



Whistleblowing Policy and Procedure

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1.0 INTRODUCTION

- 1.1 City University Malaysia (CITYU) is committed to a culture of integrity, openness, probity, and accountability. The institution has a duty to conduct its affairs in a responsible and transparent way in decision-making, good governance, and ethical behaviour. Despite the best efforts put in place on matters relating to governance, rules, and regulations, unfortunately malpractices, abuses and/or wrongdoings may still occur.
- 1.2 Whistleblowing is a form of disclosure by a person where he or she raises serious concerns about risks of wrongful activities or reports of wrongdoing. Whistleblowing at an earlier stage may help prevent or reduce harm, damages or costs arising to the institution from wrongful activities.
- 1.3 This policy is drafted based on the Whistleblower Protection Act (WPA) 2010 (Act 711) on which whistleblowers are to raise/escalate complaints to the appropriate level of authority on such malpractices, abuses, or wrongdoings at an early stage and in an appropriate manner, without fear of being prejudiced, unfairly persecuted, victimised, discriminated against or disadvantaged. It protects him or her against dismissal or victimisation resulting from raising of serious concerns about malpractice at work, provided that those concerns are raised in accordance with the act.
- 1.4 This policy sets out the way in which the institution expects members of staff to raise such concerns and to promote a culture of shared responsibility and openness among the staff. Disclosure of confidential or privileged information outside this policy may lead to the loss of the protection given by the act.
- 1.5 This policy provides an alternative avenue for staff and students to raise concerns if the normal lines of communication are not available. Nothing in this policy shall interfere with other established operational policies and processes of the institution.

2.0 OBJECTIVE

2.1 The objectives of this policy are as follows:

- a) to encourage CITYU staff, students, affiliated members and stakeholders in general to disclose any improper conduct which has come to their knowledge;
- b) to enable CITYU to deal with a concern internally and in an appropriate manner, rather than publicly. Publicity about malpractice, abuse, wrongdoing or misconduct can severely harm the institution reputation and may have far-reaching consequences as higher learning institution;
- c) to provide protection for the whistleblower(s) who report allegations of improper conduct and any action responding directly to the disclosure made and protect his or her personal information and;
- d) build and strengthen a culture of transparency and trust both within the institution and with external stakeholders.

3.0 SCOPE

3.1 This policy is designed to assist CITYU staff permanent, part-time and contract employees, students (full time or part time), affiliated members and stakeholders (parents, service providers etc.) to disclose any improper conduct.

3.2 Such improper conduct includes but is not limited to the following:

- a) Financial malpractice or impropriety or fraud
- b) Bribery and corruption acts
- c) Outside employment without authorization
- d) Improper conduct or unethical behaviour
- e) Failure to comply with a legal or regulatory obligation
- f) Failure to disclose interest
- g) Abuse of power
- h) Financial losses to the University

- i) Publication of confidential / classified document
- j) Theft
- k) sexual harassment
- l) noncompliance with procedures
- m) Health and safety, or the environment
- n) Criminal activities

3.3 This policy is not to invalidate existing policies or procedures and/or disciplinary action process, but to provide optional avenues for the institution staff, students, and stakeholders to disclose improper conduct (as defined under the WPA 2010) committed or about to be committed in the institution.

4.0 REFERENCE

4.1 Whistleblowers Protection Act 2010 (Act 711)

5.0 PROTECTION & CONFIDENTIALLY

5.1 CITYU encourages openness and will support staff, students and relevant parties who raise genuine concerns under this policy, even if the disclosures turn out to be a mistake.

5.2 It is understandable that whistleblowers are sometimes worried about possible repercussions. The institution will take reasonable steps to support the whistleblowers, in accordance with the Whistleblower Protection Act (WPA) 2010.

5.3 In accordance with the procedure pursuant to this policy and clauses of the Whistleblower Protection Act 2010 (Section 7, 8, 9 and 10); upon making a disclosure in good faith and based on reasonable grounds:

- a) the whistleblower shall be protected from reprisal within the institution as a direct consequence of his or her disclosure;
- b) the whistleblower shall have immunity from civil and criminal action;
- c) the whistleblower shall have protection from detrimental action; and

- d) the whistleblower's identity shall be protected, i.e. kept confidential unless otherwise required by law or for the purpose of any proceedings by or against the institution.
- 5.4 If the investigation findings reveal that the whistleblower is mistaken as to the facts and regulations involved such protection is still applicable and will be given.
- 5.5 On the basis of confidentiality, this policy will serve to protect the identity of the whistleblower, but it will be revoked if the disclosure or the report was false or misleading information knowingly, negligently, or recklessly in nature.
- 5.6 If an external party has reported malicious or vexatious disclosures or with a view to personal gain, the institution may consider lodging a police report and/or take other necessary actions deemed appropriate.
- 5.7 This policy will also be used to act on the staff in charge who fail in their responsibility in protection and confidentiality of the whistleblower. The institution will opt to take disciplinary action against the staff.

6.0 REPORTING PROCEDURES

- 6.1 Any concerns or issues should be raised as soon as possible via the faculty dean's or heads of department using the existing policies and procedures that are available in the institution.
- 6.2 The above channel also applies to the students and relevant stakeholders to raise any concerns. For example, complaints by the students can be addressed to the relevant department (such as the Students Affairs Division) and for stakeholders, they can channel their concerns to the department/faculty where it is concerned.
- 6.3 However, in some cases if the staff, students and relevant stakeholders may feel, rightly or wrongly, that their own position in the institution could be jeopardised if he or she discloses any concerns or issues. In this matter, the usual channels may indeed be inappropriate to raise the issue concerned.

- 6.4 If he or she encounters staff, students or other external parties having suspected committing fraud, misconduct or any integrity concerns that needs to be disclosed, it should be done in accordance with procedures as below:
- a) All disclosure needs to be reported by using the given Whistleblowing Report Form and ensure all relevant information disclosed.
 - b) The form is then emailed or handed in to the staff in charge (under integrity unit).
 - c) Anonymous disclosures will not be entertained. However, the institution reserves the right to investigate anonymous disclosures depending on the nature and severity of the allegations in the disclosure. Factors to determine this will include the seriousness of the issue raised, the credibility of the information disclosed, the likelihood of confirming the information, and what supporting evidence is/could be available from other sources.
 - d) The above procedure is applicable to all staff, students, affiliated members, and stakeholders who wish to report any misconduct defined under this policy.

7.0 INVESTIGATION PROCESS

- 7.1 The integrity unit staff will be assigned to address and coordinate all the progress of whistleblowing cases reported to the unit.
- 7.2 He or she will be responsible for monitoring and reporting all cases investigated pursuant to the policy to the senior management. During the investigation process, the identity of the whistleblower shall be kept in strict confidence.
- 7.3 In the event a report has been made against any of the institution's senior management officials, the complaint shall be submitted to the Board of Directors (BOD) for deliberation.
- 7.4 In the event a report has been made against any other staff, the complaint shall be handled by the Vice-Chancellor, or any person appointed by the Vice-

Chancellor in order to prevent any conflicts of interest or biases in the said investigation.

- 7.5 The Vice-Chancellor shall appoint the Investigation Committee members who may have related expertise or information in relation to the case being investigated.
- 7.6 The committee is responsible to coordinate initial assessment and to undertake the investigation of any disclosure/report made by the whistleblower.
- 7.7 The committee shall have the authority on the following:
 - a) access to all records, facilities and premises within the scope of the investigation;
 - b) meet with the parties involved (other than the whistleblower);
 - c) if necessary, when the initial investigation provides reasonable grounds for suspecting staff of involvement in an offence, the investigating committee should advise the Vice-Chancellor as soon as practicably possible to prevent any further loss, danger, or damage. Subsequent action taken might involve suspension, but this suspension should only be undertaken in full consultation with the Human Resources Division.
- 7.8 Upon completion of the investigation, the Investigation Committee shall submit a report on the findings and recommendation to the Vice-Chancellor for the next course of action.
- 7.9 The investigation should be completed as soon as practicable and given priority if the wrongdoing can cause significant financial or reputational harm to the institution.

8.0 EXTERNAL DISCLOSURE

- 8.1 CITYU encourages internal disclosure to be made at all times and the issues to be resolved internally. However, if the staff, student, or stakeholders views the matter as a serious issue which warrants reporting to an enforcement agency then the disclosure should be made in compliance with the Whistleblower Protection Act 2010.

8.2 This disclosure must be in good faith and not for the purposes of personal gain.

9.0 MONITORING & REVIEW

9.1 The Integrity Unit shall monitor the implementation and understanding of this policy. A register for all disclosures made under this policy shall be maintained by the unit.

9.2 The Integrity Unit shall provide training and communicate the policy to the staff and other stakeholders when it is required.

9.3 All documents obtained pertaining to disclosures shall be considered “Confidential” and be stored securely under the Integrity Unit for seven years, or longer depending on the need.

9.4 The shall on a quarterly basis, update the management on the disclosures such as number of disclosures received to date and nature of such disclosures, status of investigations, and other relevant updates.

9.5 This policy shall be reviewed on an annual basis to reflect any changes in relevant laws and guidelines. Any proposed changes to this policy shall be prepared by the unit, reviewed by the senior management, and tabled to the Board of Directors for approval.

