



# MURANG'A UNIVERSITY OF TECHNOLOGY

## POLICY ON WHISTLEBLOWER PROTECTION

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## **UNIVERSITY VISION, MISSION, CORE VALUES AND PHILOSOPHY**

### **VISION**

A leading University in Technological Innovation, Research, and Training

### **MISSION**

To advance Knowledge and Technological transfer through Teaching, Training, Learning, Research and Innovation for Sustainable Development

### **CORE VALUES**

The core values of MUT include:

<b>Value</b>	<b>Description</b>
<b>i. Innovation and Creativity</b>	Committed to delivering innovative solutions in the delivery of our services
<b>ii. Professionalism</b>	Strive to uphold professionalism in whatever we do. We will stand ethical scrutiny by being committed to high standards of excellence in our day-to-day operations.
<b>iii. Integrity</b>	Promote honesty and strong moral principles and moral uprightness among staff and stakeholders
<b>iv. Teamwork</b>	Promote respect and unity of purpose among staff as well as promoting the mutual exchange of information and experiences.
<b>v. Fairness and non-discrimination</b>	Promote equity, diversity and inclusivity
<b>vi. Freedom of Enquiry and Expression</b>	Encourage our staff to engage in free and independent thinking.

### **PHILOSOPHY**

Murang'a University of Technology endeavours to nurture research and innovation aimed at addressing diverse needs, respect for right to knowledge and access to all.



## FOREWORD

This whistleblower Policy recognises that from time to time, employees, students and other stakeholders may have concerns about serious malpractices in the University which they believe to be a matter of public interest and should be investigated.

The policy has therefore been designed to be used by individuals wishing to make serious disclosures in the public interest. Staff, students and other stakeholders are encouraged to raise genuine issues covered by this policy at the earliest opportunity and in an appropriate way.

However, the policy does not cover issues relating to personal grievances nor does it act as an appeals mechanism for matters that have been previously considered through other procedures. Allegations of injustice or discrimination suffered by an individual should be pursued through one of the following mechanisms:

- i. The Staff Grievance Procedure (for staff);
- ii. The Student Appeals and/or Complaints Procedure (for students);
- iii. The Complainants Handling Channel (for other stakeholders).

Prof. Dickson M. Nyariki, Ph.D.  
**VICE CHANCELLOR**

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## **ABBREVIATIONS**

MUT Murang'a University of Technology

## **DEFINITION OF TERMS**

**Whistleblower:** A person who informs on a person or an institution engaged in an illegal activity



## **1.0 INTRODUCTION**

The Whistle Blowers Policy is intended to allow staff, students and other stakeholders to raise high level concerns of information of malpractices or fraud, which they deem is in good faith. The Policy is a critical tool for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper. The Policy assures the whistleblower of its intention not to retaliate against for any information given. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Chair of Anti-Corruption Committee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### **1.1 POLICY RATIONALE**

This policy provides a framework for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper. It is intended to complement statutory protection and, for the avoidance of doubt, statutory rights will not be affected in any way by this policy.

### **1.2 SCOPE OF THE POLICY**

This policy applies to staff, students and other stakeholders of Murang'a University of Technology (MUT).

## **2.0 POLICY OBJECTIVE**

The objective of the policy is to provide a framework for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper

## **3.0 POLICY STATEMENT**

Murang'a University of Technology (MUT) shall:

- i. Encourage staff, students and other stakeholders of MUT to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate.



- ii. Guide staff, students and other stakeholders of MUT on how to raise concerns on malpractices.

These policy statements shall be operationalized as detailed in appendices I-VI

#### **4.0 IMPLEMENTATION**

Implementation of this policy shall be vested in the Office of the Vice Chancellor.

#### **5.0 REVIEW**

This policy shall be reviewed from time to time to incorporate emerging issues.



## **6.0 APPENDICES**

### **APPENDIX I: PUBLIC DISCLOSURES**

All disclosures, from whoever and wherever they originate will be acted upon promptly, sensitively, fairly and properly. The University endeavors to take all necessary corrective actions as per of the Whistleblower Protection Policy regulation.

The Murang'a University of Technology whistle blowers policy is intended to allow staff, students and other stakeholders to raise high level concerns of information of malpractice or fraud, which they deem is in good faith. The policy is a critical tool for protecting individuals who report activities believed to be illegal, dishonest, unethical, or otherwise improper. The policy assures the whistleblower of its intention not to retaliate against for any information given. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Chair Anti-Corruption Committee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### **APPENDIX II: PROTECTION OF WHISTLE-BLOWERS**

Staff, student or stakeholder who voluntarily discloses corruption activities, will be protected against reprisals. An employee, who suspects or reports suspected dishonest activity or any such activity that he/she has witnessed, may remain anonymous should he/she so require. In cases where the person who has disclosed information may be posed with danger to his work, life or family due to his/her information on corruption activity, the Whistle-blower Policy availed by the Government (Witness Protection Act, 2009) will be applicable to protect the person.

### **APPENDIX III: LIMITATIONS TO PROTECTION**

- 3.1 A person is not entitled to the protection under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern; and reports the information in good faith.
- 3.2 A person is entitled to the protection under this policy only if the matter is of public



concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer.

- 3.3 Before an employee initiates a report to a public body on a matter of public concern under this policy, the employee shall submit a written report concerning the matter to the University Vice Chancellor. However, the employee is not required to submit a written report if he or she believes with reasonable certainty that the activity, policy, or practice is already known to the Vice Chancellor or that an emergency is involved

#### **APPENDIX IV: RELIEF AND PENALTIES**

A person who alleges a violation of this policy may bring a civil action and the court may grant appropriate relief.

#### **APPENDIX V: POLICY REGULATIONS**

##### **Procedures on Disclosures in the Public Interest**

#### **4.0 Schedule 1**

- 4.1 If any individual believes reasonably and in good faith that serious malpractice exists within the workplace, then they should, in writing, report this immediately to one of the following:

- i. Vice Chancellor or another member of the Corruption Prevention Committee
- ii. Dean of School, Chair of the School or Head of Department
- iii. Legal Officer
- iv. the Chair of the Council
- v. the Chair of the University Audit Committee;

- 4.2 In the event that those against whom an allegation is made include the Vice Chancellor, the disclosure may be made to the Chair of University Council. Disclosures made to the Chair of the University Council shall be investigated under the procedure outlined under section 4 of this policy.

- 4.3 Investigating a disclosure



4.4 The individual to whom the disclosure is made (see paragraph 1.1) will directly refer the matter to the Vice Chancellor. The Vice Chancellor will immediately inform the Audit Committee through the Chair that a disclosure has been received by the University.

4.5 The Vice Chancellor will institute an Ad hoc Investigation Committee to meet normally within 14 working days of the Committee being established.

4.6 The Ad hoc Investigation Committee will comprise of five individuals normally drawn from a group consisting of:

- i. the Management
- ii. the Deans of School and
- iii. the Heads of Department

One of these members will be designated as Chair of the Ad hoc Investigation Committee by the Vice Chancellor. In deciding the Committee membership, particular consideration should be given to any actual and/or potential conflicts of interest that prospective committee members may have, including any business, work, professional, personal or other relationships that may exist. Depending upon the nature of the disclosure, it may be deemed necessary by the Vice Chancellor to include other internal or external members on the Investigation Committee.

4.7 The Ad hoc Investigation Committee will have a remit to:

- i. Establish whether or not there is a prima facie case to investigate.
- ii. Investigate disclosures where a prima facie case has been established.
- iii. Seek expert advice where appropriate.
- iv. Draw up a report on the disclosure as specified in paragraph 6.6.10 below.

4.8 Any person who is called to provide information or evidence may, if they wish, be accompanied. The person accompanying is not in the role of representative and may not speak on behalf of the person concerning. He/she may however attend, provide emotional and moral support but may not participate.



- 4.9 Where disclosures relate, or may relate, to suspected or actual fraud the Ad hoc Investigation Committee shall instruct the Corruption Prevention Committee to investigate to provide its report to the Ad hoc Investigation Committee.
- 4.10 If the Ad hoc Investigation Committee concludes in the process of investigation that a criminal offence may have or has been committed, the Chair shall inform the Vice Chancellor at the earliest opportunity.
- 4.11 During the investigation any person implicated in the disclosure will be informed of the substance of the disclosure and the evidence supporting it, at the earliest appropriate opportunity, and will be given the opportunity to respond. In so doing care will need to be taken not to compromise any future potential disciplinary investigation or action that might arise.
- 4.12 As outlined in the Policy, individuals may make disclosures anonymously. It should be noted that in some cases the nature of the disclosure or evidence may give an indication as to the source. It should be noted that an anonymous disclosure may inhibit the investigation or, in some cases, be impossible to investigate without disclosing the identity of the individual who has made the disclosure. A person accused of impropriety or malpractice is entitled to be made fully aware of the disclosure and any evidence submitted in support of it.
- 4.13 The Ad hoc Investigation Committee shall submit its report to the Vice Chancellor. The report of the Investigation will contain:
- i. a determination on whether the disclosure is upheld or not, in whole or in part, and the rationale for the Committee's decision in this regard;
  - ii. An account of any associated observations that the Committee may wish to make.
- 4.14 The Ad hoc Investigation Committee will normally conclude its investigations and submit its report to the Vice Chancellor within one month after the first meeting. Where this is not possible the Chair of the Ad hoc Investigation Committee shall inform the Vice Chancellor. The Vice Chancellor, having informed the Chair of the Audit Committee, will agree an appropriate timeframe for the conclusion of the investigation. This revised and agreed timescale will then be notified to the individual



making the disclosure and those against whom an allegation may have been made in the disclosure. The committee appointed to conduct any investigation must give the highest priority of time to their investigation so that the time taken to complete it is minimized. The expectation is that only essential university commitments would take precedence.

- 4.15 On receipt of the report, the Vice Chancellor will determine and record what actions the University will take in light of the findings of the committee. This record will constitute the outcomes of the investigation. In drawing up this record the Vice Chancellor may draw upon specialist advice. This should normally be completed within 30 working days of receipt of the report from the Ad hoc Investigation Committee.
- 4.16 Feedback on a disclosure
- 4.17 The Vice Chancellor will submit the outcomes of the investigation along with a copy of the report of the Ad hoc Investigation Committee to an extraordinary meeting of the Audit Committee. This will normally be convened within 15 working days of receipt of the outcomes.
- 4.18 The Audit Committee will meet to assure itself that the policy and procedure has been followed in respect of the investigation and outcomes and that the proposed outcomes are reasonable. Once the Audit Committee has assured itself of this, the Vice Chancellor shall inform the individual who made the disclosure of the determination as to whether the disclosure was upheld or not.
- 4.19 The Vice Chancellor shall also inform those named in the disclosure against whom an allegation was made of the determination as to whether the disclosure was upheld or not.
- 4.20 The Audit Committee will be kept informed by the Vice Chancellor of the progress in respect of the implementation of any actions he/she has determined necessary.
- 4.21 The University Legal will keep a record of all disclosures, whether the disclosure was upheld or not and what subsequent actions were taken. This report will be retained for three years.
- 4.22 Presentation of a disclosure to the Chair of the Council



- 4.23 Where a disclosure may involve the Vice Chancellor (as outlined in paragraph 1.1.2 above) then the process outlined in this section shall be followed.
- 4.24 The Chair of the University Council shall immediately inform the Council Members that a disclosure involving the Vice Chancellor has been received. He will then, in consultation with the University internal auditors where applicable, establish an Ad hoc Investigation Committee to meet normally within 15 working days of the receipt of the disclosure by the Chair.
- 4.25 The Ad hoc Investigation Committee will comprise of four individuals, convened by the Chair of the Audit Committee, and three other members of the Council. In deciding the Committee membership, particular consideration should be given to any actual and/or potential conflicts of interest that prospective Committee members may have, including any business, work, professional, personal or other relationships that may exist. Depending upon the nature of the disclosure, it may be deemed necessary by the Chair of the Audit Committee to include external members on the Ad hoc Investigation Committee.
- 4.26 Ad hoc Investigation Committee will:
- i. Establish whether or not there is a prima facie case to investigate.
  - ii. Investigate disclosures where a prima facie case has been established.
  - iii. Seek expert advice where appropriate.
  - iv. Draw up a report on the disclosure as specified in paragraph 1.4.10 below.
- 4.27 Any person who is called to provide information or evidence may, if they wish, be accompanied. The person accompanying is not in the role of representative and may not speak on behalf of the person concerned.
- 4.28 There disclosures relate, or may relate, to suspected or actual fraud the Ad hoc Investigation Committee shall instruct the Corruption Prevention Committee to investigate and provide its report to the Ad hoc Investigation Committee.
- 4.29 If the Ad hoc Investigation Committee concludes in the process of investigation that a criminal offence may/may not have committed, the committee shall submit a report to



the Chair of the University Council within 2 weeks.

- 4.30 During the investigation, any person implicated in the disclosure will be informed of the substance of the disclosure and the evidence supporting it, within 7 days, and will be given the opportunity to respond. In so doing, care will be taken not to compromise any future potential disciplinary investigation or action that might arise.
- 4.31 As outlined in the Policy, individuals may make disclosures anonymously. In some cases, the nature of the disclosure or evidence may give an indication as to the source, and may inhibit the investigation. In other cases, it may be impossible to investigate without disclosing the identity of the individual who has made the disclosure where the Whistle-blower Policy availed by the Government (Witness Protection Act, 2009) will be applicable to protect the person. A person accused of impropriety or malpractice is entitled to be made fully aware of the disclosure and any evidence submitted in support of it.
- 4.32 The Ad hoc Investigation Committee will submit its report to the Chair of the Council. The report of the Ad hoc Investigation Committee will contain:
- i. a determination on whether the disclosure is upheld or not, in whole or in part, and the rationale for the Committee's decision in this regard
  - ii. an account of any associated observations that the Committee may wish to make
- 4.33 The Ad hoc Investigation Committee will normally conclude its investigations and submit its report to the Chair of the University Council within one month after its first meeting. Where this is not possible the Chair of the Ad hoc Investigation Committee will inform the Chair of the University Council and an appropriate timeframe for the conclusion of the investigation will be agreed. This revised and agreed timescale will then be notified to the individual making the disclosure and those against whom an allegation may have been made in the disclosure. The Committee appointed to conduct any investigation must give the highest priority of time to their investigation so that the time taken to complete it is minimized.
- 4.34 On receipt of the report of the Investigation Committee, the Chair of the University Council will determine and record what actions the University will take in light of the



findings of the Committee. This record will constitute the outcomes of the investigation. In drawing up this record the Chair of the University Council may draw upon specialist advice. This process should normally be completed within 30 working days of receipt of the report from the Investigation Committee.

- 4.35 The Chair will submit the outcomes of the investigation along with a copy of the report of the Ad hoc Investigation Committee to an extraordinary meeting of the University Council. This will normally be convened within 15 working days of receipt of the outcomes.
- 4.36 The University Council will meet to assure itself that the policy and procedure has been followed in respect of the investigation and outcomes and that the proposed outcomes are an appropriate response to any recommendations arising from the investigation. Once the University Council has assured itself of this, the Chair of the University Council shall inform the individual who made the disclosure of the determination as to whether the disclosure was upheld or not.
- 4.37 The Chair of the University Council shall also inform the Vice Chancellor and any others named in the disclosure against whom an allegation was made of the determination as to whether the disclosure was upheld or not.
- 4.38 The Audit Committee will be kept informed by the Chair of the progress in respect of the implementation of any actions he/she has determined as necessary.
- 4.39 The University Legal Officer shall keep a record of all disclosures, whether the disclosure was upheld or not and what subsequent actions were taken. This report will be retained for three years.