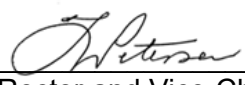


Policy Name/Title: Policy of the University of the Free State on the UFS Whistleblowing Hotline					
Policy Group(s): Delete categories that are not relevant.		Support Services Policy :Operations			
Type: Tick document category		Policy	X	Guideline	
		Procedure		Regulation	
UFS Statute and/or regulation reference number and date:		UFS Statue, Government Gazette, No 41399, 26 January 2018 UFS Statute, Government Gazette, No 42337, 29 March 2019			
Relevant legislation and/or policy, codes of practice, professional authorities:		1. The Prevention and Combating of Corrupt Activities Act - Act no 12 of 2004 2. Protected Disclosure Act No 26 of 2000			
Relevant institutional policies/manuals		3. UFS Code of Conduct and Procedure for Reporting 4. Possible Illegal Acts and Irregularities			
Consultation process To be verified and signed off before approval		1. Rectorate 2. UMC 3. Audit Risk and IT Governance Committee 4. Council			
Status		Amendment of Approved document as per minutes of Council 19 June 2020: minute nr 9.3.3			
Coordinating UMC owner		Vice-Rector : Operations			
Contact person		Director: Internal Auditing			
Certification of due process: To be verified and signed once approved by the relevant authority		 Rector and Vice-Chancellor		<u>1 December 2021</u> Date	
Approval date	To be inserted	Commencement date	To be inserted	Review date	To be inserted

REVISION HISTORY: Only applicable to amended or reviewed policies. Record details of amendments/revision.					
Version number	Approved/ Rescinded	Date	Approving Authority	Resolution Number (minutes number)	Date for next review (start date for review process)
V.1	Approved	19 Jun 2020	Council	9.3.3	19 Jun 2023
<i>For office use only</i>					
Policy Group (broad policy field)			Support Services Policy :Operations		
Subject (policy subfield)			Policy		
Reference Number			OP1000/P/1.0/20.2		
Version Number					
Keywords for Search Engine:			Whistleblowing, Operations, OP1000		

OP

Policy of the University of the Free State on the UFS Whistleblowing Hotline

1. Definitions and abbreviations

1.1 **UFS** means 'University of the Free State'.

1.2 **Improper activities** refer to any activity that (1) is in violation of any law or regulation, including, but not limited to, corruption, bribery, theft, fraudulent claims, fraud, coercion, malicious prosecution, misuse of property, or wilful omission to perform a duty, or (2) is economically wasteful, or (3) involves gross misconduct, incompetence, or inefficiency.

1.3 **Protected disclosure** refers to the Protected Disclosures Act, more commonly known as the "Whistleblowers Act", and makes provision for the following:

1.3.1 employees who want to report unlawful or irregular conduct by employers and fellow employees; and

1.3.2 protection of employees against any form of "occupational detriment" by employers as a result of making certain "protected disclosures".

1.3.3 **Occupational detriment** includes:

1.3.3.1 being subjected to any disciplinary action;

1.3.3.2 being dismissed, suspended, demoted, harassed or intimidated;

1.3.3.3 being transferred against his or her will;

1.3.3.4 being refused transfer or promotion;

1.3.3.5 being denied appointment to any employment, profession or office;

1.3.3.6 being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security;

1.3.3.7 being subjected to a term or condition of employment or retirement which is altered, or kept altered, to his or her disadvantage;

1.3.3.8 being refused a reference, or being provided with an adverse reference; and/or

1.3.3.9 being threatened with any of the actions mentioned above.

1.3.4 The ultimate objectives of the Act are to:

1.3.4.1 protect employees who "blow the whistle";

- 1.3.4.2 provide remedies for whistleblowers against occupational detriment;
- 1.3.4.3 provide procedures for whistleblowers to disclose information on improprieties in a responsible manner;
- 1.3.4.4 create a culture facilitating the responsible disclosure of information by employees relating to criminal and other irregular conduct in the workplace; and
- 1.3.4.5 promote the eradication of criminal and other irregular conduct in the public and private sectors.

1.4 **Whistleblower** refers to a person or entity making a protected disclosure. Whistleblowers may be University employees (academic or non-academic employees), applicants for employment, students, vendors, contractors, or the general public. The whistleblower's role is to serve as a reporting party. Whistleblowers are not investigators or fact finders, nor do they determine the appropriate corrective or remedial action that may be warranted.

2. **Background**

The University of the Free State is a public institution, and is obliged by legislation to put effective policies and control measures in place in order to ensure good corporate management and/or governance. In addition, the Council and management are committed to good corporate management and/or governance and, specifically, compliance with King IV, as far as practically possible.

3. **Purpose of the policy**

The University's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. Intentional and unintentional violations of laws, regulations, policies and procedures may, however, occur and may constitute improper activities as defined by the statute (see "Definitions"). The University has a responsibility to investigate allegations of suspected improper activities and report them and the steps the University has taken in response thereto to the appropriate parties.

This policy governs reporting and investigation of allegations of suspected improper activities and facilitates the application of the Protected Disclosures Act No. 26 of 2000.

4. Guiding principles

Users of the UFS Whistleblowing Hotline service can report their disclosures using any one of the following mediums:

- 4.1 The toll-free number, 0800 122 337, the lines of which are manned 24 hours a day, 365 days a year.
- 4.2 SMS to 33490.
- 4.3 Toll-free fax at 0800 212 689.
- 4.4 Sending an email to: ufs@whistleblowing.co.za
- 4.5 Postal: Freepost KZN665, MUSGRAVE 4062
- 4.6 Online: www.whistleblowing.co.za
- 4.7 All calls to the hotline number will be handled by a call operator, who will transcribe the information provided by you to a call sheet customised to your specific requirements.
- 4.8 Each caller will be allocated a specific reference number to be used should the caller wish to provide further information on a subsequent date, or should the caller, at a later stage, enquire about the progress being made in respect of the matter reported.
- 4.9 The information transcribed to the call sheet will be transmitted to designated recipients at the UFS, who will be responsible for taking action based on the information contained in such a report.

The Head of Internal Audit will be contacted by email.

In instances where allegations are made against the aforementioned recipient, the report must be sent to the Rector and Vice-Chancellor and the Chairperson of the Audit, Risk and IT Governance Committee of the Council.

In cases where the Rector and Vice-Chancellor is involved in alleged irregularities, the report will be sent to the Chairperson of the Council.

In a situation where the Chairperson of the Council is involved in alleged irregularities, the report will be sent to the relevant sub-committee of the Council.

- 4.10 The option of remaining anonymous will be explained to each caller. In the event of the caller requiring anonymity, we will be entitled to refuse to provide

any indication of the caller's identity.

4.11 All calls will be recorded and the recordings will be kept for a period of **two years. This will be revised in the short/medium term pending the formulation of the UFS policy on retention of documentation in line with POPIA.** A copy of the information received will be stored at an offsite location to ensure its safety.

4.12 In the event of the information provided indicating a *prima facie* immediate or physical threat to staff members of the University or the general public, the information will be conveyed to the South African Police Service on 10111, as well as to the individual designated by the University.

5. Policy

5.1 Anyone with a reasonable basis for believing that an irregular act has occurred or is occurring has a responsibility to report this immediately as outlined by the UFS Code of Conduct and Procedure for Reporting Possible Illegal Acts and Irregularities, and the Prevention and Combating of Corrupt Activities Act, Act no. 12 of 2004. Anyone making a report must act in good faith when reporting an allegation and must disclose all relevant information available to him or her. An employee who acts against a whistleblower who has made a full report in good faith will be subjected to the University Disciplinary Code, up to and including termination of employment.

5.2 A person making a report may choose to remain anonymous and not disclose any personal details. The University will take reasonable steps to protect the identity and disclosures of whistleblowers in cases where the whistleblower has requested this, where the whistleblower has acted in good faith, and where he or she has disclosed all information available to him or her.

5.3 All information received via a hotline mechanism will be treated as confidential, as long as it remains within the control of the organisation.

5.4 Whistleblowing does not provide a channel for reporting grievances or general complaints. These must be dealt with in terms of the University's grievance procedures. This policy is intended to address concerns that fall outside the scope of grievance procedures, which include, but not limited to the following:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;

- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of company resources;
- possible fraud and corruption;
- sexual or physical abuse;
- other unethical conduct;
- serious failure to comply with appropriate professional standards;
- abuse of power, or use of company powers and authority for any unauthorised use or personal gain;
- deliberate breach of company policies and/or procedures.

5.5 No employee may be adversely affected because he or she refuses to carry out a directive that constitutes an irregularity and/or unlawful and unreasonable instruction. Confidential reporting (identity disclosed) rather than anonymous reporting (identity not disclosed) is encouraged.

5.6 When reporting telephonically, the following information should be provided:

- 5.6.1 Telephone number (especially if a message is left).
- 5.6.2 All relevant information concerning the allegation, including the department(s) and individual(s) involved, what occurred and when.
- 5.6.3 Name of caller (optional).
- 5.6.4 Written complaints must include at least the above information. In cases where a complainant provides his or her name and telephone number, this information will not be passed on should the caller wish to remain anonymous.
- 5.6.5 The date of the call and all relevant information will be documented and investigated, OR forwarded, as appropriate, to the Internal Audit Department for assessment and possible investigation. The investigation that follows will be done in a manner that protects the confidentiality and anonymity of the whistleblower. No attempts shall be made by any University staff members to try to identify anyone wishing to remain anonymous.

5.7 The Fraud Response Plan deals with how the University will address or respond to matters reported, whether through internal reporting mechanisms or through the UFS Whistleblowing Hotline. The following points are important:

- 5.7.1 The University will respond to all disclosures.

5.7.2 The University will ensure that the employee is protected if the disclosure is made in good faith.

5.7.3 In order to protect individuals and those accused of transgressions or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

5.7.4 Where an investigation is appropriate, the matters raised will either:

- be investigated internally by management, Internal Audit, or through the disciplinary process, or
- be referred to an independent outside service provider with the necessary specialist expertise and experience in dealing with the type of disclosure made. This will be reviewed on a case-by-case basis.

5.7.5 Some concerns may be resolved by agreed-upon action, without the need for formal investigations. If urgent action is required, this will be taken before any investigations are conducted.

5.7.6 The investigation and the duration thereof will depend on the nature of the matters raised, the difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the individual, if this is possible.

5.7.7 The investigations will be handled in a confidential manner and will not be disclosed or discussed with anyone other than those with a legitimate right to such information. Appropriate feedback will be provided upon request by the whistleblower.

5.8 When a whistleblower willfully makes a report that is not in good faith and where he or she has not disclosed all information available to him or her they will be subjected to the University Disciplinary Code, up to and including termination of employment.

5.9 If pursuant to the investigation process, there is no evidence against the employee and/or person/ (s) that he/she has committed a misconduct; the UFS will provide written feedback to that employee and/or person/ (s) concerned.

6. Scope

This policy applies to all staff, students, consultants, vendors, contractors, and/or any other parties with a business relationship with the University.

7. Review procedure

The Internal Audit Department is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed every three years and changes will be approved through the relevant official structures.

8. Policy record

Document name	Policy of the University of the Free State on the UFS Whistleblowing Hotline
Document number	
Coordinating UMC member	V Visser (not a member of UMC)
Contact person	V Visser
Status	Director: Internal Audit
Approved by	Rectorate, UMC, Audit, Risk and IT Governance Committee and finally by the Council
Date finally approved	19 June 2020
Date last amended	
Date for next review	19 June 2023
Person responsible for review	V Visser
Monitoring by	Audit, Risk and IT Governance Committee

Related documents	UFS Code of Conduct and Procedure for Reporting Possible Illegal Acts and Irregularities; The Prevention and Combating of Corrupt Activities Act, Act no. 12 of 2004; and Protected Disclosures Act No. 26 of 2000
Effective date	1 February 2020