



POLICY NUMBER: 35

WHISTLEBLOWER PROTECTION POLICY

Prepared by: Division of Human Resources

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Content

Definitions

Whistleblower – any person including employees, Council members, students, members of the public, who reports information regarding an actual, suspected, or anticipated wrongdoing within the Fiji National University.

Receiving Officer – the Officer who receives all whistleblower disclosures or complaints submitted through the FNU website. The Receiving officer is independent of the investigation process.

1. Policy Overview

- 1.1. As part of the University's good corporate governance practices, this policy is intended to protect any Whistleblower who engages in good faith disclosure of alleged wrongful conduct to a designated University official. More specifically it:
 - 1.1.1. Encourages Whistleblowers to disclose serious breaches of conduct covered by University policies or laws of the Republic of Fiji;
 - 1.1.1.1. informs employees how allegations of wrongful conduct may be disclosed;
 - 1.1.1.2. protects employees from reprisal by adverse employment action as a result of having disclosed wrongful conduct; and
 - 1.1.1.3. provides individuals who believe they have been subjected to reprisal, a fair process to seek relief from retaliatory acts.
 - 1.1.2. Nothing in this policy is intended to interfere with legitimate employment decisions to provide protection to University employees who:
 - 1.1.2.1. disclose or threaten to disclose to their supervisor an act or omission that the employee reasonably believes to be a violation of law, rule or regulation by another University employee;
 - 1.1.2.1.1. provide information to or testify before any authorised state authority conducting an investigation hearing or inquiry into a violation of law, rule, or regulations; or
 - 1.1.2.1.2. assist or participate in a proceeding to enforce the Code of Conduct.
 - 1.1.3. The University ensures non-punitive reporting and shall not reprimand, discharge, suspend, demote, or deny promotion or transfer an employee in relation to an employee's exercise of any one of the three protected activities listed in s.1.1.2 above.
 - 1.1.4. The Code of Conduct Policy provides remedies for employees if retaliation occurs, and if the employee's work performance or behaviour did not warrant the adverse action.
 - 1.1.5. Employees with grievances must utilise the Grievance Policy and must not use the provisions of the Whistleblower Protection Policy to anonymously raise their grievances.
 - 1.1.6. The University will protect the identity of the Whistleblower and will not disclose the Whistleblower's identity without his or her consent, or unless required by law.
 - 1.1.7. All Whistleblowers must confirm that they have read and understood the Whistleblower Protection Policy of the Fiji National University and accept the terms and conditions before submitting a report.

2. Policy Principles

2.1. Breach of Policy

2.1.1. Notwithstanding any other policy, regulation or national or international law:

- 2.1.1.1. any disclosure to an individual or organisation outside the University prior to exhausting the processes provided for in this policy; or
- 2.1.1.2. a disclosure in breach of the procedures for disclosure, shall comprise a breach of the Whistleblower Protection Policy. Such breach shall be deemed to be a gross misconduct.

2.2. Conduct and Behaviour

2.2.1. The University has developed policies and procedures for enforcing standards of conduct and behaviour.

2.2.2. An employee cannot be compelled by a supervisor to violate a University policy, an applicable law, or public policy.

2.2.3. In the interest of the University, an employee who has particular knowledge of specific acts, which he or she reasonably believes constitute wrongful conduct should disclose the conduct to the Director Human Resources and/or the Vice Chancellor.

2.3. Wrongful Conduct

2.3.1. Wrongful conduct is defined in this policy to be an action within the Fiji National University that is:

- 2.3.1.1. a violation of any University policy;
- 2.3.1.2. a violation of applicable laws of the Republic of Fiji; and/or
- 2.3.1.3. the use of University property, resources, or authority for personal gain or other non-University related purposes except as provided for under University policies.

2.4. Disclosure and Investigation

2.4.1. Where the University has defined policies and procedures for maintaining standards of conduct and disclosure of violations, the applicable University policies should be followed to disclose such violations.

2.4.2. In matters relating to wrongful conduct, mismanagement of University resources, or an abuse of authority, which is not covered by University policy, the Director Human Resources is designated to receive such disclosures and conduct or co-ordinate follow up, which may include an investigation of the disclosure.

2.4.3. The Division of Human Resources maintains records of these allegations. The Director Human Resources will determine whether to refer it to other Departments (for example, internal audit, campus security, OHS Committee, and so).

2.4.3.1. on whom will follow up on the matter, which may include an investigation of the disclosure.

2.4.4. Laws and University policies impose privacy and confidentiality restraints on reporting the results of such a review or investigation. Within the constraints of these laws and policies, the Director of Human Resources will acknowledge, and as appropriate and permissible by law and policy, provide confirmation of the status and outcome of the review.

2.4.5. It should be noted that a disclosure warranting an investigation is not the same as making a complaint of reprisal.

2.4.6. Malicious Complaints - Any employee raising a malicious complaint using the whistleblower provision shall be deemed to have committed a gross misconduct.

2.4.7. In matters of disclosure, the University will make all reasonable efforts to maintain the identity of the employee making the disclosure confidential, as long as maintaining confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action.

2.5. Complaints of Reprisal

2.5.1. The Director Human Resources will co-ordinate with the Vice Chancellor or other senior leadership

2.5.2. staff to appoint an Investigator.

2.5.3. The investigator will report findings and recommendations to the appointing senior leadership.

2.5.4. official concerning whether retaliation occurred, and if so, what should the appropriate remedy or remedies be.

2.5.5. The decision of the Vice Chancellor shall be final.

2.6. Whistle-blowing Procedures

2.6.1. When Wrongful Conduct is alleged against a fellow employee, the person disclosing must disclose the activity to any one or more of the following:

2.6.1.1. Immediate Supervisor of the employee.

2.6.1.2. And may copy the Section head (Dean or Director), Director Human Resources, and Vice Chancellor.

2.6.1.3. The FNU website portal

2.6.2. When Wrongful Conduct is alleged against a Supervisor, the person disclosing ~~can~~ must disclose the activity to any one or more of the following:

2.6.2.1. Immediate Supervisor of the Supervisor

2.6.2.2. Section head (Dean or Director).

2.6.2.3. And may copy the Director Human Resources, and Vice Chancellor.

2.6.2.4. The FNU website portal

2.6.3. When Wrongful Conduct is alleged against any officer higher than a Supervisor, the person disclosing must disclose the activity to any one or more of the following:

2.6.3.1. Section head (Dean, Director, Registrar).

2.6.3.2. And may copy the Director Human Resources, and Vice Chancellor.

2.6.3.3. The FNU website portal

2.6.4. When Wrongful Conduct is alleged against a Dean or Director or Registrar or any officer between the ranks of Director and Vice Chancellor, the person disclosing may disclose the activity to any one or more of the following:

2.6.4.1. The Vice Chancellor.

2.6.4.2. The FNU website portal

2.6.5. When Wrongful Conduct is alleged against the Vice Chancellor, the person disclosing may disclose the activity to any one or more of the following:

2.6.5.1. The Chairperson of the Council's Human Resources Policy Committee.

2.6.5.2. The Chairperson of the University Council.

2.6.5.3. The FNU website portal

2.6.6. When Wrongful Conduct is alleged against the Chairperson of the University Council, or any chair and/or member of the University Council, the person disclosing may disclose the activity to the Minister responsible for tertiary education.

2.6.7. It is strongly recommended that employees making disclosures also advise either the Director Human Resources or the Vice Chancellor of the alleged wrongful conduct. This will serve to advance the integrity of this policy, as well as provide further protection to the employee making such disclosure(s).

2.7. Obligation of the Officer with the Disclosure

2.7.1. The office holder who has received any disclosure of wrongful conduct shall deal with the disclosure promptly and decisively by submitting the disclosure to the Director of Human Resources, with a copy to the Vice Chancellor, to be dealt with.

2.8. Anonymous Disclosures or Complaints

2.8.1. Where an anonymous complaint is received which can easily be ascertained by the University to be wrongful conduct, it shall be regarded as a bona fide disclosure of an irregularity that the University must act on.

2.8.2. Whistleblowers are encouraged to put their name to any disclosures they make. Where anonymous complaints are received which cannot be subject to verification on a prompt check, and/or confirmation without further information from the complainant, the complaint or disclosure shall not be considered as an allegation of wrongful conduct and shall be disregarded.

2.9. Whistleblower disclosures or complaints submitted through the FNU website

2.9.1. All Whistleblowers submitting disclosures or complaints through the official portal on the FNU website may request to remain anonymous or may submit a disclosure or complaint without disclosing their identity.

2.9.2. All Whistleblowers must acknowledge reading and understanding this policy before submitting a disclosure or complaint.

2.9.3. All whistleblower disclosures or complaints submitted through the FNU website will be received by the Receiving Officer.

2.9.3.1. The Receiving Officer shall not disclose the identity of the Whistleblower without his or her consent, or unless required by law.

2.9.3.2. The Receiving Officer is based in the Risk and Compliance Department.

2.9.3.3. The Receiving Officer maintains a log of disclosures or complaints, which must not include the details of the Whistleblower.

2.9.4. The University shall provide feedback to each Whistleblower where sufficient contact details are provided.

2.9.5. On the request of the Investigator, the Receiving Officer may contact the Whistleblower through the designated phone and email contact to clarify matters pertaining to the disclosure or complaint.

2.10. Whistleblowers other than staff or Council members

2.10.1. Whistleblowers other than staff or Council members must submit their disclosures or complaints through the official portal on the FNU website.

2.10.2. The University will only consider disclosures or complaints from Whistleblowers other than staff or Council members that are duly verified and submitted through the official portal on the FNU website.