ANTI-CORRUPTION, BRIBERY, FRAUD AND WHISTLEBLOWING POLICY

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ABBREVIATIONS AND ACRONYMS

IIC	Institutional Integrity Committee
MUBAS	Malawi University of Business and Applied Sciences
DoSA	Director of student Affairs
PPDA	Public Procurement and Disposal of Public Assets Act

DEFINITIONS

University	Malawi University of Business and Applied Sciences
Whistleblower	Any person who may be an employee, a student, or the general public who discloses information to a government official, a law enforcement agency, a person with authority or another employee who has the authority to investigate, discover or correct the violation or noncompliance. Or Any person who provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry, where the reporting individual has reasonable cause to believe that the information provided discloses or reveals that there is: a violation of statute; a violation or noncompliance with rule or regulation, policies or procedures, such as harassment, corruption, theft, fraud, misuse of data, academic or professional misconduct, or any other unethical conduct; and a threat to employee safety or health, and working conditions or practices.
Complaint	Is an allegation or concern known to the IIC that is subject to investigation.
Complainant	is any party who conveys a concern, allegation or information indicating fraud, corruption or misconduct.
Investigation	Is a process designed to gather and analyze information in order to determine whether an act of fraud, corruption, or other misconduct has occurred and if so, the party or parties responsible.
Anti-corruption	these are efforts, policies, and practices aimed at preventing, detecting, and punishing corruption, which involves abuse of power of position of personal gain
Malpractice	is an improper, illegal, or negligent professional behavior, often resulting in harm or damage to individuals or organizations.

Fraudulent and Corrupt Practices include:

Corrupt Practice is the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;

Fraudulent Practice is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

Bribery is the act of offering, giving, receiving, or soliciting something of value, typically money, good, or services, with the intention of influencing or corrupting the behavior of public officials, business leaders, or other individuals in a position of authority.

Coercive Practice is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;

Collusive Practice is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.

Misconduct is a failure by a staff member to observe the rules of conduct or standards of behavior prescribed by the Authority (the Organization).

The Standard of proof that shall be used to determine whether a complaint is substantiated, is defined for the purposes of an investigation as information that, as a whole, shows that something is more probable than not.

1.0 PURPOSE

The purpose of this policy is three-fold, namely:

a) to encourage all members of the University community and the general public with good intentions to report suspected violations of the law or University policies, statutes and regulations;
b) to provide a mechanism for reporting and investigating suspected violations; and
c) to reinforce the University's non-retaliation, stand for anyone who, in good faith, reports actions that are perceived to violate University's policy or legislation.

2.0 AUTHORITY

The Policy draws its mandate from the Constitution of the Republic of Malawi, the Corrupt Practices Act (2016); the United Nations Convention Against Corruption (2015); the International Labor Organization; the Access to Information Act (2019); the Financial Crimes Act (2020); Money Laundering (2024), Proceeds of Serious Crimes and Terrorist Financing Act (2006), among others.

3.0 STATEMENT

a) The University shall be committed to achieving the highest possible standards of service, honesty, openness, probity and accountability. It shall seek to conduct its business in a responsible manner, meeting the requirements of the funding bodies and the principles of public service which are selflessness, integrity, openness, accountability, honesty and leadership. This is in accordance with Section 13(0) of the Constitution of the Republic of Malawi.
b) The policy is intended to assist individuals who believe they have discovered genuine malpractice or serious wrongdoing provided that they make the disclosure in accordance with this policy. The policy is not designed to question financial or business decisions taken by the University unless these involve malpractice. It is also not designed to be used to reconsider any personal matters which have already been addressed under disciplinary or complaints procedures, or student conduct procedures.
c) The University shall protect from retaliation all whistleblowers who report, in good faith, suspected violations of law or University policy.

4.0 SCOPE

This Policy applies to all University stakeholders that include members of staff, students, guests, volunteers and others.

5.0 OBJECTIVE

The objectives of this policy are to:

a) Provide a framework to assist employees and stakeholders of the Institution in promoting an environment and culture that is intolerant to fraud and corruption.
b) Bring awareness to all stakeholders of their responsibilities to prevent, detect, and report fraud and corruption.
c) Provide guidelines and procedures for preventing, detecting, reporting and investigating fraud and corruption.
d) Provide impartiality in investigating suspected fraud and corruption.
e) Prevent and protect employees and witnesses from victimization or harassment as a consequence of reporting and investigating fraud and corruption.

6.0 PREVENTION/RISK REDUCTION/MITIGATING

6.1 Code of Conduct

Provisions in the Staff regulation and condition of service handbook under, Sections 9.2 (Types of misconduct).

6.2 Internal Controls

a) **Segregation of duties/Approval hierarchy** – The University shall Implement segregation of duties in line with the financial policies and Procedures hand book, Student assessment handbook, Admissions requirements and any other policies utilized throughout the Institution.
b) **Transparent procurement** – The University shall ensure transparency of the procurement process by complying with provisions of section 37 of the Public Procurement and Disposal of Public Assets Act (PPDA).

6.3 Risk Areas Prone to Fraud and Corruption

Effective risk assessment lies at the core of the success of this policy. It is important that an assessment is undertaken of the risks of fraud, bribery or corruption or of the perception arising that this may have occurred. This enables proportionate and prioritized mitigating actions to be put in place.

The Policy highlights the following as areas that are more prone to Fraud and Corruption and the University shall reinforce measures to mitigate and prevent possible cases of Fraud and Corruption in areas such as:

i. Procurement

ii. Finance
iii. Academic
iv. Human Resources and Administration
v. Security
vi. Projects
vii. Stores
viii. Hostel
ix. Catering
x. Transport

The University shall mitigate by:

i. regularly monitoring employees and associated persons working in higher risk areas.
ii. regularly communicating with employees and associated persons working in higher risk areas.
iii. undertaking proportionate due diligence of third parties and associated persons; and consistently communicating its zero-tolerance approach to fraud, bribery and corruption to third parties, including actual and prospective customers, suppliers and joint-venture partners.

6.4 Whistleblowing Mechanisms

The University shall implement the following whistleblowing procedures;

a) Clear reporting procedures

i. The channels and procedures for whistleblowing or raising complaints shall depend on whether or not the allegation, complaint or information is being made or disclosed by University, students or by a party external to the University.
ii. A University employee shall report allegations or concerns through the Hotline or, depending on such University employee's choice, through an immediate supervisor. Where the employee suspects a conflict of interest with the immediate supervisor, the Employee may report to the Head of Department or directly to the IIC Chairperson.

iii. All persons external to the University shall be free to use the Hotline to register complaints and make allegations in confidence.
iv. Once registered, the allegation will be evaluated by the IIC to determine its credibility, materiality and verifiability. To this end, the complaint will be evaluated to determine whether there is a legitimate basis to warrant an investigation.

b) Examples of malpractices

In addition to misconducts outlined in Section 9.2 of the conditions of service, the following are additional examples of corruption and malpractices:

i. financial malpractice or impropriety, fraud, bribery, stealing or corruption;
ii. irregularities in the hiring or promotion of staff;
iii. academic and examination malpractices such as the production, citation, or other use of fraudulent research data, breach of intellectual property, plagiarism, cheating in examination and impersonation;
iv. professional malpractice;
v. Practicing of nepotism, tribalism, clannism;
vi. Inversion and distortion of social values including soliciting for and giving/seeking sexual and assorted favors;
vii. obstruction or frustration of academic freedom;
viii. irregular procurement of goods and services;
ix. irregular resource allocation; and
x. falsification of data or documents.
xi. criminal activity;
xii. failure to comply with any legal obligation;
xiii. miscarriage of justice;
xiv. danger to health and safety;
xv. damage to the environment; and
xvi. the deliberate concealment of any of the above.

c) Confidentiality and anonymity

The University shall ensure that the IIC, and Investigations team sign Conflict of interest declaration form before handling any reported issue. The investigations team shall Ensure there is limited access to documents under review regarding a reported case.

d) Protection from retaliation

i. Where a person has acted in good faith in reporting suspected fraud and corruption, all reasonable steps shall be taken to provide them with protection against, intimidation, reprisals, discrimination, or retaliation.
ii. Where an allegation is made in good faith, but it is not confirmed by the investigation, no action shall be taken against the originator. if, however, individuals make malicious allegations, disciplinary or other appropriate action may be considered against them.
iii. Any act of victimization shall be reported to the Council Chairperson, Vice chancellor, IIC chairperson, Internal auditors, DoSA, Registrar and the Anti-corruption bureau.

iv. The IIC will provide a confidential support and counselling hotline to Whistleblowers who raise concerns under this policy.

7.0 DETECTION

7.1 Regular Audits and Review (Internal and External Audits)

The University, through the Internal audit department shall conduct regular audits in accordance with the approved risk based internal audit plan. Independent audits by external auditors shall be conducted annually.

7.2 Expense Monitoring

The University shall ensure that there are random verification of project financial transactions when required.

7.3 Tip-offs (Designated Platforms/Channels)

Below are the procedures for reporting suspected fraud and corruption.

7.3.1 Reporting internally

Who the reports should be made to:

a) Internal Reports should be made to the following:
   i. The Council Chairperson
   ii. The Vice Chancellor (VC)
   iii. The Institution Integrity Committee
   iv. The University Registrar (UR)
   v. The Head of Internal Audit (HIA)
   vi. The Heads of Departments. (HoD)
   vii. Immediate supervisors.
b) Reporting against the Members of Council, Executive Management, and Head of Internal Audit, Malpractices involving:
   i. The Head of Internal Audit shall be made either to the Vice Chancellor or the Council Chairperson.
   ii. The Vice Chancellor and other members of Executive Management shall be made to the Head of Internal Audit or Council Chairperson.

7.3.2 Methods of Internal Reporting

Reporting shall be done using any of the following methods:

By letter to the following address:

The Institutional Integrity Committee (IIC) Chairperson

MUBAS

Private Bag 303

Chichiri

Blantyre 3; or

By e-mail to iic@mubas.ac.mw or

Corruption complaint boxes placed in strategic places at the University or

In person.

In an event that the Chairperson of the IIC or a member of the IIC is compromised, members should report directly to the Vice Chancellor /University Registrar/Head of Internal Audit/Heads of Departments. Reports can also be sent directly to the Council Chairperson.

MUBAS

Private Bag 303

Chichiri

Blantyre3; or

By telephone on +265 1 871 637; or

By e-mail to vice-chancellor@mubas.ac.mw or

In person.

7.3.3 Reporting externally

Who the Reports should be made to

a) External reports shall be made to the following:
   i. The Director of the Anti-Corruption Bureau.
   Anti – Corruption Bureau, P. O. Box 2437, Lilongwe. Or
   Telephone on 01770166. Or
   Toll free line on 113. Or
   anti-corruption@acbmw.org
   or

The Inspector General,
Malawi Police Service, Private Bag 305, Lilongwe.

ii. The Minister of Finance.
iii. The Secretary for Education.

b) Methods of External Reporting

i. Reporting shall be done by letter, telephone, fax, e-mail or in person.

8.0 REPORTING MECHANISMS

8.1 Reporting Channels

The University shall adopt the reporting channels as above.

8.2 Reporting Frequency

a) The University encourages whistleblowers to report any malpractices with 48hours. The report should among other things give the background and history of the concern, giving names, dates and places where possible.
b) The person reporting is not expected to prove the truth of an allegation but they will need to demonstrate to the person contacted that they are sufficient grounds for concern.
c) At the end of each quarter the IIC is to produce a summary of all reports, actions and status for that period.

8.3 Investigation Process

a) The form of investigation shall depend on the nature of the matter raised. The IIC shall determine whether the matter should be:
   i. investigated through internal procedures or
   ii. referred to the police or other external authority
b) Any investigation under this policy shall be treated as sensitive and conducted with speed
c) Those participating in investigations shall maintain strict confidentiality at all stages of the process.
d) Where the University is satisfied that a formal investigation is required, the following shall apply:
   i. The IIC will appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter, to carry out a formal investigation.
   ii. The University will inform the person or persons who are the subject of the disclosure, of the substance of the disclosure and any evidence supporting it;

iii. The University shall offer to interview the person or persons who are the subject of the disclosure, who may be accompanied by a Union representative/or work colleague;
iv. Following the interview, the University shall draw up a report of their findings including recommendations as to what further steps, if any, need to be taken. Any recommendations will be referred to the appropriate office.
v. The University will aim to keep the Whistleblower informed of the progress of the investigation and its likely timescale, where it is appropriate to do so. However, sometimes the need for confidentiality may prevent it from providing specific details of the investigation or any disciplinary action taken as a result. The Whistleblower should treat any information about the investigation, as confidential.

If it is concluded that a Whistleblower has made allegations maliciously, frivolously, vexatiously and/ or with a view to personal gain, and particularly where they persist in making them, disciplinary or other appropriate action may be taken against the individual concerned.

9.0 RESPONSIBILITIES OF THE UNIVERSITY

For any concern raised, the University will:

a) promote a culture where you can feel safe in raising a genuine concern;
b) act promptly, sensitively, fairly and professionally;
c) protect stakeholders (and their family's) from direct, indirect or "soft" retaliation because you have made a disclosure (for example, loss of status or opportunity for advancement, or being treated as a troublemaker);
d) react swiftly to any evidence of retaliation, including making use of the disciplinary procedures applicable to staff and students;
e) keep our process as simple and supportive as possible;
f) continue to enhance our environment so that you feel confident that well-intentioned disclosures are welcomed and that we are working together to achieve openness and integrity in all our activities.

10.0 IMPLEMENTATION

10.1 Communication

The Policy shall be disseminated to the relevant stakeholders as outlined in the scope.

10.2 Training

The University shall conduct workshops to train stakeholders on the provisions of this policy.