



KENYATTA UNIVERSITY

**WHISTLE BLOWER'S
PROTECTION**

POLICY
2018





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VISION STATEMENT

The vision of Kenyatta University is to be a dynamic, inclusive and globally competitive centre of excellence in the provision of quality education, training and research for sustainable development.

MISSION STATEMENT

The mission of Kenyatta University is to provide quality education and training through knowledge generation, research, innovation, creativity and community service.

IDENTITY STATEMENT

Kenyatta University is a community of scholars committed to the generation and dissemination of knowledge and cultivation of wisdom for the welfare of society.

PHILOSOPHY STATEMENT

Kenyatta University's philosophy is sensitivity and responsiveness to societal needs and the right of every person to knowledge.

KENYATTA UNIVERSITY CORE VALUES

Truth, Creativity, Excellence, Self Reliance, Innovation, Relevance, Equal Opportunity, Professionalism, Moral Integrity, Democratization, Corporate Governance, Institutional Culture, Competitiveness, Academic Freedom and Respect for Diversity.

FOREWORD

The development of this Policy is a reflection of the University's commitment to high ethical standards as well as being accountable to our clients, the public and the Government.

The vision of the University, *“To be a dynamic, inclusive and globally competitive centre of excellence in the provision of quality education, training and research for sustainable development* can only be achieved if there is good governance, efficiency, transparency, accountability, responsiveness and ethical practices among the members of staff. Unethical behaviour can cause damage to the University reputation and image. The University, therefore, requires all members of staff and individuals acting on its behalf to conduct business honestly, fairly and professionally.

On behalf of Kenyatta University, I wish to express my gratitude to all members of the University Whistle Blower's Policy Development Committee that has worked hard in the process of formulating this Policy.

It is my sincere hope that this Policy will be a clear guide to all the members of staff, students and other stakeholders in their conduct while executing their services at the University and in a bid to report any malpractices identified in the University.



Signed.....this 12th day of April, 2018

PROF PAUL K. WAINAINA
VICE-CHANCELLOR

1. DEFINITIONS

Code of conduct:	Kenyatta University Code of Conduct and Ethics
EACC:	Ethics and Anti-Corruption Commission
Employee:	A member of staff in the service of Kenyatta University.
Malpractice:	Improper, illegal or negligent behavior by anyone in the work place or learning environment
Protected Disclosure:	Any communication made in good faith that discloses or demonstrates information that may be evidence of unethical and improper activity/conduct.
Stakeholder:	A party that has an interest in the University and can either affect or be affected by the University operations. These may include employees, students, parents, government and suppliers.
Student:	A person who is registered in the University during a current academic year for a first or higher degree, diploma, certificate or such other qualification or courses of the University as may be approved by the Senate as qualifying a person for the status of a student.
University	
Designated Officer:	Secretary to the University Corruption Prevention Committee.
Whistle blower:	Staff, students or any stakeholder making a protected disclosure under this Policy.
Whistle blowing:	Making disclosure in public interest or exposing alleged misconduct, dishonest and illegal activities occurring in Kenyatta University.

2. PREAMBLE

The University is committed to the highest possible standards of openness, probity and accountability. In line with this commitment, we expect staff, students and others that the University deals with, who have serious concerns about any aspect of the University's work to come forward and voice those concerns. This is because staff and students are often the first to realize that there may be something seriously wrong in the University's operations. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the University. They may fear harassment or victimization. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This policy therefore makes it clear that members of staff, students and other stakeholders can raise any concerns without fear of discrimination, harassment or victimization. The Policy is intended to encourage and enable stakeholders raise concerns within the University rather than overlooking a problem or blowing a whistle outside the University.

3. INTRODUCTION

The University recognizes that an important aspect of accountability is to have a mechanism to enable all individuals to voice their concerns internally in a responsible and effective manner in respect of malpractice, illegal acts or omissions. This Policy is therefore meant to protect members of staff who acting in good faith discloses information about the University and its activities or those of any of its customers, or other stakeholders, which might be considered as fraudulent or corrupt behavior.

It is the responsibility of all members of staff, students or other stakeholders to ensure that if they become aware that actions of customers or officers might compromise this objective, they will be expected to report the matter in the safe knowledge that this will be treated seriously and expeditiously.

Where the Policy is in conflict with any written law or government regulations and guidelines, then these take precedence over this Policy.

4. PURPOSE

The general objective of this Policy is to support stakeholders in bringing genuine concerns to the attention of designated persons within the University who can initiate an investigation into concerns raised.

The Policy is specifically intended to:

- i) Support University's values of integrity, professionalism, accountability, diversity and flexibility in accordance with the Kenyatta University Code of Conduct and Ethics, 2015.
- ii) Ensure that members of staff, students and other stakeholders of the University have an opportunity to raise genuine concerns without fear of suffering retaliatory action, discrimination, harassment or victimization
- iii) Provide a transparent and confidential process for dealing with concerns regarding malpractice or any unethical behaviour as spelt out in the University Code of Conduct and Ethics, Kenyatta University Anti-Corruption Policy and any other relevant laws, government regulations and guidelines that guide Kenyatta University operations.

5. SCOPE OF THE POLICY

This Policy applies to all staff, students and other stakeholders on the following issues, among others:

- a) suspected fraud or corrupt practice
- b) a criminal offence which has or is likely to be committed
- c) disregard for legislation, regulations or guidelines
- d) a breach of the University Code of Conduct
- e) damage to the environment
- f) showing undue favour over a contractual matter or to a job applicant
- g) a situation where evidence may be concealed or destroyed

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- h) a previous disclosure of the same information where action has not been taken.

6. PROCEDURES FOR DISCLOSURE

- i) A whistleblower may report giving as much information as possible (who, how, what, where, when) on suspected fraud, corruption, any form of criminal act or unethical behaviour as specified in section 5 on Scope of the Policy.
- ii) The disclosure report should be factual rather than speculative, demonstrating that there is a reasonable ground for the concern.
- iii) If a whistle blower prefers to remain anonymous, then, they can report through the confidential reporting mechanism stated in this policy. Anonymous whistle-blowers will therefore not be able to receive feedback and that any action taken to look into a disclosure could be limited.
- iv) A disclosure report should be made to a University designated Officer, an immediate supervisor, Head of Department, the Registrar (Administration), DVC (Administration) or the Vice - Chancellor.
- v) The University designated officer will report to the Vice-Chancellor who shall be responsible for the commission of any investigation, as appropriate.
- vi) In the event that the disclosure is about the Vice - Chancellor, it shall be made to the Chairman of the University Council, who will decide on how the investigation will proceed.
- vii) A whistle blower must act in good faith and in public interest, and therefore personal grievances and complaints are not covered by this Policy nor are they regarded as a protected disclosure.

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- viii) The person or officer receiving the disclosure may have an initial discussion with the whistle-blower to establish necessary information needed to understand the situation and veracity of the allegation(s). During the disclosure meeting, a whistle-blower shall be allowed to be accompanied by a trade union representative or colleague, if they wish to do so.
 - ix) All persons who are first recipients of disclosure report should treat it in a strictly confidential manner, and take appropriate action to resolve the concerns (where appropriate) or refer it to the designated University officer for investigations.
 - x) The person or officer receiving the disclosure reports shall give an initial written response to the whistle-blower within five (5) working days, including details of any further action to be taken, and a full written response within ten (10) working days of the completion of the preliminary investigation where appropriate.
 - xi) The University shall provide necessary support (e.g. mentoring, advice and counselling) and protection against discrimination, harassment or victimization to a whistle-blower who is an employee, during what can be a difficult or anxious time.
 - xii) If it is so decided by the Vice-Chancellor that the matter should be taken further under these procedures, then the whistle-blower's concern may be referred to relevant government agencies, such as the police, Directorate of Criminal Investigations, or the EACC.
 - xiii) When a whistle-blower reports on issues outside the University, they shall be guided on which government agency to report to as per the Kenyan law, depending on the subject matter of the disclosure.
 - xiv) An employee who chooses to approach the media with their concerns shall in most cases lose their whistle-blowing rights provided for under this Policy.

- xv) Where a whistle-blower believes that they have been unfairly treated because of having blown the whistle they may decide to take their case to another officer or the Vice - Chancellor.
- xvi) Where a whistle blower is unsatisfied, they may make the disclosure to relevant external agencies such as the EACC, Directorate of Criminal Investigations, the Ombudsman or the Witness Protection Agency.

7. RESPONSIBILITIES

All members of staff have a responsibility to ensure that the best possible standards of care are achieved and to act in accordance with their professional codes of conduct.

Members of staff are further advised to:

- a) Report to an appropriate staff member as outlined in this procedure, any concerns that something is happening which might compromise the rules contained in the code of conduct.
- b) Raise concerns in good faith with the true belief that a malpractice has occurred.
- c) Not raise concerns with any malicious intent or of a vexatious nature.
- d) Raise concerns with an appropriate officer as outlined in the Kenyatta University Anti-Corruption Policy.

8. CONFIDENTIALITY

All concerns shall be treated in confidential manner.

9. ANONYMOUS ALLEGATIONS

Whistle blowers are encouraged to put their name and contacts for feedback to their concerns.

10. UNTRUE ALLEGATIONS

Disciplinary action shall be taken on a member of staff who makes allegations maliciously, frivolously or for personal gain.

11. REVIEW OF THE POLICY

This policy will be subject to review every three years or from time to time when deemed necessary by Management to incorporate emerging issues.

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