Al-Ameed University

Whistleblower Protection Policy

Responsible Entity: Legal Affairs Department / Competent Authority designated by the University Presidency
Approving Entity: Al-Ameed University Presidency / University Council
Revision: Upon the issuance of new legislation or instructions, or when necessary
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First: Introduction

Stemming from Al-Ameed University's commitment to consolidating the principles of integrity, transparency, accountability, and the rule of law, and to foster a safe university environment that encourages reporting cases of corruption, violations, transgressions, or abuse of power or resources, while ensuring that persons who submit reports in good faith are not subjected to any form of retaliation, threat, discrimination, or harassment; the University adopts this policy to regulate the mechanisms for receiving, verifying, and investigating reports, and to ensure the protection of whistleblowers and persons participating in investigation procedures.

The University is committed to handling reports with objectivity, impartiality, and confidentiality, without prejudice to the rights of the persons complained against, or to the guarantees of defense and legal procedures.

Second: Policy Objectives

This policy aims to:

- Encourage members of the university community to report violations without fear.
- Provide safe, clear, and easily accessible channels to the competent authorities.
- Protect the identity of the whistleblower and information related to the report to the extent permitted by law and investigation requirements.
- Prevent all forms of retaliation, pressure, threat, or discrimination against the whistleblower.
- Ensure that reports are investigated independently, impartially, and objectively.
- Protect the rights of all parties to the report, including the whistleblower, the person complained against, and witnesses.
- Prevent the use of reports as a means to harm others or achieve personal purposes.
- Document reports, procedures, and results in a safe and confidential manner.
- Enhance the culture of integrity and compliance with laws, regulations, and instructions within the university.
- Provide indicators through which the effectiveness of the whistleblower protection system can be measured and developed.

Third: Scope of Policy Application

This policy applies to:

- Faculty members.
- Employees.
- Students.
- University workers.
- Committee members.
- Researchers.
- Contractors and consultants.
- Trainees.
- Suppliers, contractors, and service providers.
- Any person related to the university who submits a report related to a university activity or work.

Protection also includes persons who provide information, testify, or cooperate with investigation procedures, not just the original whistleblower. This aligns with university models that consider participation in an investigation a protected activity from retaliation.

Fourth: Definitions

١. Whistleblower: Any person who, in good faith, provides information or a report about a violation or an act suspected of constituting a violation of the law, regulations, instructions, university policies, or rules of conduct and integrity.
٢. Report: Information or allegations submitted to the competent authority regarding a factual event, behavior, or violating practice.
٣. Retaliation: Any action, threat, or negative behavior taken against a whistleblower due to submitting a report or participating in an investigation.
٤. Report in Good Faith: A report submitted by a person based on a reasonable belief in the existence of a violation, even if the investigation later reveals the violation is incorrect.
٥. Malicious Report: A report proven to have been submitted deliberately by its author, knowing it to be incorrect, with the intent to harm another person, extort them, or achieve an illicit benefit.
٦. Confidentiality: Protecting information related to the report and the identity of the whistleblower, and not disclosing it except to authorized entities or in cases required by law or necessitated by investigation procedures.

Fifth: Basic Principles of the Policy

In applying this policy, the University relies on the following principles:

٧. Confidentiality: The university is committed to maintaining the confidentiality of the whistleblower's identity and report information to the maximum extent permitted by law and investigation necessities.
٨. Non-Retaliation: It is prohibited to take any retaliatory action against a whistleblower for a report submitted in good faith.

٩. Good Faith: The whistleblower does not lose protection simply because the investigation did not prove the validity of the report, as long as it was submitted in good faith and on a reasonable basis.
١٠. Impartiality: It is not permissible to assume a violation is proven simply by submitting a report, and all parties shall be treated fairly.
١١. Independence of Investigation: The investigation must be undertaken by persons who have no direct interest or conflict of interest in the subject of the report.
١٢. Respect for Parties' Rights: The university preserves the rights of the whistleblower, the person complained against, witnesses, and all participants in the investigation.
١٣. Zero Tolerance for Retaliation: Retaliation against a whistleblower is considered an independent violation that warrants accountability in accordance with the applicable laws, regulations, and instructions.

Protecting the whistleblower from retaliation, confidentiality, and impartial investigation are essential elements in comparative university policies.

Sixth: Cases that may be Reported

A report may be submitted regarding any incident or practice suspected of involving:

- Corruption or bribery.
- Embezzlement or misuse of university funds or property.
- Abuse of power or influence.
- Manipulation of documents or data.
- Forgery or providing incorrect information.
- Violation of laws, regulations, and instructions.
- Violation of university instructions and policies.
- Conflict of interest.
- Exploitation of university resources for illicit purposes.
- Financial or administrative violations.
- Academic or research violations.
- Manipulation of research results or data.
- Intentional harm to the university's interests.
- Any practice that endangers students or workers.
- Any other behavior that represents a gross legal, administrative, or ethical violation.

Seventh: Report Submission Channels

The university provides multiple channels for reporting, including:

- Direct submission to the competent authority.
- The official email designated for reports.
- A confidential electronic form on the university's website.
- Closed report boxes in various locations.
- The telephone or hotline designated for reports, if any.
- Any other channel approved by the University Presidency.

The whistleblower may request that their report be handled confidentially, and the university may provide a mechanism for anonymous reports, taking into account the possibility of investigating them and the adequacy of the information provided.

Eighth: Procedures for Receiving the Whistleblower

When the whistleblower visits the university:

- The whistleblower is received in a designated and safe place that preserves privacy.
- The interview is prohibited in student or employee gathering areas if it would reveal the whistleblower's identity.
- The identity of the whistleblower is verified when necessary and to the necessary extent.
- The report is registered with a special number instead of circulating the whistleblower's name in internal correspondence whenever possible.
- The date and time of submitting the report are determined.
- The subject of the report is recorded accurately.
- Documents or evidence provided by the whistleblower are kept safely.
- The whistleblower is informed of their rights and obligations under this policy.
- They are informed of the mechanism for following up on the report without disclosing investigation information that may not be disclosed.

Note: The clause regarding the entry and exit registration present in the current university draft may be retained, but its purpose must be to organize entry and protect privacy, not to create a record that unnecessarily reveals the identity of the whistleblower or the subject of their report.

Ninth: Protecting the Confidentiality of the Whistleblower's Identity

The university is committed to the following:

- Not disclosing the name of the whistleblower except to persons whose nature of work requires knowing it.
- Not circulating the whistleblower's name in general correspondence.
- Using a number or code for the report when possible.
- Saving report files in a protected place or electronic system.
- Preventing the photographing or copying of report files without authorization.
- Not disclosing the whistleblower's identity to the person complained against unless it is necessary for the investigation or required by law.
- Taking appropriate measures to prevent unauthorized disclosure of the whistleblower's identity.

Confidentiality does not mean a guarantee of non-disclosure of identity in all circumstances; as the law, investigation, or ensuring the right of defense may require the disclosure of some information. This is the approach followed in a number of university policies that link confidentiality to the requirements of the law and fair investigation.

Tenth: Protection from Retaliation

It is strictly prohibited to take any retaliatory action against any person because of:

- Submitting a report in good faith.
- Providing information or evidence.
- Participating in the investigation.
- Testifying.
- Assisting the whistleblower in submitting the report.
- Objecting to a violating practice.
- Cooperating with the investigation committee.

Retaliation includes, but is not limited to:

- Threatening.
- Intimidation.
- Harassment.
- Defamation.
- Discrimination.
- Arbitrary transfer.
- Unjustified deprivation of rights.
- Lowering evaluations due to the report.
- Influencing the career or academic path.
- Taking malicious disciplinary actions.
- Pressuring to withdraw the report.
- Forcing the whistleblower to change their statements.
- Revealing their identity with the intent to harm them.

Eleventh: Temporary Protection for the Whistleblower

If it becomes clear to the competent authority that there is a potential risk to the whistleblower, temporary measures may be taken to protect them, including, depending on the case:

- Changing the interview location.
- Preventing unnecessary communication with the person complained against.
- Changing the administrative contact point.
- Providing a direct communication channel with the competent authority.
- Taking temporary measures to prevent pressure or harassment.
- Any legitimate administrative measure that achieves protection without harming the rights of the parties.

Twelfth: Report Examination

After receiving the report, the competent authority shall:

- Register the report.

- Conduct an initial assessment of its nature.
- Determine the competent authority for the investigation.
- Ensure there is no conflict of interest.
- Determine the need for urgent protection measures.
- Determine whether the report requires an internal investigation or referral to a competent court or other authority.

Thirteenth: Investigation

The investigation must be:

- Reasonably prompt.
- Objective.
- Impartial.
- Confidential.
- Evidence-based.
- Free from conflict of interest.

The investigation committee may:

- Review relevant documents.
- Interview the whistleblower.
- Interview the person complained against.
- Listen to witnesses.
- Request documents.
- Examine electronic records in accordance with legal authorities.
- Seek the assistance of a specialized expert when needed.

Fourteenth: Rights of the Person Complained Against

Protecting the whistleblower does not mean presuming the guilt of the person complained against.

Therefore, the person complained against has the right to:

- Know the allegations directed against them to the extent permitted by law and the integrity of the investigation.
- Submit their statements and defense.
- Submit evidence and documents.
- Listen to the statements of witnesses according to approved procedures.
- Be treated with respect and not be defamed before a violation is proven.

Fifteenth: Investigation Result

After the investigation is completed, the committee shall submit a final report containing the following:

- The subject of the report.

- The proven facts.
- The evidence reviewed.
- The statements of the parties.
- Legal or administrative analysis.
- The extent to which the violation is proven.
- Recommendations.
- Proposed corrective or disciplinary actions when necessary.

The authorized entity shall make the decision in accordance with the applicable laws, regulations, and instructions.

Sixteenth: Malicious Reports

The whistleblower shall not be punished simply because the report was not proven to be true. However, if it is proven that the person:

- Deliberately submitted the report knowing it was incorrect, or provided forged or false information with the intent to harm others, extort, or achieve an illicit benefit,

They shall be held accountable in accordance with the applicable laws, regulations, and instructions.

Seventeenth: Conflict of Interest

Every person participating in receiving the report or the investigation must disclose any relationship or interest that could affect their impartiality.

It is prohibited for any person to participate if they:

- Have a direct relationship with the whistleblower.
- Have a direct relationship with the person complained against.
- Have an interest in the outcome of the investigation.
- Have a dispute with one of the parties that may affect their impartiality.

Eighteenth: Preservation of Documents and Records

The university shall keep the records of reports and investigations safely and confidentially in accordance with the retention periods approved by the university and the applicable legislation.

The records must include:

- The report number.
- The date of its submission.
- Its subject.
- The competent authority.
- The procedures taken.
- The result of the investigation.

- Corrective actions.
- Reports of retaliation - if any.

Nineteenth: Responsibilities of University Entities

University Presidency:

- Approve the policy.
- Provide the necessary resources for its implementation.
- Ensure the independence of investigation procedures.

Legal Affairs Department:

- Provide legal opinion.
- Follow up on the legal aspects of the reports.
- Participate in investigations requiring legal expertise.
- Propose appropriate legal actions.

The Competent Authority for Receiving Reports:

- Receive reports.
- Maintain confidentiality.
- Register reports.
- Refer them to the competent authority.

Investigation Committees:

- Conduct the investigation impartially and independently.
- Maintain confidentiality.
- Prepare reports and recommendations.

Administrative Leaders:

- Not exert any pressure on the whistleblower.
- Cooperate with investigation procedures.
- Prevent retaliation within their administrative units.

All University Affiliates:

- Respect this policy.
- Not obstruct the investigation.
- Not make an unauthorized disclosure of the whistleblower's identity.
- Report any case of retaliation.

Twentieth: Awareness and Training

The university is committed to:

- Publishing the policy on the website.
- Introducing it to students, employees, and faculty members.
- Holding periodic awareness programs.

- Training employees assigned to receive reports.
- Training members of the investigation committees.
- Placing signs or introductory materials on safe reporting channels.
- Including the policy within orientation programs for new employees and students.

Twenty-First: Annual Report

The competent authority shall submit an annual report to the University Presidency that includes - statistically without revealing the identity of the parties:

- The number of reports.
- Types of reports.
- The number of reports referred for investigation.
- The number of reports proven to be true.
- The number of unproven reports.
- The number of retaliation cases.
- Corrective actions taken.
- Awareness activities.
- Developmental proposals.

Twenty-Second: Non-Prejudice to Laws

This policy does not prevent:

- Reporting to competent government authorities when there is a legal obligation to do so.
- Referring acts that constitute crimes to the competent authorities.
- Applying the applicable Iraqi laws, regulations, and instructions.
- Any person from exercising their legal rights before the competent authorities.

Twenty-Third: Concluding Provisions

- This policy is part of the integrity and compliance system at Al-Ameed University.
- This policy may not be interpreted in a way that grants the whistleblower immunity from responsibility for a violation they committed themselves.
- The failure to prove the report is not evidence of the whistleblower's bad faith.
- Protecting the whistleblower from retaliation is an institutional commitment for the university.
- Disciplinary measures shall be taken against anyone proven to have committed a retaliatory act against a whistleblower.
- This policy shall be effective from the date of its approval by the competent authority.