



**KIBABII UNIVERSITY**

## **WHISTLE BLOWER POLICY**

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**Kibabii University ISO 9001: 2015 Certified  
Knowledge for Development**

KIBABII UNIVERSITY – ISO 9001:2015 QUALITY MANAGEMENT SYSTEMS		
<b>ISSUE FOR USE ON:</b>	<b>MAIN TITLE: KIBABII UNIVERSITY WHISTLE BLOWER POLICY</b>	<b>REF: KIBU-REG ---</b>

## KIBU WHISTLE BLOWER POLICY

<b>Area of validity: KIBU</b>	Approved by: Prof. Donald N. Siamba ( <b>Management Representative</b> )	<b>Sign:</b> 	<b>Date:</b> 19/06/2020
	Authorised by: Prof. Isaac Ipara Odeo ( <b>Vice-Chancellor</b> )	<b>Sign:</b> 	<b>Date:</b> 19/06/2020



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## FOREWORD

Kibabii University (KIBU) is committed to scholarly excellence by providing quality University education and training in an environment where all stakeholders are free to provide relevant information concerning the University through authorised communication channels. Stakeholders who include; employees, students, suppliers of goods, works and services are more often than not the first to come across or receive information. Sometimes the receipt information may border on perceived or actual malpractices, fraud or corruption in the University. However, they may not expose or provide information on any form of perceived or actual malpractices for fear of being victimised or the notion that they may be betraying their fellow colleagues or even the University.

Kibabii University is committed to allow openness, probity and accountability to all stakeholders. In line with this commitment, KIBU expects all stakeholders dealing with the University to provide any information that will help to curb any form of malpractice.

To ensure that the stakeholders are protected, the University developed a Whistle Blower Policy that outlines the required channels of communication in providing information. The Policy provides clear procedures in giving information. This is in addition to the University's Code of Conduct, Grievance Procedures and other statutory reporting procedures. Where this Policy is in conflict with any Act enacted by the Parliament of Kenya, then the Act will take precedence over this Policy.

The responsibility for ensuring compliance with this Policy rests with the Corruption Prevention Committee (CPC). The Chair of CPC is responsible for keeping this Policy up to date, defining the extent to which powers and duties vested in him/her may be exercised and performed by officers under him/her and giving directions to ensure proper exercise of the powers and performance of the duties.



**Prof. Isaac Odeo Ipara**  
**Vice Chancellor**



## **ACKNOWLEDGEMENT**

Whistle Blowing is a noble action which is essential in highlighting malpractices occurring in the University. To protect and preserve the integrity of the University, it therefore became prudent to develop a Whistle Blower Policy whose aim is to encourage openness and transparency as well as protect the whistle blowers.

The development of this Policy would not have been possible without the enormous contributions by a number of stakeholders. Sincere gratitude goes to University Management Board for offering a conducive environment for the development of this Policy. I take this opportunity to appreciate the contributions by different stakeholders towards the development of this Policy. I wish to express my gratitude to the Corruption Prevention Committee members who spared their time to attend meetings and work effortlessly towards the development of this Policy.

In this regard, I am pleased to present this Whistle Blower Policy to KIBU fraternity in line with the Constitution of Kenya (2010), the Leadership and Integrity Act (2012) and the Witness Protection Act (2010, Cap 79). It is my hope that this Policy will streamline and enhance operations of the University. I call upon all staff, students and other stakeholders to internalize and embrace this Policy and comply with its various provisions to ensure that the University is not at risk of any malpractices.

**Chairperson  
Corruption Prevention Committee**



## DEFINITION OF TERMS

<b>Corruption:</b>	Is a form of dishonesty or fraud or criminal offence undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse of power for one's private/personal gain.
<b>Corruption Prevention Committee (CPC):</b>	This is a University committee consisting of heads of departments whose main responsibility is to keep constant check University operations and procedures to ensure that there are no opportunities for corruption in the University.
<b>Complaint:</b>	An allegation or concern that is subject to investigation by the University or appropriate authority.
<b>Integrity Assurance Officer (IAO):</b>	This is an Officer within the University selected, trained and assigned the duties to offer technical expertise on the implementation of corruption prevention activities.
<b>Investigation:</b>	A process of gathering and analyzing information in order to determine whether misconduct has occurred and the party or parties responsible.
<b>Whistle Blower:</b>	A person including employee, students, management, service providers and other stakeholders of the University who reports or makes public disclosure of any form of unethical behaviour or wrongdoing to the appropriate authority.
<b>Whistle blowing:</b>	The act of drawing public attention, or the attention of an authority, to perceived wrongdoing, misconduct, unethical activity within the University.

## **ABBREVIATIONS AND ACRONYMS**

COD:	Chair of Department
CPC:	Corruption Prevention Committee
DVC:	Deputy Vice-Chancellor
HOD:	Head of Department
IAO:	Integrity Assurance Officer
KIBU:	Kibabii University
UMB:	University Management Board
VC:	Vice-Chancellor





## UNIVERSITY MANDATE

### Philosophy

Kibabii University embodies the view that Science, Technology and Innovation are critical for sustainable utilization of material and human resources for the posterity of the universe.

### Vision

To be a global and dynamic University of excellence in Science, Technology and Innovation.

### Mission

To achieve excellence in generation, transmission and enhancement of new knowledge in Science, Technology and Innovation through quality Teaching, Research, Training, Scholarship, Consultancy and Outreach programmes.

### Motto

Knowledge for Development

### Core Values

Kibabii University is anchored on six (6) Core Values whose acronym is **EASIIA**. To operationalize the core values, “*KIBU aspires to produce scholars who embody **Excellence**, **Accountability and Transparency**, **Social responsibility**, **Innovation**, and are of **Integrity** while utilizing their **Academic freedom** in performing their duties*”.

The six (6) core values are:

- i) **Excellence**;
- ii) **Accountability and transparency**;
- iii) **Social responsibility**;
- iv) **Innovation**;
- v) **Integrity**; and
- vi) **Academic freedom**



## **1.0 Introduction**

The University is committed to ensuring the highest possible care and ethical standards in delivering the services it provides. To this end, this Policy demonstrates the University's commitment to recognize and take action in respect to malpractice, illegal acts or omissions by its employees or former employees.

The Whistle Blower Policy provides a channel for employees and other stakeholders to raise concerns in a confidential manner about actions of other staff or officers of the University who might compromise the integrity of the University. The Policy provides the guidelines by which the University will investigate and deal with the alleged malpractices in accordance with other relevant University Policies, Procedures and Regulations.

It is in line with the Witnesses Protection Act (2010, Chapter 79), that the University has developed this Policy that outlines procedures to protect staff who disclose information about the University and its activities or those of any of its staff or officers which might be considered as fraudulent or bordering to corruption.

This Policy outlines the procedure for investigating and dealing with reported cases of malpractices and unethical behaviour. In implementing this Policy, the University Management shall ensure that the Policy is in tandem with the Witnesses Protection Act (2010) and the requirements of other relevant regulations on the conduct of public officers.

## **1.1 Purpose**

The Policy is intended to encourage the University Council, UMB, Staff, Students, and other stakeholders to report suspected/actual occurrence(s) of unethical, inappropriate or illegal practices without any fear of harassment, intimidation or victimization of anyone raising the concern(s).

## **1.2 Objectives**

The objectives of this Policy are to:

- i) Protect responsible staff, students and any other stakeholders that will report occurrences of unethical, inappropriate or illegal conduct within the University;

- ii) Guide the University in observing highest standards of governance and detect and deal with any suspected malpractices in good time to avoid loss of funds and damaging the image of the University;
- iii) Provide a proper channel and mechanism of reporting occurrences of unethical, inappropriate or illegal practices;
- iv) Develop a culture of openness, accountability and integrity; and
- v) Provide assurance that all disclosures will be handled seriously and treated in a confidential manner.

### **1.3 Rationale**

Fraud and Corruption related cases are common in many organizations in Kenya. The most effective way of fighting the malpractices is to empower people with knowledge on the importance of reporting fraud and corruption related cases without malice. This Policy therefore, enhances awareness on the need to report corruption related cases and also ensure that the University Management protects the persons who raise alarms whenever they come across any cases related to malpractice activities or behaviour at the University.

### **1.4 Scope of the Policy**

This Policy will apply to all staff and officers of the University, including permanent and temporary staff, contractors working for the University, suppliers and those providing services under contracts with the University. The Policy will allow any stakeholders in the University who will fear to use conventional management channels in providing information. The Policy will cover reporting of cases that will include and not limited to:

- i) Suspected fraud or corruption;
- ii) A criminal offence that has or is likely to be committed;
- iii) Disregard for legislation e.g. Public Officers Ethics Act (2003, Chapter 183);
- iv) A breach of Code of Conduct;
- v) Damage of property and environment;
- vi) Breach of the standing financial rules and regulations;
- vii) Showing undue favour over a contractual matter or to a job applicant;
- viii) Where evidence may be concealed or destroyed; and
- ix) Where there has been a previous disclosure of the same information.

## **1.5 Guiding Principles**

This Policy will be guided by the following principles:

- i) Acceptance of corruption as a workplace challenge where, every individual in the University is prone to corruption making it therefore a responsibility of each individual to fight corruption;
- ii) Freedom of expression;
- iii) Respect for democratic principles of equality and equity;
- iv) Transparency and accountability in the management of public affairs and service delivery;
- v) Promotion of social justice; and
- vi) Condemnation and rejection of any form of corruption, related offences and impunity.

## **2.0 Policy Implementation Framework**

### **2.1 Legal and Policy Framework**

The Whistle Blower Policy shall be interpreted in accordance with the following:

- i) The Constitution of Kenya (2010);
- ii) The Universities Act (2012);
- iii) KIBU Charter (2015);
- iv) The University Statutes (2017);
- v) KIBU Revised Strategic Plan (2016-2020);
- vi) Corruption Prevention Policy;
- vii) Witness Protection Act (2010);
- viii) Whistle Blower Act (2003);
- ix) Ethics and Anticorruption Commission Act (2011);
- x) United National Convention Against Corruption (UNCAC) (2003);
- xi) International Labour Organization (ILO) (1947); and
- xii) All laws passed and applicable in the Republic of Kenya.

### **2.2 Administration of the Policy**

This Policy shall be administered by the Vice-Chancellor who shall appoint an Ad-hoc committee with membership from Corruption Prevention Committee, Integrity Assurance

Officers and Complaints and Complements Committee to investigate matters that have been brought to the attention of the University through whistle blowing.

Effective implementation shall require a detailed financing strategy, management and coordination of structures, information and communication; monitoring and evaluation, frameworks, contextual interpretation, review and amendment of the Policy to align with changing trends and emerging issues.

## **2.3 Implementation Structure**

KIBU has established an accountable, robust and transparent governing mechanism to manage the operation under this Policy in compliance with the requirements of the Universities Act (2012), rules and regulations. KIBU shall adopt the following governance structure:

### **2.3.1 The University Council**

The University Council shall:

- i) Be responsible for ensuring that the University fulfils its responsibilities for promoting an environment that is conducive for promotion of whistle blowing and whistle blower protection;
- ii) Receive quarterly progress reports on monitoring and implementation of the Policy from the Vice-Chancellor; and
- iii) Monitor the evaluation and reporting on the implementation of the Policy and provide advice where necessary.

### **2.3.2 The Vice-Chancellor**

The Vice-Chancellor shall:

- i) Be the custodian of this Policy;
- ii) Form an Ad-hoc Committee to investigate the reported unethical conduct;
- iii) Submit to Council quarterly reports on whistle blowing;
- iv) Treat all whistle blowing concern(s) brought to his/her attention with confidentiality;
- v) Facilitate sensitization of staff, students and other stakeholders on the Whistle Blower Policy; and
- vi) Facilitate implementation of the Policy.

### **2.3.3 Deputy Vice-Chancellors**

The Deputy Vice-Chancellors (DVCs) shall:

- i) Take responsibility for activities of strategic importance to the University, for example; the research and innovation agenda, health and safety, teaching and learning, human resources, support and information services, planning and budgeting, infrastructural development, community outreach, procurement, among others;
- ii) Ensure that the University activities and operations in their Divisions are guided by the Whistle Blower Policy; and
- iii) Ensure that whistle blower protection implementation strategies in their respective Divisions are executed in accordance with the Whistle Blower Policy.

### **2.3.4 Deans/Directors, Head of Departments/Sections**

The Deans/Directors, Head of Departments/Sections shall:

- i) Be responsible for the implementation of this Policy within their areas of responsibility;
- ii) Put the Policy and its strategies and procedures into practice;
- iii) Ensure all staff are aware of their responsibilities;
- iv) Treat in confidentiality any information communicated to them by any whistle blower;
- v) Not disclose any confidential information in their custody except to the relevant office;
- vi) Forward in confidence to the Vice-Chancellor any received complaints related to corruption; and
- vii) Where necessary make a follow-up on any alarm raised and ensure the matter is concluded by the relevant office.

### **2.3.5 Staff and Students**

All staff and students have a responsibility to uphold high standards of integrity. The staff are expected to act in accordance with their professional code of conduct while the students are expected to act in accordance with rules and regulations as stipulated in the University Students Handbook. Staff and students are expected to conduct themselves ethically both within and outside of the University.

The staff and students are required to:

- i) Raise concerns in good faith whenever a malpractice has occurred and should refrain from making false accusations when reporting any case;
- ii) Provide evidence at their disposal to aid investigations of the reported case(s);
- iii) Raise concerns with the Vice-Chancellor or the Chairperson of Council;
- iv) Participate in training sessions organized on whistle blowing and whistle blower protection;
- v) Maintain a conducive environment for promotion of whistle blowing and whistle blower protection; and
- vi) Participate in surveys on whistle blowing and whistle blower protection.

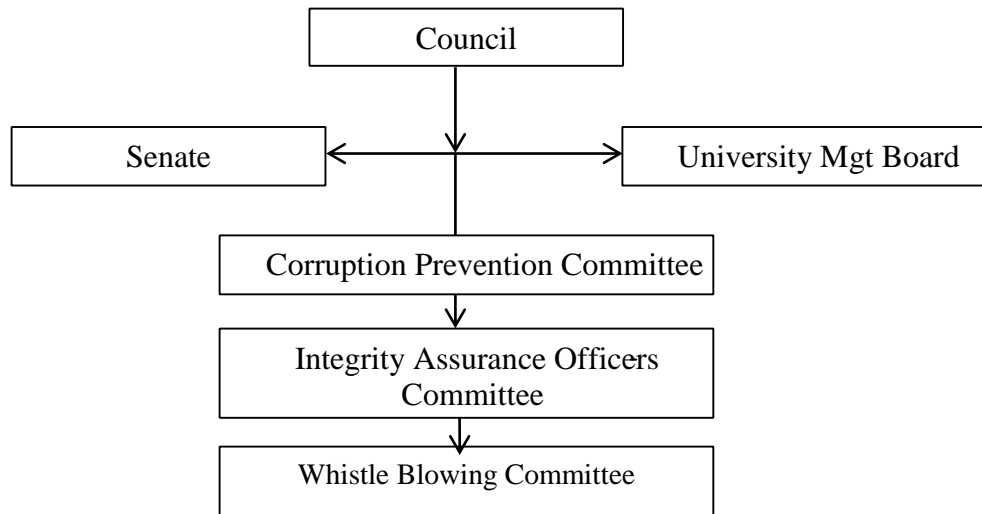
### **2.3.6 Partners and Service Providers**

All partners, associates, contractors, professional, statutory and accredited bodies, and those who provide services to the University are responsible for complying with the whistle blowing and Whistle Blower Policy.

## **2.4 Management and Administrative**

### **2.4.1 Management Structure**

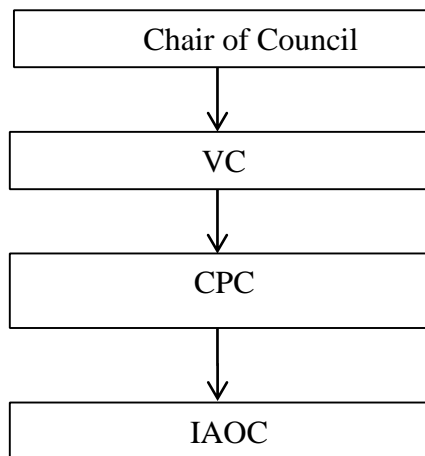
The Management Structure for direct implementation of the Whistle Blower Policy will be as given in Figure 1 where the Corruption Prevention Committee (CPC) will be chaired by the Vice-Chancellor. The DVCs will be members of the CPC. The VC will appoint among the CPC members to constitute the Integrity Assurance Officers (IAOs) and Whistle Blowing Committees. The IAOs and Whistle Blowing Committees will carry out activities that will be assigned by the VC whenever there will be a need. The Whistle Blowing Committee will be an Ad-Hoc Committee appointed by the VC whose membership will be drawn from the CPU.



**Figure 1: Management Structure**

#### 2.4.2 Administrative Structure

The Administrative Structure for direct implementation of Whistle Blower Policy by the University will be as given in Figure 2.



**Figure 2: Administrative Structure**

### 3.0 Whistle Blowing Procedure

Whistle blowing procedure will guide staff, students and all stakeholders on reporting suspected cases of fraud and/or corruption. The following steps will guide the whistle blowing process and the whistle blower(s) when reporting any form of misconduct or corruption relates cases.



### 3.1 Raising Concerns by a Whistleblower

1. The following University channels will be used by a whistle blower to raise concern(s):
  - i) Orally (face to face);
  - ii) University Phone numbers: 020-2028660 or 0708085934 or 0734-831719;
  - iii) Writing to the Chairperson of Council or the Vice-Chancellor with the envelope marked “personal, private and confidential”;
  - iv) E-mail address: [whistleblowing@kibu.ac.ke](mailto:whistleblowing@kibu.ac.ke); and
  - v) University Website: [www.kibu.com/whistleblowing](http://www.kibu.com/whistleblowing).
2. If the staff or the student prefers to remain anonymous, then, s/he can report through the confidential reporting hotline.
3. Where the concern is received by staff other than the Chair of Council or the Vice-Chancellor, the recipient of such concerns shall be required to pass the concern(s) immediately to the Vice-Chancellor.
4. If the concern(s) affect(s) the Vice-Chancellor, the Chair of Council shall be notified, who shall direct the concern(s) to Governance and Human Resource Committee of Council for further action and recommendation to Council.
5. If the concern(s) affect(s) the Chair of Council or the Council itself, then the concern(s) will be directed to other external agencies especially the EACC.
6. Upon receipt of any concern, the Vice-Chancellor or the Chair of Council shall:
  - i) Treat the concerns or cases raised in a confidential manner;
  - ii) Take staff/students concerns seriously;
  - iii) Consider them carefully and undertake investigation where necessary;
  - iv) Take appropriate action to resolve the concern(s) or refer the concern(s) to an appropriate Office;
  - v) Keep the member of staff/student informed of the progress;
  - vi) Monitor and review the situation; and
  - vii) Ensure that persons who genuinely report concerns are not penalized in any way.

7. A whistle blower will be required to give as much information as possible and provide evidence of the following:
- i) Back ground information of the concerns (with relevant dates);
  - ii) Any other procedures previously used and actions taken;
  - iii) Section or location of the alleged behaviour or misconduct;
  - iv) Key personnel involved in the alleged behaviour or misconduct;
  - v) Nature of the alleged incident;
  - vi) Time period over which the alleged incident occurred;
  - vii) An estimate of the monetary value, where applicable, associated with the alleged incident;
  - viii) Documentary evidence in support of the alleged incident;
  - ix) Name(s) and position(s) of any other employee(s) who may support his/her concern(s); and
  - x) Demonstrate that there is a reasonable ground of the raised concern.
8. In order to protect persons accused of a possible malpractice, enquiries will be made to decide whether or not an investigation is appropriate. Some concerns may be resolved by an agreed action without any need for an investigation. If an urgent action will be required, this will take place before undertaking an investigation.

### **3.2 Preliminary Investigations**

- i) Upon receipt of any case or concern bordering on corruption, the Vice-Chancellor shall immediately constitute a committee to carry out investigations to establish if the alleged misconduct had occurred and to what extent. This will be done to prevent further loss and damage to the University's property and/or reputation;
- ii) The whistle blower may invite a colleague or another person to be present during any meetings or interviews in connection with the concern raised;
- iii) If the concern raised by the whistle blower is unwarranted or out of malice, the Vice-Chancellor shall advice for the necessary disciplinary measures to be taken in line with the University's Human Resource Policy and Procedure Manual; and

- iv) If the concern raised falls outside designated channels of reporting as outlined in the Whistle Blower Policy, then the Vice-Chancellor shall refer the matter to appropriate Office for further action.

### **3.3 Further Investigations**

If preliminary investigations reveal that the concern(s) fall within the reporting channels under this Policy, then further investigations will be carried out by:

- i) Corruption Prevention Committee;
- ii) The Internal Auditors;
- iii) External Auditors; and
- iv) An independent inquiry by the Police or other investigating agencies.

### **3.4 Guidance on Response upon Receipt of Complaint**

The Vice-Chancellor shall acknowledge receipt of concerns from the whistle blower within ten (10) working days, and provide the following details on:

- i) How the University will deal with the matter;
- ii) How long it will take to provide a final response; and
- iii) Whether or not further investigation will be carried out.

### **3.5 Report on Investigation and Action on the Report**

1. Upon conclusion of the investigation, the Vice-Chancellor shall present the report for discussion to the University Management Board and thereafter to University Council.
2. If any disciplinary action will be required related to the report, the laid down disciplinary procedures as provided for in the KIBU Human Resource Policy and Procedure Manual will be followed.
3. The Vice-Chancellor shall endeavour to resolve all concerns raised within three (3) months. Where it will not be possible to resolve any concern raised within three (3) months, the Vice-Chancellor shall inform the University Management and Council accordingly.
4. The Vice-Chancellor shall give a full written response of the final outcome of an investigation to the whistle blower within seven (7) working days upon completion of the investigation.

### **3.6 Dissatisfaction with the University's Response**

This procedure is meant to give everyone an effective way to raise a concern within the University and if possible, resolve it internally. However, if a member of staff will still be dissatisfied after using the internal procedures and after getting the final full written response, the staff will be entitled to consider taking the concern(s) to the following offices:

- i) The Kenya National Audit Office (KNAO);
- ii) A relevant professional or regulatory body;
- iii) Efficiency Monitoring Unit (EMU);
- iv) Ethics and Anti-Corruption Commission (EACC); and
- v) Directorate of Criminal Investigations (DCI).

### **3.7 Implementation Mechanism and Procedures**

#### **3.7.1 Whistle Blower Protection**

The University is committed to good practice and high standards and will protect whistle blowers who will disclose concerns in good faith. The University will not retaliate and will not allow discrimination against any employee who would have submitted a complaint in good faith. In this regard, the University will not discharge, demote, suspend, threaten, harass or in any other manner discriminate or retaliate against any employee who will lawfully provide information to the authorities with respect to any misconduct.

The University assures staff of support and confidentiality during the investigation process. Where the University concludes that false or malicious allegations were made, it will take action in accordance with the University's disciplinary procedures against the complainant.

#### **3.7.2 Confidentiality**

The University will protect confidentiality of all matters raised by concerned employees. In case of any breach of confidentiality by any of the officers, the employee raising the concern will report the matter to the Vice-Chancellor or the Chair of Council and appropriate action as per the University's grievances procedures will be taken against the officer(s) concerned.

#### **3.7.3 Anonymous Allegations**

This Policy encourages whistle blowers to disclose their names whenever possible to make the report more credible. To the extent possible, any complaint should be factual rather than



speculative or perceived, and should contain as much information as possible to allow for proper assessment. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the University. In exercising this discretion, the factors to be taken into account will include:

- i) The seriousness of the issue(s) raised;
- ii) The credibility of the concern; and
- iii) The likelihood of confirming the allegation from attribute source(s).

#### **3.7.4 Untrue Allegations**

If a staff member will make an allegation in good faith and after investigation the allegation will not be confirmed, no action will be taken against him/her. However, if an employee will make allegation frivolously, maliciously or for personal gain, then disciplinary action will be taken against him/her as per the laid down disciplinary procedure.

### **4.0 Monitoring, Evaluation, Reporting and Review of the Policy**

The purpose of Monitoring, Evaluation and Reporting is to ensure effective and efficient implementation of this Policy. KIBU's CPC shall monitor the implementation of this Policy through periodic reviews of the reported cases.

The Vice-Chancellor shall provide directions on the maintenance and operation of this Policy. Records which will include written statements along with the results of any investigations relating thereto, shall be kept in a confidential file under the custody of the Vice-Chancellor for at least seven (7) years.

#### **4.1 Monitoring and Evaluation**

1. Monitoring and Evaluation of the effectiveness of this Policy shall be through the CPC under the direction of the Vice-Chancellor.
2. Monitoring the implementation of this Policy will involve routine data collection and analysis on the reported cases. The results from the analysis will then be used to inform decision making at all levels. This will be achieved by:
  - i) Developing monitoring and evaluation indicators at all levels of implementation;

- ii) Carrying out continuous data collection, analysis and quarterly reporting to the Chair CPC; and
- iii) Conducting designed surveys.

3. The Corruption Prevention Committee shall:

- i) Formulate guidelines on whistle blowing and whistle blower protection;
- ii) Carry out surveys on whistle blowing and whistle blower protection at all levels in KIBU;
- iii) Sensitize and create awareness on whistle blowing and whistle blower protection;
- iv) Plan and budget for whistle blowing and whistle blower protection programmes;
- v) Play advisory role to the University Management on whistle blowing and whistle blower protection issues;
- vi) Develop a manual to operationalize the Policy;
- vii) Monitor and evaluate whistle blowing and whistle blower protection programmes and activities; and
- viii) Propose potential areas for review and review the Policy periodically.

## 4.2 Review

This Policy will be reviewed after every three (3) years and as need arises.

## 5.0 Commencement

The Policy shall be effective upon approval by the University Council.

Approved this 19th Day of June, 2020

Signed for and on behalf of Kibabii University Council



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**CHAIRPERSON OF UNIVERSITY COUNCIL**

Signed for and on behalf of Kibabii University



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**VICE-CHANCELLOR OF KIBABII UNIVERSITY**

## 6.0 References

- Kenya Constitution, 2010;
- Anti-Corruption and Economic Crimes Act (ACECA) (2003);
- Corruption Prevention Policy (2014);
- International Labour Organization (ILO) (1947);
- Leadership and Integrity Act (2015);
- Public Officers Ethics Act No. 4 (2003);
- United National Convention Against Corruption (UNCAC) (2003);
- Witness Protection Act (2010);
- Whistle blowers Protection Act (2017);
- The Universities Act (2012);
- Kibabii University Charter (2015);
- KIBU Statutes (2020); and
- Revised KIBU Strategic Plan (2016-2020).