



**Kilimanjaro Christian Medical University College  
(A Constituent College of Tumaini University Makumira)**

**KCMU COLLAGE WHISTLEBLOWING POLICY**

**Introduction**

KCMU Collage is committed to operating in furtherance compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its Board members, officers, employees, or volunteers. This policy outlines a procedure for employees to report actions that an employee reasonably believes violate a law, or regulation or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to KCMU Collage's business and does not relate to private acts of an individual not connected to the business of KCMU Collage

The KCMU Collage has a responsibility to manage itself legally, efficiently and fairly in the wider public interest and for the benefit of its staff, students, and collaborators. This requires a free flow of information about serious shortcomings in any of its activities so that appropriate action may be taken. If an employee has a reasonable belief that any employee has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to his/her supervisor. If the employee does not feel comfortable reporting the information to his/her supervisor he/she may report to the Deputy Provost Administration (DPA).

All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, KCMU Collage will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.

The Whistle blowing Policy provides details on Whistle blowing and its procedures for reporting and investigating such disclosures. The Whistle blowing Policy is a specific code within the KCMU Collage's overall Complaints and Feedback Procedure. Policy makes provision for staff or students or anyone contractually connected with the KCMU Collage to raise concerns about serious malpractice within the KCMU Collage and to do so with the knowledge that their action will be viewed positively and that they will be protected from victimization.

**1. What kind of concerns should be reported?**

Actual or suspected criminal offences, failure to comply with legal obligations, serious health and safety risks, damage to the environment, academic malpractice, financial and procedural irregularity, deliberate suppression or concealment of any of these.

**2. What concerns should not be reported under this procedure?**

(a) Issues for which appropriate procedures already exist. These include KCMU Collage Staff Grievances, Harassment and Bullying, Academic Appeals, Student Discipline, Student Academic Complaints, Research Misconduct and Complaints and Feedback relating to other matters.

(b) Personal grievances, which should be reported and deliberated through the KCMU Collage Staff meetings or reported through normal channel.

**3. To whom should a report be made?**

A serious concern should normally be reported to the relevant Head of Department, or in the case of suspected theft or fraud to the Head of Internal Audit. Where this is not felt to be appropriate, a report may be made orally or in writing to any one of the following:

- a) The Provost;
- b) The Deputy Provost Administration (DPA); or
- c) The Deputy Provost for Academic Affairs (DPAA).

#### **4. What will happen next?**

(a) The recipient of the disclosure in conjunction with one other senior colleague will undertake or commission whatever preliminary investigations and consultations necessary to establish whether or not a further and formal enquiry should be instigated.

(b) If it is decided not to establish a formal enquiry, the whistleblower shall be informed in writing with reasons within 20 working days of receipt of the disclosure.

(c) If further investigation is deemed necessary by the recipient of the initial report and senior colleague, it shall be organised by the DPA unless he/she is the subject of the disclosure in which case Provost shall act. The investigation may be conducted by an outside agency such as a firm of accountants, Auditors or by a small group of senior staff of the KCMU Collage.

The investigating body will report its findings to the recipient of the initial report and he/she shall:

- a) Take no further action save to inform the whistleblower of the decision and reasons for it;
- b) Refer the matter to the police in the case of alleged criminal activities;
- c) Refer the matter for appropriate action within existing College procedures;
- d) Refer the matter to the College Governing Board.

#### **5. Confidentiality**

The identity of the whistleblower will be protected. There may be circumstances, however, where it will not be possible to proceed without revealing the whistleblower's identity, for example if the whistleblower's evidence is needed at a disciplinary or court hearing. Should this be the case, the matter will be discussed with the whistleblower at the earliest opportunity.

#### **6. Protection of whistleblowers**

A disclosure made within the KCMU Collage will be protected under if the whistleblower has an honest and reasonable suspicion that malpractice has or is likely to occur. A disclosure made externally (e.g. to the Police, media) will be protected if the following additional tests are met:

- a) that the whistleblower honestly and reasonably believes the information and any allegation contained in it are substantially true;
- b) that the disclosure has not been made for personal gain;
- c) that the concern has first been raised with the employer unless the whistleblower reasonably believes:
  - i. that he/she will be victimized or that there will be a cover-up
  - ii. that the matter is exceptionally serious.

Protection under this Policy does not extend to students and other non-employees. The KCMU Collage, however, is wholly committed to the protection of all bona fide whistleblowers whatever their status and will regard any subsequent victimization as a disciplinary offence.

#### **7. Anonymous Complaints**

Fair and due process requires that the alleged perpetrator(s) should be made aware of and given the opportunity to respond to any allegations made against them. Therefore, the KCMU Collage cannot investigate anonymous complaints or whistle blowing reports.

**8. Malicious Allegations**

False and malicious allegations may be treated as a disciplinary offence.

**9. Independent Review**

When all internal procedures have been exhausted the whistleblower, if dissatisfied with the outcome, may ask for the matter to be referred for independent review. The independent review shall be conducted by a person or persons appointed by the College Governing Board.

The purpose of the independent review will be:

- a) To rule on whether the KCMU Collage's internal investigation has been properly handled;
- b) Where it is judged that the investigation was properly handled, to rule on whether the response to the disclosure was reasonable in all the circumstances.
- c) The powers of the person or persons conducting the independent review will include making binding recommendations of the following nature:
  - i. Ordering a further internal investigation;
  - ii. Ordering the KCMU Collage to reconsider the findings of the investigation.
- d) Additionally, there shall be power to:
  - i. make non-binding observations relating to the substantive disclosure for the institution to consider;
  - ii. rule, in appropriate cases, that
    - the whistleblower was actuated by malice, or some other personal or improper motive, and whether the whistleblower should be required to make a contribution to the costs incurred in external review;
    - the disclosure was without substance or merit, and whether the whistleblower should be required to make a contribution to the costs incurred in external review.
- e) The independent review will not entail oral hearings, but the reviewer will have the power to interview the whistleblower or any other persons, including those who had been involved in the handling of the disclosure. New evidence or relevant material will be considered at the discretion of the reviewer, but will normally be admitted only if it had not been reasonably available at the earlier stages of the internal investigation.
- f) The report of the independent review will be submitted to the Provost for further action.

**10. Independent Advice**

Independent and confidential advice may be obtained at any point in this process from any other entity. Oversight of these procedures shall be the responsibility of the KCMU Collage Audit Committee which shall receive details of all cases brought under this Policy and shall make an annual report to the Council.

**Policy approval**

This policy was approved by the College Governing Board in its meeting held on.....day of .....2017