



ध्यानाकर्षण नीति

WHISTLE BLOWERS POLICY

भारतीय प्रबंध संस्थान काशीपुर
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WHISTLE BLOWER POLICY

INTRODUCTION

Feedback by employees/students is increasingly becoming popular to ensure better governance standards and transparency in the running of the organization.

This Policy provides for establishment of a mechanism to receive protected disclosure relating to any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any employee of IIM Kashipur and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimisation of the employee who avail of the mechanism and also provide for direct access to the Chairman BoG / any other BoG member nominated by the Board in exceptional cases.

SHORT TITLE AND COMMENCEMENT

This policy may be called the Whistle Blower Policy of Indian Institute of Management Kashipur. It came into force on 31st January 2015.

PREFACE

IIM Kashipur believes in the conduct of the affairs of its constituents in a fair and transparent manner by adopting highest standards of professionalism, honesty, integrity and ethical behaviour.

IIM Kashipur is committed to develop a culture where it is safe for all Whistle Blower to raise concerns about any poor or unacceptable practice and in any event of misconduct.

The purpose of this policy is to provide a framework to promote responsible and secure whistle blowing. It protects the Whistle Blower wishing to raise a concern about irregularities within IIM Kashipur.

The policy neither releases Whistle Blowers from their duty of confidentiality in the course of their work nor is it a route for taking up a grievance about a personal situation.

This policy will be posted on IIM Kashipur intranet and website for information.

1. APPLICABILITY

This Policy is applicable to employees, students and third parties i.e. suppliers, contractors and vendors of IIM Kashipur.

The Policy has been drawn up so that Whistle Blowers are eligible to make Protected Disclosure. The Protected Disclosure may be on areas of '*Unethical behaviour*' affecting IIM Kashipur.

2. DEFINITIONS

“Whistle Blower” means an employee of IIM Kashipur or a Vendor/contractor/supplier who are dealing with the institute, making a Protected Disclosure under this Policy.

“Victimisation” means punishment or discrimination against the Whistle Blower selectively or unfairly.

“Subject” means a person against or in relation to whom a Protected Disclosure is made or evidence gathered during the course of an investigation.

“Screening Committee” means the Committee constituted by the Director of the Institute.

“Institute” means The Indian Institute of Management Kashipur.

“Employee” means every employee of the Institute.

“Third Parties” means Suppliers, Contractors and Vendors dealing with the Institute.

“Unethical behaviour” includes actions such as the ones given below but not limited to:

- (a) Abuse of authority
- (b) Criminal offence having repercussions on the institute or its reputation.
- (c) Action aimed at taking advantage of another without his knowledge or consent
- (d) Disclosure of confidential/proprietary information to unauthorised persons
- (e) Manipulation of IIM Kashipur data / records
- (f) Misappropriation or misuse of Institute funds/assets
- (g) Financial or compliance irregularities, including fraud, or suspected fraud
- (h) Deliberate violation of law/regulation
- (i) Breach of employee Code of Conduct or Rules
- (j) Graft
- (k) Any other unethical, imprudent deed/behaviour

“Disciplinary Action” means any action that can be taken on the completion of / during the investigation, including but not limited to, a warning, recovery of financial losses incurred by IIM Kashipur, suspension from official duties or any such action as deemed fit, considering the gravity of the matter.

“Protected Disclosure” means a complaint/ concern raised by a written communication made in good faith that discloses or demonstrates information that may evidence *unethical behaviour* or improper activity with respect to IIM Kashipur. Protected Disclosures should be factual and not speculative or in the nature of a conclusion, and should contain as much specific information as possible to allow for a proper assessment on the nature and extent of the concern and the urgency of an investigation.

It also means a complaint relating to –

- a. An attempt to commit or commission an offence under the Prevention of Corruption Act, 1988;
- b. Wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Institute or demonstrable wrongful gain accrues to the public servant or any third party.

3. THE GUIDING PRINCIPLES

3.1 In order to ensure that this Policy is adhered to, and to assure that the concern will be acted upon seriously, the Institute will:

- (a) Ensure that the Whistle Blower and/or the person processing the Protected Disclosure is not victimised.
- (b) Treat victimisation of Whistle Blower as a serious matter including initiating disciplinary action against person(s) causing or allowing victimisation of Whistle Blower.
- (c) Ensure complete confidentiality of identity of Whistle Blower.
- (d) Not attempt to conceal evidence of the Protected Disclosure.
- (e) Take disciplinary action, if any one destroys or conceals evidence of the Protected Disclosure made/to be made.
- (f) Provide an opportunity of being heard to the persons involved especially to the *Subject*.
- (g) Policy should not be used as a route for raising malicious or unfounded allegations against colleagues.

3.2 Public Interest Disclosure

- a. Any disclosure made under this Act shall be treated as public interest disclosure for the purposes of this Act and shall be made before the Competent Authority and the complainant making the disclosure, shall, on behalf of the Competent Authority, be

received by such authority as specified by the regulations made by the Competent Authority.

- b. Every disclosure shall be made in good faith and the person making the disclosure shall make a personal declaration stating that he/she reasonably believes that the information disclosed by him/her and the allegation contained therein is substantially true.
- c. Every disclosure shall be made in writing or by electronic mail in accordance with the guidelines.

4. PROTECTION

- 4.1 No unfair treatment will be meted out to a Whistle Blower by virtue of his/her having reported a Protected Disclosure under this Policy. The Institute, as a policy, condemns any kind of discrimination, harassment, victimisation or any other unfair employment practice being adopted against Whistle Blower. Complete protection will, therefore, be given to Whistle Blower against any unfair practice like retaliation, threat or intimidation or termination/suspension of service, disciplinary action, transfer, demotion, discrimination, any type of harassment, biased behaviour or the like including any direct or indirect use of authority to obstruct the Whistle Blower's right to continue to perform his/her duties/functions including making further Protected Disclosure. The Institute will take steps to minimise difficulties, which the Whistle Blower may experience as a result of making the Protected Disclosure.
- 4.2 The identity of the Whistle Blower shall be kept confidential at all times.
- 4.3 Any other Employee assisting in the said investigation or furnishing evidence shall also be protected to the same extent as the Whistle Blower.
- 4.4 If the Whistle Blower is required to give evidence in legal or disciplinary proceedings arrangements towards his/her travel etc. will be made, or expenses incurred by him / her in this connection will be reimbursed, as per his / her entitlement as per Rules.
- 4.5 Protection under this Policy is available provided that:
 - (a) The communication/disclosure is made in good faith;
 - (b) He/She has reasonable base that the information, and allegations contained in it, are substantially true; and
 - (c) He/She is not acting for personal gain or animosity against the *Subject*.
- 4.6 Whistle Blowers, who make any Protected Disclosures, which have been subsequently found to be mala fide, frivolous or malicious, shall be liable to disciplinary action under the Institute's Code of Conduct.

- 4.7 If an individual is found to knowingly give incomplete or misleading or false report or destroy record or information which was the subject of the disclosure or obstruct in any manner the furnishing of the report, a penalty may be imposed upon him/her by the Director. Provided that no penalty shall be imposed against any person unless he/she has been given an opportunity of being heard.
- 4.8 Any person, who negligently or mala fide reveals the identity of a complainant shall be penalised by the Director as deemed fit.

5. OFFENCES BY AUTHORITY/INSTITUTE

- 5.1 When an offence under this policy has been committed by the institute, every person who at the time of the offence was in charge of, and was responsible to the institute for the conduct of the business of the institute, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub – section shall render any such person liable to any punishment provided in this Policy, if he/she proves that the offence was committed without his/her knowledge or that he/she exercised all due diligence to prevent the commission of the offence.
- 5.2 When an offence under this policy is committed by the Institute and it is proved that the offence has been committed with the consent or connivance of, or is attributed to, any neglect on the part of the Director, or any other senior officer of the Institute, the Director or the senior officer shall be deemed to be guilty of the offence and shall be liable to be proceeded against.

6. PROCEDURE

- 6.1 All Protected Disclosures should be addressed to the Director either via e-mail (**whistleblower@iimkashipur.ac.in**) or by mail at the following address;

Director
Indian Institute of Management Kashipur
Bazpur Road, Dist. Udham Singh Nagar
Kashipur – 244713, Uttarakhand (India)
Phone: 05947-262174/76/116 Ext. 200
email: **whistleblower@iimkashipur.ac.in**

- 6.2 If the Protected Disclosure is received via above referred email ID, it shall be accessed only by the Director.
- 6.3 Each Protected Disclose will be acknowledged. Whistle Blowers have the option of escalating to the Chairman, Board of Governors in case there is no resolution with-in two months of the acknowledgement of Protected Disclosure.

- 6.4 The Protected Disclosure should be forwarded under a covering letter which shall bear the identity of the Whistle Blower and should be superscribed 'Complaint under the Whistle Blower Policy'.
- 6.5 The Protected Disclosure should be sent in a closed/secured envelope. It can be sent through e-mail. If the envelope is not closed / secured and not superscribed, then it may not be possible to protect the identity of the Whistle Blower.
- 6.6 The Whistle Blower must disclose his/her identity in the covering letter forwarding such Protected Disclosure. Anonymous disclosures would generally be not considered. However, at the discretion of Screening Committee comprising of Dean (Academics) as Chairman, Senior most Professor and Chief Administrative Officer, anonymous disclosures may be entertained as an exception.
- 6.7 Protected Disclosures should be reported in writing so as to ensure a clear understanding of the issues/ concern raised and should either be typed or written in a legible handwriting preferably in English or Hindi.
- 6.8 The reporting should be factual and not speculative in nature. It must contain as much relevant information as possible to allow for preliminary review and proper assessment.
- 6.9 The Whistle Blower should give his/her name, address, contact number(s) and email address in the beginning or at the end of complaint or in an attached covering letter so that the same can be concealed, while processing further.
- 6.10 The text of the disclosure should be carefully drafted so as not to give any details or clue as to the Whistle Blower's identity. However, the details of the complaint should be specific and verifiable.
- 6.11 Whistle Blower should not enter into any correspondence with the Competent Authority / Chairman BoG in their own interest. If any further clarification is required, the Whistle Blower will be contacted.
- 6.12 Anonymous or pseudonymous complaints shall not be entertained.

7. INVESTIGATION

- 7.1 The Competent Authority or the Chairman, Screening Committee, as the case may be, shall upon receipt of the protected disclosure, ascertain from the Whistle Blower, whether he/she was the person who made the protected disclosure or not.
- 7.2 After concealing the identity of the Whistle Blower, the Competent Authority or the Chairman, Audit Committee, as the case may be, shall send the protected disclosure to the Screening Committee. However, in case of conflict of interest between the subject matter of the Whistle Blower and any member(s) of the Screening Committee,

the Protected Disclosure may be sent directly to the Investigator(s) for investigation and report or may be dealt with in a manner as deemed fit.

- 7.3 Protected Disclosure against the Board Level Executives shall, after concealing the identity, be forwarded by the Competent Authority or the Chairman, Audit Committee, as the case may be, to the CVO of Ministry of HRD D/o Higher Education.
- 7.4 The Screening Committee upon receipt of the protected disclosure may make discreet inquiry to ascertain whether there is any basis for proceeding further to investigate the complaint.
- 7.5 If the Screening Committee, as a result of the discreet inquiry or otherwise, is of the opinion that the complaint requires further investigation, it will make a recommendation to forward the complaint to the Investigator(s) for further investigation. On receipt of the recommendation, the Competent Authority or the Chairman, Audit Committee, as the case may be, shall forward the complaint to the Investigator(s) for further investigation and report.
- 7.6 If the Screening Committee is of the opinion that there are no sufficient grounds for proceeding further on the complaint, it shall be recommend closure of the matter and filing of the complaint.
- 7.7 The Screening Committee shall make the recommendations ordinarily within one week from the date of receipt of the complaint. In the absence of any member(s), the available member(s) of the committee shall make the recommendations.
- 7.8 The Investigator(s) may require, for the purpose of any investigation, any employee(s) who in its opinion shall be able to furnish information or produce documents relevant to the investigation or assist in the investigation to furnish any such information or produce any such document as may be necessary for the said purpose.
- 7.9 If the Investigator(s), as a result of the investigation, are of the opinion that the complaint discloses the existence of unethical behaviour, actual or suspected fraud, or violation of the Institute's general guidelines on the conduct and ethics as prescribed in Government of India (CCS) Rules – Mutatis Mutandis. They may make any of the following recommendations:-
 - (a) Appropriate action to remedy the unethical behaviour, actual or suspected fraud, or violation of the Govt. of India (CCS) Rules on conduct and ethics and/or to prevent their re-occurrence.
 - (b) Appropriate disciplinary action against the concerned person by his Disciplinary Authority if the complaint prima-facie discloses an act of omission or commission which amounts to misconduct under IIM Kashipur Service Rules, as the case may be.

- (c) Any other action as deemed fit.
- 7.10 If the complaint is found to be false, motivated or vexations the Investigator(s) shall recommend appropriate disciplinary action against Whistle Blower by his/her Disciplinary Authority.
- 7.11 If it is found that there are no sufficient grounds for proceeding further on the complaint, the Investigator(s) shall recommend closure of the matter and filing of the complaints.
- 7.12 The investigator(s) shall, submit their recommendations to the Competent Authority ordinarily within two month from the date of receipt of the complaint. In this regard, the Investigator(s) may perform all such acts as it may deem fit at its sole discretion, including, but not limited to the following functions:
- (a) to obtain legal or expert view in relation to Protected Disclosure;
 - (b) appoint external agency to assist in investigation;
 - (c) seek assistance of an internal Auditor;
 - (d) seek explanation or solicit *Subject's* submission on Protected Disclosure or give reasonable opportunity to respond to *Subject* on material findings contained in an investigation report.
 - (e) to call for any information /document and explanation from any employee of the institute or other person(s) as they may deem appropriate for the purpose of conducting an investigation.
- 7.13 *Subject* shall co-operate with the investigator and not interfere or obstruct with the investigation process.
- 7.14 If the Competent Authority or the Chairman, Audit Committee, as the case may be, agrees with the recommendations of the Investigator(s), he shall take further action on the complaint as per recommendations. If however, the Competent Authority or the Chairman, Audit Committee, as the case may be, does not agree with the recommendation of the Investigator(s), he shall take such action as deemed fit.
- 7.15 The complaints forwarded by the Competent Authority or the Chairman, Audit Committee, under this policy, without the identity of the Whistle Blower will not be treated as anonymous complaints.
- 7.16 The authority to whom the complaint is sent for taking action, will inform the Competent Authority or the Chairman, Audit Committee, as the case may be, of the final action taken. Competent Authority or the Chairman, **Audit** Committee, as the case may be, shall also be updated on the status of the complaint from time to time.
- 7.17 The final action taken on the complaint shall be conveyed to the Whistle Blower by the Competent Authority or the Chairman, Audit Committee, as the case may be, ordinarily within six months from the date of receipt of the complaint. If, however,

final action has not been taken within this period, then an interim intimation on the status of the complaint will be sent to the Whistle Blower.

- 7.18 Any person who needs any further information / clarification from the Whistle Blower shall request the Competent Authority or the Chairman, Audit Committee to obtain the same, who will contact the Whistle Blower for obtaining such information / clarification.

8. SECRECY/CONFIDENTIALITY

- 8.1 The *Whistle Blower*, the *Subject* and Screening Committee and everyone involved in the process shall:
- (a) Maintain complete confidentiality/ secrecy of the matter.
 - (b) not discuss the matters in any informal/social gatherings/ meetings
 - (c) discuss only to the extent or with the persons required for the purpose of completing the process and investigations
 - (d) Maintain records in a secured environment.
- 8.2 If anyone is found not complying with the above, he/she shall be held liable for such disciplinary action as is considered fit.

9. GRIEVANCE

If the Whistle Blower feels aggrieved with the final action taken on his complaint of if he/she feels that protection, which he/she is entitled to has not been provided, then he/she may make a representation in writing of his/her grievance to the Chairman, Audit Committee, who will take such action as may be considered necessary to redress the grievance.

10. REPORTING

The Competent Authority or the Chairman, Audit Committee, as the case may be, shall submit a periodic report of the complaints received and the action taken thereon to the Audit Committee. The report will be submitted at the end of every Quarter and for any other period, if required.

11. RETENTION OF DOCUMENTS

All documents including the Investigation reports relating to Protected Disclosures shall be retained by the Institute for a minimum period of Five (5) years from the date of investigation report or as mentioned in applicable law, if any.

12. AMENDMENT

This policy may be amended from time to time by the Institute after seeking approval from the Director IIM Kashipur.

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