



**NWU**®

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

## **NWU POLICY ON THE PREVENTION OF BRIBERY, CORRUPTION AND FRAUD AND ON WHISTLEBLOWING**

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## **NWU POLICY ON THE PREVENTION OF BRIBERY, CORRUPTION AND FRAUD AND ON WHISTLEBLOWING**

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', 'university') has adopted this policy on 22 June 2023.

### **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 (PDA) and the PDA Practical Guidelines for Employees (GG 34572, 31 August 2011);
- 1.4 Promotion of Access to Information Act, 2 of 2000 (PAIA);
- 1.5 Promotion of Administrative Justice Act, 3 of 2000 (PAJA);
- 1.6 Protection of Personal Information Act, 4 of 2013 (POPIA);
- 1.7 Prevention and Combatting of Corrupt Activities Act, 12 of 2004 (PRECCA);
- 1.8 Criminal Law Act, 32 of 2007
- 1.9 Prevention of Organised Crime Act, 121 of 1998 (POCA);
- 1.10 Criminal Procedures Act, 51 of 1977;
- 1.11 Intimidation Act, 72 of 1982;
- 1.12 Financial Intelligence Centre Act, 38 of 2001;
- 1.13 National Environmental Management Act, 107 of 1998;
- 1.14 Labour Relations Act, 66 of 1995;
- 1.15 International anti-fraud and anti-corruption treaties and conventions to which South Africa is bound;
- 1.16 Statute of the North-West University;
- 1.17 Regulations for Reporting by Public Higher Education Institutions, 2014;
- 1.18 Related policies of the NWU, such as the Policy and Rules on Conflict of Interest and on Declarations of Interest and of Gifts, Policy and Rules on Academic Integrity, Financial Policy; and
- 1.19 NWU Code of Ethics.

### **2 Definitions**

In this policy and for the purposes of anti-corruption and fraudulent activities at the NWU –

**“abuse”** means misuse or misappropriation of university or stakeholders' resources;

**“bribery”** means the offering, giving, receiving, or soliciting of an item, or acts of any gratification intended to influence the actions of an official, or any other person responsible for the performance of a public or legal duty;

**“conflict of interest”** bears the meaning as defined in the NWU Policy and Rules on Conflict of Interest and on Declarations of Interest and of Gifts;

**“corruption”** bears the meaning as defined in section 3 of PRECCA;

**“fraud”** means the unlawful and intentional making of a misrepresentation which causes or may cause another to act to their prejudice or which is actually or potentially prejudicial to the NWU;

**“gratification”** bears the meaning as defined in section 3 of PRECCA and the common law;

**“internal controls”** means the measures and methods instituted by the NWU to conduct its business in an orderly manner, to safeguard its assets and resources, to deter and detect errors, ensure accuracy, produce reliable and timely information and to ensure adherence to its policies and procedures;

**“improper activities”** means irregular and misleading activities related to the abuse of systems, finances, equipment and resources or any other activities that contravene existing policies or established ethical standards, also including conduct that pose a danger to health and safety and the environment;

**“university members”** means a non-exhaustive list which includes permanent, temporary and fixed term employees, fellows, students, council and council committee members, consultants, contractors, volunteers, interns, sponsors, agents of any other person associated with the University and any of its related entities in regard of which the University has the obligation to draw this policy to the attention of consultants and contractors through its procurement processes;

**“university and stakeholder resources”** includes cash and other assets (whether tangible or intangible, real or personal property), receivables and other rights or claims against third parties, intellectual property rights, effort and services of university employees and of other stakeholders who render a service to the university and who are permitted to use the NWU’s facilities;

**“whistleblowing”** refers to instances where anyone raises concerns in good faith regarding suspected corrupt or unlawful activities (including bribery, fraud, theft, corruption, extortion, forgery, uttering, nepotism, abuse, and maladministration or any other act that constitutes an offence or answers to the definition of “improper activity” as indicated above) that may be prejudicial to the interests of the NWU or the public.

### 3 Policy statement

It is the policy of the NWU to be a responsible corporate social citizen that is morally and ethically bound to the principle of public accountability in the prevention of fraudulent, corrupt and improper activities or conduct, and therefore the University-

- 3.1 is committed to conduct its business in an honest, ethical and legally compliant manner and to the highest standards of openness, probity and accountability;
- 3.2 maintains a culture of zero-tolerance towards improper activities such as fraud, bribery, corruption and any form of dishonesty;
- 3.3 promotes a culture of honesty, integrity and professionalism and abstains from unacceptable and misleading conduct and behaviour;
- 3.4 promotes and encourages the reporting of improper activities to ultimately eradicate activities that prejudice, or could potentially prejudice the university and its stakeholders;
- 3.5 upholds all laws relevant to countering bribery, fraud, and corruption, in particular POCA and PRECCA;
- 3.6 ensures that the university and stakeholder resources are protected from abuse by university members;
- 3.7 strives to ensure that all university members are held accountable for compliance with the legislation and norms listed in paragraph 1;
- 3.8 implements guidelines, rules and procedures aimed at the deterrence, prevention, reporting and reaction to instances of fraud and corruption;
- 3.9 strives to improve the application of systems, policies, procedures and regulations within the control environment of the university relating to the prevention of bribery, fraud and corruption;
- 3.10 requires the investigation of all cases of bribery, fraud and corruption, and to report cases that prove to be substantial to the national police and prosecuting authorities, and the implementation of appropriate prevention and detection measures and relevant internal controls;

- 3.11 undertakes to protect employees, students and members of the public who report instances of fraud and corruption in an honest and responsible manner from improper discrimination or prejudice;
- 3.12 requires appropriate action to be taken in the event of proven instances of bribery, fraud and corruption; and
- 3.13 wishes to strengthen its relationship with key stakeholders, such as the SAPS, the Office of the Public Protector, and employee representative unions and communities that support the fight against bribery, fraud and corruption.

## **4 Roles, responsibilities, and accountability**

### **4.1 Council and the Audit, Risk and Compliance Committee of Council (ARCC)**

- 4.1.1 The NWU Council takes overall responsibility for the governing and the monitoring of the effectiveness and efficiency of measures aimed at the combatting of bribery, fraud and corruption at the NWU.
- 4.1.2 In governing these matters, the council delegates authority, sets limits of acceptable behaviour through relevant codes of conduct, and approval of policies.
- 4.1.3 The ARCC receives reports from Internal Audit on the status and progress of all reported instances (internally and externally reported) of bribery, fraud, financial-related investigations and corruption.
- 4.1.4 The ARCC reports these matters on a regular basis to the NWU Council.

### **4.2 University Management Committee (UMC)**

- 4.2.1 The UMC is responsible for the management of activities to combat bribery, fraud and corruption at the NWU and to provide assurance to the Council on the effectiveness and efficiency of these management actions;
- 4.2.2 In relation to the above, the UMC must –
  - 4.2.2.1 promote a culture of ethical, professional, transparent, and honest management in decision-making and business processes;
  - 4.2.2.2 ensure an effective control environment in order to provide a line of defence against bribery, fraud and corruption, including physical controls and security of assets, segregation of duties, effective procurement processes, guidelines for approval of business activities and transactions, proper reconciliation processes, fairly presented financial statements, supervisory and monitoring controls;
  - 4.2.2.3 make rules and establish procedures and standards to ensure compliance to NWU policies and ruled aimed at combatting bribery, fraud and corruption and to ensure the protection of persons who make a disclosure in accordance with this policy;
  - 4.2.2.4 ensure the drafting of Guidelines and Rules on Whistleblowing that are aligned with relevant legislation and industry standards;
  - 4.2.2.5 create awareness of the NWU's zero-tolerance of bribery, fraud and corruption and make it visible by means of the NWU's website and other available and relevant measures;
  - 4.2.2.6 ensure that the investigations conducted under this policy are done in an independent, fair and transparent manner based on the merits; and
  - 4.2.2.7 implement prevention strategies aimed at combating instances of bribery, fraud and corruption, including awareness training, fraud risk assessments, pre-employee screening, proper recruitment process and a proper process for the disclosure of interests and of gifts.

### **4.3 Internal Audit**

The role and function of the Internal Audit department regarding matters related to bribery, fraud and corruption matters are to –

- 4.3.1 investigate matters that are brought to the attention of Internal Audit in accordance with an internal reporting procedure in terms of PDA;
- 4.3.2 continuously evaluate internal controls in accordance with its approved risk-based Internal Audit Plan and advising managers by making recommendations to improve their control environment and to promote the implementation and monitoring of NWU policies;
- 4.3.3 analyse operations and confirm information in close relation with line managers during investigations, to report findings on fraudulent and corrupt activities in terms of POCA and PRECCA;

- 4.3.4 undertake compliance audits in accordance with their approved risk-based Internal Audit Plan to evaluate compliance with rules, regulations, laws, codes of practice, guidelines, policies and principles as these apply individually and collectively to all parts of the NWU in an effort to uncover possible fraudulent and corrupt activities; and
- 4.3.5 raise awareness on matters related to the combatting of bribery, fraud and corruption.

#### **4.4 University members**

- 4.4.1 University members are required to participate in the prevention, detection and reporting of bribery, fraud and corruption;
- 4.4.2 All university members must avoid any activity that might lead to, or suggest, a breach of this policy and the applicable legislation;
- 4.4.3 Upon a breach of this policy by contractors, agents, or consultants the University reserves the right to terminate contractual relationships with them;
- 4.4.4 In respect of all reported incidents of bribery, fraud, corruption or improper activities, managers have to review immediately, and where possible, improve the efficiency and effectiveness of the internal controls that have been breached in order to prevent similar irregularities from taking place in the future; and
- 4.4.5 Should a university member be unsure whether a particular act constitutes bribery, fraud or corruption, or if they have any related queries, these may be raised with Internal Audit.

### **5 Reporting and disclosures**

- 5.1 It is the responsibility of university members or members of the public to report any suspected misconduct as referred to in this policy or the related legislation.
- 5.2 Reporting and disclosures are done in accordance with the UMC Guidelines and Rules referred to 4.2.2.4 as well as the PDA Practical Guidelines for Employees referred to in 1.3
- 5.3 In accordance with PRECCA prescripts thresholds, Internal Audit must report relevant offences to SAPS.

### **6 Malicious and unfounded disclosures**

- 6.1 Persons who are found to make false and malicious allegations causing affected parties to suffer harm, may be prosecuted in terms of section 9 of the PDA.
- 6.2 Persons who have made disclosures in good faith, but the reported allegations had not been confirmed in the course of the investigation, would not be subjected to disciplinary or occupational detriment.

### **7 The duty to investigate, to inform complainants and to protect complainants**

- 7.1 The council and management of the NWU have the duty to record each instance reported and to investigate allegations of bribery, fraud or corruption duly made.
- 7.2 Upon conclusion of an investigation, feedback must be given to the complainant on a case-by-case basis in accordance with the UMC Guidelines and Rules on Whistleblowing.
- 7.3 The NWU must take the necessary steps to ensure that employees who make disclosures are protected against occupational detriment in accordance with sections 4 and 5 of the PDA Practical Guidelines for Employees.
- 7.4 The NWU must have measures in place to protect whistleblowers in accordance with the UMC Guidelines and Rules on Whistleblowing.