



**NWU**®

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

## **POLICY ON REPORTING IRREGULARITIES AND MALADMINISTRATION**

<b>Reference number</b>	2P_2.9.6
<b>Accountable executive manager</b>	Registrar
<b>Policy Owner</b>	Registrar
<b>Responsible division</b>	Office of the Registrar
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<b>Approved by</b>	Council
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<b>Review date</b>	June 2024

## **POLICY FOR REPORTING IRREGULARITIES AND MALADMINISTRATION**

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the council of the North-West University (NWU) has adopted this policy on 17 June 2021.

### **1 Interpretation and application**

This policy must be interpreted and applied in a manner consistent with the –

- 1.1 Constitution of the Republic of South Africa, 1996;
- 1.2 Higher Education Act, 101 of 1997;
- 1.3 Protected Disclosures Act, 26 of 2000
- 1.4 Promotion of Administrative Justice Act, 3 of 2000 (PAJA);
- 1.5 Protection of Personal Information Act, 3 of 2013
- 1.6 Promotion of Access to Information Act, 2 of 2000
- 1.7 National Environmental Management Act, 107 of 1998.

### **2 Policy statement**

- 2.1 It is the policy of the NWU to be committed to the highest standards of openness, probity and accountability.
- 2.2 The university ensures that, in order to promote accountability and transparency, mechanisms are implemented in accordance with the Protected Disclosures Act to enable employees, students and members of the public to voice concerns in a responsible and effective manner without being exposed to improper discrimination or prejudice against such individuals who make protected disclosures.
- 2.3 The university ensures that any person making a protected disclosure will enjoy full protection against detriment for bringing relevant irregularities to the attention of the council or the management of the university.

### **3 Policy aims**

- 3.1 This policy intends to enable employees, students and members of the public to raise concerns without fear of reprisal from anyone where they discover information which they believe to be indicative of serious maladministration or wrongdoing within the university.
- 3.2 The concerns contemplated in 3.1 may include matters of public interest, potentially resulting in disciplinary or other legal action, which may require special investigation, concerning for instance –
  - financial maladministration;
  - fraud;
  - gross violations of rules, regulations, or legislation;
  - conduct that poses a danger to health & safety;
  - conduct that poses a danger to the environment;
  - criminal activity;
  - improper conduct or unethical behaviour;

- wasteful and irregular expenditure;
- abuse of authority; and
- attempts to conceal any of the above.

3.3 The purpose of this policy is not to question routine policy decisions duly taken by the university regarding financial, strategic or business matters.

3.4 The procedures provided for under this policy may not be used to bring about the reconsideration of concerns regarding matters which have already been dealt with in accordance with the procedures of the university relating to harassment or discipline, except where it is established that serious maladministration or wrongdoing occurred in the course of such procedures.

## 4 Protection

4.1 A person making a disclosure under this policy is extended protection, provided that the disclosure is made –

- in good faith;
- under the reasonable belief that the information supplied is indicative of maladministration or wrongdoing;
- in accordance with the procedures prescribed under this policy; and
- to the appropriate official or functionary of the university.

4.2 The university must treat all such disclosures with confidentiality and with sensitivity.

4.3 The identity of a person making a disclosure must, on such person's request, be kept confidential.

4.4 In the event of confidentiality hindering or frustrating investigation of the alleged maladministration or wrongdoing, the person making the disclosure may be approached to agree to running the risk of exposure by providing contact details or making a formal statement to assist further investigation, or to withdraw the disclosure, provided that the presentation of such choice is not done in a manner that weakens the protection provided for in this policy.

## 5 Disclosures

### 5.1 Making a disclosure

5.1.1 A person alleging maladministration or wrongdoing must exercise care to ensure the reasonable accuracy of the reported information and to provide all available relevant details of the disclosure.

5.1.2 A formal disclosure should preferably be made in writing on the form prescribed (refer to Appendix A) and which is made available online on the NWU website (referred to as part of the policy) or can be requested from the Director: Internal Audit and submitted –

- directly to the Director: Internal Audit;
- by e-mail addressed to the Director: Internal Audit;
- by e-mail addressed to [report-fraud@nwu.ac.za](mailto:report-fraud@nwu.ac.za), or
- by depositing the prescribed form in any Internal Audit reporting box installed on any campus bearing the wording: "Reporting of irregularities by employees, students and members of the public".

5.1.3 Where the person making the disclosure has any reason to suspect that the disclosure will not be attended to satisfactorily by Internal Audit, the disclosure may be brought directly to the attention of the chairperson of the Audit, Risk and Compliance Committee of the NWU Council.

5.1.4 A person making a disclosure has the right to make an anonymous disclosure by not completing the contact details section of the prescribed form. In such cases it must be understood that any feedback, in regard to the anonymous disclosure to the person making the disclosure, will not take place.

5.1.5 Any disclosure made to other offices / divisions that relate to financial irregularities and misconduct, must be referred to Internal Audit for investigation.

### 5.2 Investigation

5.2.1 Upon receipt of a disclosure, the Director: Internal Audit must attend to the allegation as soon as is reasonably possible.

- 5.2.2 The merits of the disclosure must be tested firstly by determining its substance.
- 5.2.3 Where it is found that a *prima facie* case for further investigation exists, the matter must forthwith be investigated under the direction of the Director: Internal Audit.
- 5.2.4 Where the complaint is against or is in any way related to the activities of Internal Audit, the disclosure may be reported directly to the Chairperson of the Audit, Risk and Compliance Committee.
- 5.2.5 Should none of the above routes prove to be suitable, the complainant may approach the Director Legal Services or the Vice Chancellor's office.
- 5.2.6 Where evidence of criminal activity is found, the Director: Internal Audit must register a criminal case with the South African Police Services, and the university must at all times ensure that any internal investigation does not hinder the SAPS investigations.
- 5.2.7 For the assessment of the merits of a disclosure, due consideration must be given to –
- the seriousness of the issues raised;
  - the credibility of the person making the disclosure;
  - the likelihood of independent confirmation of the allegation, and
  - whether the disclosure relates to ordinary mistakes that can be rectified.
- 5.2.8 The following steps must be followed in an investigation:
- logging the disclosure and details thereof in a chronologically numbered register;
  - a determination by the Director: Internal Audit of the validity of the disclosure;
  - if the disclosure relates to a mistake that can be rectified or an issue that is normally handled through other official channels in the university, the Director: Internal Audit must refer it to the relevant functionary or structure of the university;
  - if the disclosure warrants a full investigation by Internal Audit, the Director: Internal Audit must initiate a special investigation to be undertaken and concluded as speedily as possible, without compromising the objectiveness and integrity of the investigation or the report;
  - the drafting of a final special investigation report containing audit findings and recommendations, including, where appropriate, recommendations for disciplinary or other corrective actions to be taken;
  - the distribution of the report to all relevant parties concerned as identified during the investigation;
  - where the person who made the disclosure did not do so anonymously, communication of the progress or outcome of the investigation to such person will be provided on request; and
  - report the progress of these investigations to the Audit, Risk and Compliance Committee (sub-committee of Council).

## 6 Unfounded and malicious disclosures

- 6.1 Where a disclosure is made in good faith, but the reported allegations made therein cannot be confirmed in the subsequent investigation, the person making the disclosure may not be subjected to disciplinary or other occupational detriment.
- 6.2 Where a fictitious disclosure is found to have been made maliciously, the person making such disclosure is exposed to possible disciplinary and other legal action taken by the university.

**REQUEST TO CONDUCT A SPECIAL INVESTIGATION****INFORMATION DISCLOSURE**

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

**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 the person seeking action:**

Prof.  Dr.  Mr.  Ms.  Mrs.  Miss

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**1.2 Relationship to the University:**

Current employee  Applicant for employment  Former employee

Public member  Other (please specify)

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**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 details of your relationship to the University:**

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**1.5 Department / Division:**

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**1.6 Campus:**

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**1.7 How did you become aware of the procedure to 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

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**1.9 Contact information:**

Home or postal address: \_\_\_\_\_

Telephone number(s):

(Home) \_\_\_\_\_

(Office) Ext. \_\_\_\_\_

(Cell) \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**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 provide details*

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**2.2 Please identify the campus involved in your disclosure:**

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**2.3 Please identify the faculty / department involved:**

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**2.4 Address of the organisational unit involved:**

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**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, where possible, the applicable law, rule or regulation violated (by name, subject, and/or citation).**

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

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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)

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### 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. Please also add you initials on all pages.

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Signature

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Date