

WHISTLEBLOWING PROCEDURE

1.0 PURPOSE

To outline the avenue and mechanism to report any violation of laws and/or other Improper Conduct (as defined in Section 3.2 below) in relation to MCKL in a safe and confidential way.

2.0 SCOPE

This Procedure applies to any individual having association with MCKL, including officers, employees, students, interns, suppliers, contractors, and business partners.

It covers any reports made in good faith regarding violations of laws or any other Improper Conduct which has occurred, is occurring, or is about to occur at the College.

3.0 DEFINITIONS

3.1 Appointed Officers

Persons, comprising a member of the Board of Governors and an employee of the College, who have been appointed and authorised to receive Whistleblowing Reports on disclosures of Improper Conduct via MCKL's dedicated whistleblowing channel.

3.2 Improper Conduct

Any conduct which when proven will constitute a criminal or disciplinary offence, wrongdoing, misconduct, unethical behaviour, or other matters of serious concern in relation to the College. This may include but is not limited to:-

- i. Fraud, bribery, and other acts of corruption;
- ii. Theft, embezzlement, misuse of funds;
- iii. Abuse of power or position;
- iv. Gross mismanagement or negligence;
- v. Conflict of interest;
- vi. Breach of a code of conduct or code of ethics;
- vii. Violation of laws, regulations, or policies.

Matters which do not constitute an Improper Conduct under this Procedure include but are not limited to personal grievances, interpersonal conflicts, decisions relating to an individual's employment, matters which can or should be handled through alternative or specific channels which the College has established, and/or complaints from students, parents, or employees on academic, non-academic, or operational issues.

3.3 Whistleblower

An individual who discloses or exposes Improper Conduct in the College by reporting the Improper Conduct under this Procedure.

3.4 Whistleblowing Report

A disclosure of Improper Conduct through completion of the Whistleblowing Report Form (**P-LCA-02 Form 1**) and submission to the College via the dedicated channel established under this Procedure.

4.0 PROCEDURE

4.1 Preliminary Determination

- 4.1.1 Prior to making a disclosure, the Whistleblower shall determine if the matter (s)he intends to report constitutes an Improper Conduct within the scope of this Procedure.

WHISTLEBLOWING PROCEDURE

- 4.1.2 A Whistleblower shall make disclosures of Improper Conduct in good faith, free from malicious intent, and based on reasonable belief or knowledge that a person or entity associated with the College has engaged, is engaging, or is preparing to engage in Improper Conduct.
- 4.1.3 Action as the College deems appropriate or necessary will be taken if investigations reveal that a Whistleblower has intentionally made a false/inaccurate disclosure or a report with male fide, vexatious, or frivolous intent.

4.2 Filing a Whistleblowing Report

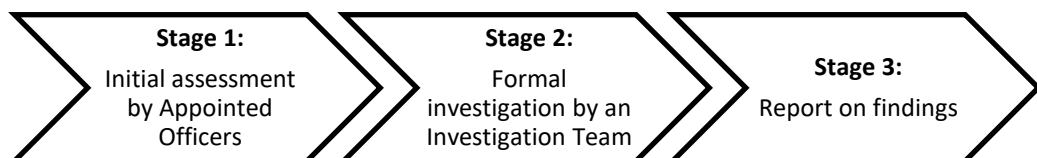
- 4.2.1 Disclosures of Improper Conduct to the College shall be made by making a report through completing the Whistleblowing Report Form (P-LCA-02 Form 1) and e-mailing it to the College's dedicated whistleblowing channel:

whistleblowing@mckl.edu.my

- 4.2.2 The whistleblowing channel will be monitored by the Appointed Officers.
- 4.2.3 Whistleblowers are encouraged to provide their names and contact details to facilitate investigations into the Improper Conduct. Any person who chooses to remain anonymous is advised that the College's ability to investigate any alleged Improper Conduct will be restricted to the limited extent of the contents of the Whistleblowing Report. The College may have to abandon investigations for lack of ability to conduct the desired enquiry or investigation into the matter.
- 4.2.4 Withdrawals of Whistleblowing Reports may be made in writing to the same dedicated channel, - whistleblowing@mckl.edu.my - together with supporting reasons. Notwithstanding any withdrawal, the College reserves the right to proceed with investigations on matters raised in any Whistleblowing Report.

4.3 Managing a Whistleblowing Report

- 4.3.1 The Appointed Officers are responsible to monitor and register all submissions that are made to the College's whistleblowing channel. Upon receiving a Whistleblowing Report, the Appointed Officers shall conduct a preliminary assessment of the allegations. Clarification shall be sought from the Whistleblower and relevant documentation and evidence will be secured as necessary.
- 4.3.2 An investigation into a Whistleblowing Report will consist of the following stages: -



- 4.3.3 All Whistleblowing Reports shall be promptly reported to the Chairman of the Board of Governors, with copy to the Chief Executive Officer, after initial assessment by the Appointed Officers.
- 4.3.4 If initial assessments determines that the allegations warrant further investigations, the Chairman of the Board of Governors, in consultation with the Chief Executive Officer, will assign an Investigation Team to conduct a formal detailed investigation into the allegations. The Investigation Team will comprise the Appointed Officers and other individuals with relevant skills who will conduct impartial and thorough investigations into the allegations and gather the necessary evidence. All members of the Investigation Team will be subjected to confidentiality undertakings.

WHISTLEBLOWING PROCEDURE

- 4.3.5 Upon completion of investigations, the Investigation Team will prepare a detailed confidential report summarising the findings and conclusions. The Chairman of the Board of Governors and Chief Executive Officer, in consultation with appropriate parties, will carefully assess the report and determine the appropriate actions to be taken based on the investigation's findings and outcomes.
- 4.3.6 To the extent permitted by law and College policies, the Whistleblower will be informed of the outcome of the investigations.
- 4.3.7 In cases where Improper Conduct is substantiated against an employee of the College, the necessary disciplinary action will be taken against the employee and remedial measures shall be taken on the College's policies, procedures and/or practices.
- 4.3.8 In the case where a Whistleblower makes a report or disclosure even though (s)he had participated in or contributed to the Improper Conduct, the act of whistleblowing by the Whistleblower shall be a factor in mitigation in any disciplinary action that is to be taken and the College may consider leniency for the Whistleblower.
- 4.3.9 The law requires certain Improper Conduct (e.g., corruption or other criminal offence) to be reported to enforcement agencies. The College will consider external legal advice as necessary. The Whistleblower will be provided with assistance in the event any statement is required from the Whistleblower to support investigations by enforcement agencies.

5.0 PROTECTION

- 5.1 A Whistleblower who makes a disclosure in good faith (even if the alleged Improper Conduct is not subsequently confirmed by investigations), will be protected under MCKL's Whistleblower (Non-Retaliation) Policy.
- 5.2 The College will take the necessary action to maintain the confidentiality of the Whistleblower's identity and limit disclosure of the Whistleblower's identity strictly to those who are directly involved in the investigations and decision making. The identity of the Whistleblower will otherwise not be disclosed except with the Whistleblower's consent.
- 5.3 Whistleblowers will not suffer adverse consequences or be disadvantaged for making a Whistleblowing Report. The College will not support or condone any retaliatory action against a Whistleblower.

6.0 ATTACHMENT**Document Code**

P-LCA-02 Form 1

Document Title

Whistleblowing Report Form

7.0 RECORDS

Records	Medium	Responsibility	Retention Period	Location (Optional)
Whistleblowing Report and Investigation Report	Softcopy	AO	7 Years	-

WHISTLEBLOWING PROCEDURE**8.0 RELATED DOCUMENTS**

<u>Document Code</u>	<u>Document Title</u>
POL-HR-02	Whistleblower (Non-Retaliation) Policy
POL-LCA-01	Anti-Corruption Policy

9.0 REFERENCE

Title of Publication	Name of Publisher	Year Published
Whistleblower Protection Act 2010	N.A	N.A.

10.0 DOCUMENT OWNER AND APPROVAL DETAIL

Document Owner : Head, Legal Services

Approving Authority : Board of Governors

Approval Date : BOG Meeting, 25th August 2023.