



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
INSTITUTIONAL OFFICE

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Policy on the report of maladministration and irregularities and the protection of disclosure

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Accountable executive manager	Executive Director: Finance and Facilities
Policy owner	Director: Internal Audit
Responsible division	Internal Audit
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Approved by	Council
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Procedures and guidelines in terms of this policy	Yes – form part of policy
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Policy on the report of maladministration and irregularities and the protection of disclosure

1 Pre-amble

As a pre-eminent university in Africa, driven by the pursuit of knowledge and innovation, with a unique institutional culture based upon values the University espouses, the North-West University has adopted this Policy on the reporting of maladministration and irregularities and the protection of disclosure on 18 September 2009.

The University is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable their employees, students and members of public to voice concerns in a responsible and effective manner without improper discrimination or prejudice of individual rights.

The Protected Disclosure Act, 2000 (Act no. 26, 2000), gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. The University has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

2 Policy statement

2.1 Aim of the policy

This policy is designed to enable employees and students of the University and members of Public to raise concerns internally and at a high level, where they discover information which they believe shows serious maladministration or wrongdoing within the institution. It should be disclosed internally without fear of reprisal and independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately, but might then lead to the invocation of other procedures e.g. disciplinary action.

These concerns could include, but is in no way meant to be limited to:

- financial maladministration or impropriety or fraud;
- violation of rule, legal obligation, regulation, statutes or legislation;
- substantial and specific dangers to health & safety or the environment;
- criminal activity;
- improper conduct or unethical behaviour;
- gross waste of funds;
- abuse of authority; and
- attempts to conceal any of these.

This policy is not designed to question financial, strategic or business decisions taken by the University nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. It is reasonable to expect staff to use them rather than air their complaints outside the University.

2.2 Protection for disclosing of information

2.2.1 Protection

This policy is designed to offer protection of identity to those employees, students and members of public who disclose such concerns, provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show maladministration or impropriety and
- if they make the disclosure to an appropriate person (see below).

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons making the allegations.

2.2.2 Confidentiality

The University will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

2.2.3 Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources; and
- ordinary mistakes to be rectified.

2.2.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual on provision that full disclosure was made. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or fictitious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

3 Making of disclosures

Disclosure should be made preferably on the standard form "Information requested" which forms part of the "Procedure for reporting of maladministration and irregularities by employees, students and members of Public".

Disclosures should be made:

- directly via an appointment with or by e-mail to the Director Internal Audit; OR
- by internal mail to the Director Internal Audit, Internal Box 473, Institutional Office; OR
- in writing and deposited into the Internal Audit reporting boxes installed on every campus and at the Institutional Office bearing the wording: "Reporting of irregularities by employees, students and members of Public".

In extreme circumstances communication can also be directed to the Chairperson of the Audit, Risk and Compliance Committee if the "whistle blower" has any reason to believe that his/her presentation to the Director Internal Audit was not satisfactorily resolved or believe that Internal Audit will not be independent

and objective with regard to the investigation or if the investigation were related to activities performed by Internal Audit.

Approved by

INSTITUTIONAL MANAGEMENT

Date: 19 May 2009

AUDIT, COMPLIANCE AND RISK COMMITTEE

Date: 25 May 2009

COUNCIL

Date: 18 September 2009

Procedure for the reporting of maladministration and irregularities by employees, students and members of Public

1 Reporting of maladministration and irregularities

Disclosure should be made preferably on the standard form "Information requested" which forms part of the "Procedure for reporting of maladministration and irregularities by employees, students and members of Public".

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2 Handling of disclosures

On receipt of a complaint of irregularities, Internal Audit who receives and takes note of the complaint will deal with this information as soon as is reasonably possible, as follows:

- Complaints of irregularities will be evaluated for appropriate action and if the disclosure has substance it will be investigated by appropriate Internal Audit personnel unless the complaint is against Internal Audit or is in any way related to the actions of Internal Audit. In such cases, the complaint will be must be reported directly to the Executive Director of Finance and Facilities for referral.
- In the case of a complaint, which is in any way connected with but not against the Internal Audit, the Executive Director Finance and Facilities will nominate a senior manager to act as the alternative investigating officer.
- Complaints against the Executive Director will be passed to the Vice-Chancellor who will nominate an appropriate investigating officer.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

- IM Legal Services
- IM Human Resource Operations – Labour Relations

If there is evidence of criminal activity the investigating officer should inform the police according to the policy of the University. The University will ensure that any internal investigation does not hinder a formal police investigation.

3 Investigating Procedure

The investigating officer should follow these steps:

- All cases/complaints will be logged in a register and filed for references.
- A judgement concerning the complaint and validity of the complaint will be made by the Director Internal Audit / Vice-Chancellor.
- When the substance of the complaint is that of a mistake which can be rectified it will be communicated to the responsible personnel member for rectification. If not the allegations should be fully investigated by Internal Audit with the assistance where appropriate, of other individuals / bodies.
- This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Executive Director Finance and Facilities or Chairman of the Audit, Risk and Compliance Committee as appropriate.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible.
- The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- Internal Audit and the Legal Office should consider the involvement of the Police at this stage.
- The Executive Director / Chairman of the Audit Committee will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate University procedures.
- The complainant should be kept informed (if not reported anonymously) of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Audit, Risk and Compliance Committee to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Vice-Chancellor / Chairman of the Audit Committee, or one of the designated persons described above.

4 Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

REPORTING OF MALADMINISTRATION AND IRREGULARITIES BY EMPLOYEES, STUDENTS AND MEMBERS OF PUBLIC

DISCLOSURE OF INFORMATION

Please refer to "The policy on the reporting of maladministration and irregularities by employees, students and members of Public" that is available on the NWU website (<http://www.nwu.ac.za>) before you complete this form.

PART 1: CONTACT INFORMATION OF WHISTLEBLOWER

(Please print legibly or type and complete all pertinent items.

Enter "N/A" (not applicable) or "Unknown" where appropriate.)

1.1 Name of person seeking action:

Prof. Dr. Mr. Ms. Mrs. Miss

1.2 Status:

Current employee Applicant for employment Former employee

Public member Other (please specify)

1.3 Contact information:

Home or postal address: _____

Telephone number(s):

(Home) _____

(Office) Ext. _____

(Cell) _____

Fax number: _____

E-mail address: _____

1.4 Current position, student number and/or title:

1.5 Department / Division:

1.6 Campus:

1.7 How did you first become aware that you could file a disclosure with Internal Audit?

Internal Audit web site

University web site

Personnel member

Public member

Union

Co-worker

News story

Other (please describe): _____

1.8 If you are filing this complaint as a legal or other representative of the person making a disclosure, please supply the following information:

Name / title of filer:

Prof. Dr. Mr. Ms. Mrs. Miss

1.9 Contact information:

Home or postal address: _____

Telephone number(s):

(Home) _____

(Office) Ext. _____

(Cell) _____

Fax number: _____

E-mail address: _____

PART 2: DETAILS OF YOUR DISCLOSURE

2.1 I know about the information I am disclosing here based on (*check all that apply*):

I have personal and/or direct knowledge of events or records involved.

Other employees have told me about events or records involved.

Other _____ source(s)? _____ Please _____ explain

2.2 Please identify the campus involved in your disclosure:

2.3 Please identify the faculty / department involved:

2.4 Address of the organisational unit involved:

2.5 Please identify the type of agency wrongdoing that you are alleging (*check all that apply*). If you check “violation of law, rule, or regulation,” please provide, if you can, the particular law, rule or regulation violated (by name, subject, and/or citation).

Violation of rule, legal obligation, regulation, statutes or legislation

Financial maladministration or impropriety or fraud

Substantial and specific dangers to health & safety or the environment

Criminal activity

Improper conduct or unethical behaviour;

Gross waste of funds;

Abuse of authority;

Attempts to conceal any of these

Other (please specify)

PART 3: CERTIFICATION, AND SIGNATURE

I certify that all of the statements made in this complaint (including any continuation pages) are true and correct to the best of my knowledge and belief.

Signature

Date

Original details: Jacoline Jansen van Vuuren(10225676) https://share.nwu.ac.za/alfresco/webdav/user_homes/hscavdm/rma/2. management/2.1.3 Policy development and review/2.1.3.2 Review/Database/Policy documents/2P-2.9.6-Maladministration and irregularities_e.doc
20 September 2010

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