

# Protected Disclosures & Whistleblowing Policy

---

<b>Policy Number:</b>	<b>1.6.1.26</b>
<b>Responsible Officer:</b>	<b>Director Assurance &amp; Compliance</b>
<b>Policy Editor/Contact:</b>	<b>Director Assurance &amp; Compliance</b>
<b>Approving Authority:</b>	<b>Executive Committee</b>
<b>Date approved:</b>	<b>29 September 2022</b>
<b>Review date:</b>	<b>September 2025</b>

## 1. Purpose

The University of the South Pacific (the University) is committed to a culture of integrity, compliance, good governance, honest and ethical conduct and expects transparency and accountability in its administrative and management practices. The University seeks to conduct its affairs in a responsible manner taking into account the requirements of its funding bodies for the proper use of public funds and of the standards required of it in jurisdictions which refer to it as a public body and to its employees as public servants or officials.

## 2. Objective

This policy ensures that the University:

- encourages and facilitates the disclosure of serious wrongdoing, by individuals who fear reprisal when reporting through existing and relevant University policies and procedures;
- provides appropriate protection for those who make disclosures under this policy; and
- carries out investigations and where appropriate acts upon it.

## 3. Definitions

TERM	DEFINITION
Authorised Disclosure Officer	Person who is authorised to receive disclosures of wrongdoing on the University's behalf
Preliminary Investigation	This is the initial enquiry conducted to assess the credibility of the information provided and to determine if there is sufficient basis to initiate a full investigation.
Protected Disclosure	Any disclosure made by a whistle blower on a serious wrongdoing in good faith under this policy.
Public Body	This refers to the University in any of its locations where the law of the land refers to it as a public body <sup>1</sup> .
Public Servant/Official	This refers to any prescribed officer or employee of the USP in any of its location where the laws of the land refer to them as public servants or officials <sup>2</sup> .
University Personnel	Any officer or employee of the University or any contractor engaged on any basis by the University.
Victimisation	When a person causes detriment (including injury, damage, loss, intimidation, harassment, discrimination, disadvantage, adverse treatment regarding employment or threats of reprisal) to another on the basis, that the other

<sup>1</sup> Schedule 1 of the [Prevention of Bribery Acts 2007](#)

<sup>2</sup> The [Prevention of Bribery Acts 2007](#), defines public servant in section 2(1) as any prescribed officer or employee of a Public Body. The [Crimes Act 2009](#) also defines "public official" in section 4, as any person who holds or performs the duties of an office established by or under any law. The University of the South Pacific is established under the University of the South Pacific Act in the Laws of Fiji.

	person or a third person has made or intends to make an appropriate disclosure of wrongdoing
Whistle blower	Any person (including but not limited to University Personnel, students, volunteers and visitors or any of their relative, spouse or dependent) who makes, or attempts to make, appropriate disclosure of serious wrongdoing (in which they are not involved) and wishes to avail themselves of protection against victimisation.
Serious Wrongdoing	Conduct which in the view of a person acting in good faith is dishonest, fraudulent, corrupt, unethical (code of conduct breach), breach of legislations or by laws, any other serious improper conduct which may cause financial or non-financial loss to the University or be otherwise detrimental to the interest of the University (including gross mismanagement, serious and substantial waste or repeated instances of breach of administrative procedures).

#### 4. Policy Provisions

- a. Application** This policy applies to any member and representative of the University, including the Council and its Committees, persons and entities who provide the University with contracted services and employees. It covers matters of serious and legitimate concerns that may bring disrepute, have financial, legal and compliance implications and affect the functioning of the University. This policy cannot be used by individuals to make complaints about alleged breaches of their own contracts of employment; escalate staff grievance against colleagues, co-workers or supervisors; challenge financial and business decisions lawfully taken by the University; or seek reconsideration of any matter lawfully addressed under other internal procedures except for matters where there has been a clear miscarriage of justice.
- b. Reporting** All University personnel should be aware of and comply with the policies of the University, their legal and ethical obligations and the importance of preventing and eliminating wrongdoing at work. They should be watchful for illegal or unethical conduct and encouraged to report anything of that nature that they become aware of under the respective policy. However, anyone who has concerns about serious wrongdoing connected with this University, may make a whistle-blower disclosure regarding those concerns under this policy if they fear reprisal.

The University must provide training to assist University Personnel to comply with their legal and ethical obligations and sufficient information and guidance to facilitate disclosures of wrongdoing under this policy.

Reporting can be done directly on the Whistleblowing Reporting Platform, to assigned Whistle-blower Disclosure Officers or to USP external auditor who have been authorised to receive these disclosures. Information that may be disclosed under this policy must meet the following criteria:

- the information is about serious wrongdoing in or by the University and the whistle-blower believes on reasonable grounds that it is true or likely to be true; and
- the whistle-blower wishes to disclose the information about serious wrongdoing so that it can be investigated and wishes the disclosure to be protected.

- c. Protection** The University is committed to supporting and protecting whistleblowing from victimisation. However, this protection is not available to persons who maliciously make frivolous, vexatious or false allegations as this is a disciplinary offence categorised as a gross misconduct. Any act of retaliation by an employee of the University against someone who has reported a concern in good faith is a disciplinary offence categorised as a gross misconduct. The University's Whistle-blower Protection Officer is the Executive Director People & Workplace Strategy and in cases where there is a conflict, it will be the Vice- Chancellor & President.

- d. **Confidentiality** The University must treat all protected disclosures in a confidential and sensitive manner. It must do the same for the identity of the whistle blower so long as it does not hinder or frustrate any investigation, or unless the whistle blower agree otherwise. However, the investigation process will require the individual making the disclosure to provide a statement as part of the evidence required. When making such a statement the individual may wish to be accompanied by a work colleague or a Union representative. The whistle blower should treat any information about the allegation and the investigation as confidential and sensitive.
- e. **Anonymous allegations** This policy encourages individuals to put their name to any disclosures they make. The University may not investigate anonymous complaints or whistleblowing reports if the information provided is insufficient to cause an investigation.
- f. **Investigation** The University's Whistle-blower Investigation Officer will conduct preliminary assessments of the disclosures to determine grounds for proceeding into a full-scale investigation. The Investigation Officer will have full access to records and persons to be interviewed as part of this process. Any employee against whom an allegation has been made has a right of due process by way of opportunities to respond to the allegations and should be presumed innocent unless and until proven guilty. If misconduct is discovered as a result of any investigation under this policy the University's disciplinary procedure will apply, in addition to any appropriate external measures.
- g. **Feedback** The whistleblower must be updated on the progress and outcome of the matters concerning their disclosure as and when this is practical and as determined by the Director Assurance & Compliance. The need for confidentiality may prevent the provision of feedback to the whistle-blower on specific details of the investigations or actions taken.

## 5. Other Cases Relating to Council Members

Any reports against any Council Member including the Vice-Chancellor & President will be dealt with under the procedures laid out by the USP Council.

## 6. Related documents

[Charter of the University](#)  
[Conflict of Interest Policy](#)  
[Fraud Prevention Policy](#)  
[Handling of complaints against the Chair & Deputy Chair of Council and Chairs of Council Committees](#)  
[Ordinance for the Discipline of Staff](#)

[Protected Disclosures & Whistleblowing Procedures](#)  
[Statutes of the University of the South Pacific](#)  
[USP Vice - Chancellor Ordinance \(2015\)](#)  
[USP Council Code of Conduct](#)  
[MFAT Partner Agreement](#)  
[DFAT Partner Agreement](#)

## 7. References

This policy has borrowed information from the following Universities which are acknowledged:

[The University of Adelaide, Australia](#)  
[The University of Auckland](#)

[The University of Melbourne](#)  
[The University of Sheffield](#)