

3.4 Protected Disclosure - means communication about actual or suspected wrongful conduct engaged in by a University staff member, volunteer, or contractor based on good faith and reasonable belief that the conduct has both occurred and is wrongful under University policies and/or applicable laws. Individuals who are aware of, or have reason to suspect wrongful conduct should report the conduct promptly.

3.5 Victimisation means when a person causes detriment (including injury, damage, loss, intimidation, harassment, discrimination, disadvantage, adverse treatment regarding employment or threats of reprisal) to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make an appropriate disclosure of wrongful conduct.

- 3.6 Illegal instruction** - An illegal instruction is any directive to violate or assist in violating an applicable university rule or regulation or any order to work or cause others to work in conditions outside of their line of duty that would unreasonably threaten the health or safety of employees or the public.
- 3.7 Fraud** - includes, but is not limited to, the following: the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another.
- 3.8 Theft** - unlawful and intentional appropriation of movable corporeal property, including information in electronic format, which belongs to and is in the possession of another; which belongs to another but is the perpetrator's own possession; or which belongs to the perpetrator but is in the possession of another person who has a right to possess it and where such right legally prevails against the perpetrator's own right of possession.
- 3.9 Whistle-Blower** - A person or entity making a protected disclosure is commonly referred to as a whistleblower. Whistleblowers may be University employees (at all levels), applicants for employment, students, vendors, contractors or the general public. The whistleblower's role is as a reporting party. They are not investigators or finders of fact, nor do they determine the appropriate corrective or remedial action that may be warranted.

4 POLICY PRINCIPLES

- 4.1** It is the responsibility of all University representatives to report, in good faith, concerns they may have regarding actual or suspected activities which may be illegal or in violation of the University's policies with respect, without limitation to, fraud, theft, embezzlement, accounting, or auditing irregularities, bribery, kickbacks, and misuse of the University's assets, as well as any violations or suspected violations of high business and personal ethical standards.
- 4.2** Concerns should be reported either verbally or in writing as soon as practicable to any member of the executive or all of the following:
- 4.2.1 Council Chairman
 - 4.2.2 Vice Chancellor
 - 4.2.3 Pro Vice Chancellor
 - 4.2.4 Registrar

4.2.5 Director Security Services

4.2.6 Internal Audit

4.3 Employees, students and external parties have a duty, responsibility and interest to disclose unethical conduct, fraud, theft and corruption in the University.

4.4 The University aims to eliminate harassment or victimisation of whistle - blowers and shall take action to protect employees, students and external parties when they raise a concern in good faith.

4.5 However, this does not mean that if an employee or student is already the subject of disciplinary or other action, such action will be halted as a result of such employee's or student's whistle-blowing.

4.6 Council Members, Senate, members of staff and students of the University shall at all times endeavour to protect the identity of the whistle blower who does not wish his/her identity to be disclosed.

4.7 It shall be an act of misconduct to disclose the identity of a whistle blower who wishes his or her identity to remain undisclosed.

4.8 It is appreciated that the investigation process may inadvertently locate the source of the information and that a statement by the employee, student or external party concerned may be required as part of the evidence.

5 PROCEDURE FOR RAISING A CONCERN

5.1 The procedure for raising a concern in respect of an allegation of corruption, fraud, theft, conflict of interest situation or any other reprehensible conduct shall include, but not limited to the following:

5.1.1 Anonymous/identified calls or letters

5.1.2 Emails

5.1.3 Use of suggestion boxes

5.2 In view of the fact that a concern expressed anonymously and without contact details is difficult to investigate, follow up or give feedback, a whistle-blower is at liberty to

provide an anonymous email address on which he/she may be contacted should further information be required during the course of the investigation.

5.3 The background and history of the concern, including names, dates and places where possible, should be set out, as well as the reason why the whistle-blower is particularly concerned about the situation. The earlier the concern is reported, the easier it is to take action.

5.4 Managers should discourage employees or other parties from making allegations which are false and uttered with malicious intent. In instances where such allegations are proven to be untrue and malicious or vexatious, the employee or student who made them shall be subjected to firm disciplinary action, while appropriate action shall be taken in the case of external parties.

6 PROCEDURE FOR HANDLING A CONCERN

6.1 A concern shall be directed to the office of the Registrar or where the concern is in respect of the Registrar's office, to the Vice Chancellor; or if it is in respect of the Vice Chancellor, to the Chairman of council. Amongst others, the matters raised may be investigated internally by Management, Security Services, Legal Division or Internal Audit and/or referred to the Police, Zimbabwe Anti-Corruption Commission (ZACC) or another relevant law enforcement agency.

6.2 The Vice Chancellor and Registrar's offices upon receiving wrongful conduct reports shall immediately refer them to the Office of Internal Audit/ and/ or Security which has the responsibility for investigating concerns and issuing reports to the executive whom upon receiving the report shall make a decision on the matter.

6.3 The Office of Internal Audit will attempt to notify the disclosing individual (when identity is known) to acknowledge receipt of the reported concern. All reports will be promptly investigated, and appropriate corrective action will be taken when warranted by the investigation. The Office of Internal Audit shall determine the scope, manner, and parameters of any investigation and report to the Executive.

6.4 Upon receiving a complaint from a whistle-blower, the office dealing with the concern will:

6.4.1 enter the complaint in the whistle blowing register;

- 6.4.2 initiate a preliminary enquiry/review on the allegations;
- 6.4.3 refer the matter to the appropriate department, internal or external auditors, or any other relevant party, should the results of the preliminary review indicate the need for further investigation;

7 FEEDBACK

- 7.1 The University cannot undertake to automatically provide feedback to the whistle-blower on the outcome of the investigation of the complaint due to factors such as anonymity of the complainant, legal restrictions on distribution of privileged information and related considerations. Requests for feedback are therefore considered on a case by case basis in consultation, where necessary, with the Legal Advisors and/or other relevant parties. However, the university remains committed to investigating and providing feedback where confidentiality assurance is granted.
- 7.2 The amount of contact between the body investigating the issues and the whistle-blower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistle-blower (where possible).
- 7.3 The University accepts that every employee, student and/or external party concerned needs to be assured that the matter has been properly addressed. However, progress made with investigations shall be handled in a confidential manner and shall not be disclosed to or discussed with any persons who have no legitimate claim to such information. This is important in order to avoid damaging the reputation of a suspected person who may subsequently be found to be innocent of the alleged wrongful conduct.

8 NON-VICTIMISATION

- 8.1 No University representative who in good faith reports a concern shall suffer intimidation, harassment, retaliation, discrimination, or adverse employment consequences because of such report. Any employee of the University who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including termination of employment.

9 ACTING IN GOOD FAITH

- 9.1 Anyone reporting a concern must act in good faith and have reasonable grounds for believing that the information disclosed may indicate a violation of a law, University

policy and/or ethical standards. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

10 CONFIDENTIALITY

10.1 The University takes seriously its responsibility to enforce this Policy, and therefore encourages any person reporting a concern to identify himself or herself so as to facilitate any resulting investigation. Notwithstanding the foregoing, in reporting a concern, University representatives can request that their report be treated in a confidential manner (including that the University takes reasonable steps to ensure that the identity of the reporting person remains anonymous). Concerns will be kept confidential to the extent possible, consistent with the need to conduct a thorough and complete investigation.

11 RECORDS

11.1 The University will retain on a strictly confidential basis for a period of seven (7) Years (or otherwise as required under the University's Record Retention and Disposal Policies in effect from time to time) all records relating to any reported Concern and to the investigation and resolution thereof. All such records are confidential to the University, and such records will be considered privileged and confidential, subject only to a lawful subpoena or other recognized government authorities.

12 DISTRIBUTION

12.1 The University shall inform and provide a copy of this Policy to all University employees, officers, directors, student workers, and all other persons or contractors who provide substantial service to Great Zimbabwe University.

13. AMENDMENTS TO THE POLICY

13.1 The policy shall be amended/ reviewed every five years or as and when need arises. All such changes shall be reduced in writing and approved by the Executive and Council.

13.2 Minor changes to the policy may be suggested and approved by the Vice-Chancellor, and these shall be communicated to the university community and stakeholders for their edification and noting.

14. EFFECTIVE DATE

This Policy document shall take effect from the date of signature and shall be read in conjunction with the Great Zimbabwe Staff Handbook.