



**WHISTLEBLOWER POLICY AND PROCEDURES
FOR
UNIVERSITI MALAYSIA TERENGGANU**

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1.0 INTRODUCTION

Universiti Malaysia Terengganu (“UMT”) is committed to carrying out its operations in accordance with the highest standards of professionalism, honesty, decency, openness, integrity, and accountability in the pursuit of achieving its strategic aims and aspirations. UMT strives to carry out its operations responsibly, taking into account the responsible use of public funds, the requirement of the funding bodies and the standard required by the public services.

All staff of UMT have an obligation to render honest and faithful service. This includes an obligation not to disclose any trade secrets or confidential information acquired during their employment to external parties, or to act in a manner that undermines the mutual trust and trust on which the employment relationship is built.

1.1 PURPOSE

1.1.1 This Whistleblower Policy and Procedure (“Policy”) is formulated to enhance corporate governance by helping to foster an environment where integrity and ethical behaviour are upheld and any illegality, improper conduct and/or wrongdoings in UMT can be exposed.

1.1.2 The objectives of this Policy are:

- (a) to provide a formal, safe and confidential channel to enable Staff, Students and other Stakeholders to report in good faith, serious concerns about any improper conduct that could adversely affect UMT or its Staff without fear of being subject to detrimental action;
- (b) to act as an early warning system and allow UMT to remedy any wrongdoings before serious damage occurs;
- (c) to outline how UMT should treat all reported improper conduct; and
- (d) to develop a culture of accountability and integrity within UMT.

1.1.3 The aim of this Policy is to provide an internal mechanism for reporting, investigating and remedying any improper conduct by any Staff and members of the Board.

1.2 SCOPE

1.2.1 This Policy applies to all Staff, Students and other Stakeholders.

1.2.2 A report of improper conduct may be lodged by:

- (a) any Staff who has knowledge of an improper conduct committed by other Staff or members of the Board;
- (b) any Student that has knowledge of an improper conduct committed by a Staff; or
- (c) any Stakeholder that has knowledge of an improper conduct committed by a Staff or members of the Board.

1.2.3 This Policy is distinct from the reporting procedures of misconduct under the Statutory Bodies (Discipline and Surcharge) Act 2000 (Act 605) by immediate supervisors on their subordinates, or complaint from staff relating to their terms of employment or personal grievance, or complaints from students to the Student Complaints Committee.

1.3 OVERSIGHT AND OWNERSHIP OF POLICY

1.3.1 Jawatankuasa Anti Rasuah (“JAR”) is responsible for overseeing the implementation of the Policy.

1.3.2 The Head of Integrity Unit (“HIU”) shall be responsible for the implementation, administration, monitoring and reviewing the effectiveness of this Policy.

1.3.3 The owner of this document is the Legal Advisor who is responsible for incorporating any amendments and updates into this document, obtaining the approval of the Board of UMT for those amendments and updates and distributing the same to the relevant parties.

1.4 DEFINITIONS

1.4.1 In this Policy, unless the context otherwise requires:

“**Board**” means the Board of Directors of UMT as constituted in accordance with the Constitution of UMT;

“**Confidential Information**” means any information that is by its nature confidential or sensitive and/or not generally available to the public and in this Policy includes—

- (a) information about the identity, rank, position or other personal details of a Whistleblower; or
- (b) Information of a person against whom a Whistleblower has made a disclosure; or
- (c) information disclosed by a Whistleblower; or
- (d) information that, if disclosed, may cause detriment to any person;

“**detrimental action**” includes—

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment;
- (c) interference with the lawful employment or livelihood of any person, including discrimination, discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to a person’s employment, career, profession, trade or business or the taking of disciplinary action; and
- (d) a threat to take any of the actions referred in paragraphs (a) to (c);

“**disciplinary offence**” means any action or omission which constitute a breach of discipline as stipulated in the Statutory Bodies (Discipline and Surcharge) Act 2000 (Act 605);

“**Stakeholders**” includes agents, contractors, suppliers, funder, collaborating partners, students’ parents or guardians and any other person who have dealings with UMT;

“**improper conduct**” means any conduct which if proved, constitute a disciplinary offence or a criminal offence;

“**Policy**” means Whistleblower Policy and Procedures for Universiti Malaysia Terengganu;

“**Staff**” means a person who is employed on a permanent, temporary or contractual basis by UMT;

“**Student**” means a registered student, who is following a course of study, instruction, training or research of any description at the preparatory, under-graduate, post-graduate or post-doctoral level on a full time or part-time basis in, by or from UMT and includes a distance-learning, off-campus, exchange and non-graduating student;

“**UMT**” means Universiti Malaysia Terengganu; and

“**Whistleblower**” means a person that makes a report of improper conduct under this Policy.

1.4.2 In this Policy, the following acronyms means:

HIU	Head of Integrity Unit
JAR	Jawatankuasa Anti Rasuah
JKPAM	Jawatankuasa Penilaian Aduan dan Maklumat
JSD	Jawatankuasa Siasatan Dalaman
JKTT	Jawatankuasa Tatatertib

2.0 DEFINING WHISTLEBLOWING

2.1 WHAT IS WHISTLEBLOWING?

2.1 Whistleblowing is defined as the deliberate, voluntary disclosure or reporting of individual or organisational malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated Improper Conduct within UMT or by an organisation that is within its ability to control.

2.2 Making a complaint and blowing a whistle should be differentiated. Typically, the improper conduct that is the subject matter of a whistleblowing is not the complainant personally. They are therefore different from a normal grievance or complaint in which the complainant is personally affected.

2.3 Some sensitive matters may have different procedures for reporting any improper conduct or wrongdoing such as sexual harassment. In circumstances where there are specific procedures prescribed, those specific procedures shall apply.

3.0 IMPROPER CONDUCT

3.1 Improper conduct may include any of the following:

- (i) financial malpractice, impropriety or fraud;
- (ii) gross mismanagement or dereliction of duties;
- (iii) corruption and bribery;
- (iv) any criminal act, including criminal breach of trust, extortion and sabotage;
- (v) misuse of power, position or UMT's information for personal gain;
- (vi) miscarriage of justice;
- (vii) danger to safety and health;
- (viii) damage to the environment;
- (ix) academic or professional malpractice;
- (x) failure to comply with any law, regulations or rules that is applicable to UMT;
- (xi) any other action that would cause significant harm to UMT or to any person; and
- (xii) deliberate concealment of information concerning any of the matters listed above.

3.2 Reference must always be made to the UMT Code of Ethics for Academics and other applicable regulations imposed in UMT for the purpose of detecting an improper conduct related to academic and research activities. See **APPENDIX A** for examples of these misconducts.

3.3 Reference must always be made to the Statutory Bodies (Discipline and Surcharge) Act 2000 (Act 605), treasury circulars, standing instructions and/or other regulations or specific code of conduct adopted by UMT from time to time for the purpose of identifying an improper conduct related to unethical behaviour or financial malpractice. See **APPENDIX B** for examples of these misconducts.

4.0 REPORTING PROCEDURE

4.1 LODGING OF REPORT

4.1.1 A complainant is advised and urged to report an improper conduct as soon as he discovers the commission or an intended commission of an improper conduct or if he is instructed to participate in any improper conduct. If the complainant becomes directly involved in the improper conduct, the protection under this Policy may not be available unless being coerced.

- 4.1.2 A complainant shall make a report of improper conduct in writing using the form appended to this Policy as **FORM A**. The report must provide full details of the improper conduct and, where possible, supporting evidence such as:
- a. Witnesses
 - b. Written report/case chronology
 - c. Any documents accepted by courts.
 - d. Video/audio
 - e. Any other evidence deemed appropriate.
- 4.1.3 The report must be sent directly to HIU. If a report is submitted other than HIU, the person receiving the report **MUST** send it to HIU.
- 4.1.4 The report must be submitted in a sealed envelope marked “Confidential” addressed to HIU or via any other method that may be informed to the complainant or publicised by internal communications.
- 4.1.5 If supporting evidence as listed in paragraph 4.1.2 is not sufficient but the complaint has credible basis, HIU can conduct a preliminary investigation to gather information and evidences to support the allegation. Subsequently JKPAM will convene to evaluate the report and determine merit of the complaint.
- 4.1.6 If the complaint has merit, then the complainant will be protected under this Policy and the complaint will be investigated by JSD.
- 4.1.7 Subject to the findings by JSD, appropriate action will be taken in accordance with the provision of this Policy. Immunity granted to the complainant may be revoked if JSD finds that there is no case against the alleged wrongdoer and the report was made with malicious intent.
- 4.1.8 The flowchart for lodging a report as per **APPENDIX C**.

4.2 ANONYMOUS REPORT

- 4.2.1 Anonymous reports are not encouraged as any follow up will be very difficult to verify to ascertain the truth or collect further information for investigation purposes.
- 4.2.2 Although UMT is not required to address any anonymous report, HIU may, however, consider investigating the report after having considering the following:
- (a) the seriousness of the subject matter;
 - (b) the credibility of the subject matter; and
 - (c) the possibility that the issue is confirmed by reliable and credible sources.

4.3 WITHDRAWAL OF REPORT

- 4.3.1 A Whistleblower can withdraw his report at any time. However, if the report has merit, it will be further investigated by JSD.
- 4.3.2 The Whistleblower will lose protection from detrimental actions if the report is withdrawn.

5.0 PROTECTION

5.1 SCOPE OF PROTECTION

Subject to the requirement of good faith, protection provided under this Policy shall cover three areas as follows:

- (a) protection of confidential information
- (b) protection against detrimental action; and
- (c) immunity from civil action that may be taken by UMT.

5.2 REQUIREMENT OF GOOD FAITH

- 5.2.1 Any person who intends to lodge a report of an improper conduct shall ensure that the report is made in good faith substantiated with reasonable and probable grounds and in the best interest of the public, particularly UMT.
- 5.2.2 The element of good faith shall be deemed lacking when:
 - (a) the person has no personal knowledge or factual basis of the improper conduct;
 - (b) the person knew or should have reasonably known that the report or any of its contents are false or frivolous or vexatious; or
 - (c) any other circumstances that may indicate that the report was made with malicious intent, ulterior motive or personal gain.
- 5.2.3 Any person who has not acted in good faith shall not be entitled to any protection under this Policy.
- 5.2.4 Any person making allegations or reports which prove to have been made without good faith may be subject to disciplinary action or any other legal actions.

5.3 PROTECTION OF CONFIDENTIAL INFORMATION

- 5.3.1 The identity of the Whistleblower shall be held in trust and secured by this Policy. It is HIU's primary and sole responsibility to ensure that the identities of the Whistleblower are well protected.

- 5.3.2 All reports of improper conduct are confidential. The contents of the report shall not be revealed to anybody other than JKPAM, JSD and JKTT for inquiry, to conduct investigation, assessment and decision making purposes. For the avoidance of doubt, the contents of the report shall not reveal the identity of the Whistleblower.
- 5.3.3 The JKPAM, JSD and JKTT shall not disclose the confidential information or any part thereof to any other parties.
- 5.3.4 Any person who is involved in the process of investigation, assessment and decision shall not disclose any part of the information to any other parties.
- 5.3.5 However during the course of the investigation, it may be necessary to record a statement from the Whistleblower. In this situation, HIU shall first obtain consent from the Whistleblower to facilitate the investigation.
- 5.3.6 The Whistleblower shall make all reasonable efforts to maintain the report as confidential. Failure to do so would not entitle the Whistleblower to this protection.

5.4 PROTECTION AGAINST DETRIMENTAL ACTION

- 5.4.1 Any report made in good faith shall be eligible for protection under this Policy even though JKPAM or JSD subsequently found no merit in the complaint.
- 5.4.2 A Whistleblower who believes that he has been subjected to detrimental action may lodge a complaint in writing using **FORM B**. Such report must be submitted in good faith and substantiated with reasonable and probable grounds.
- 5.4.3 A person taking any detrimental action against a Whistleblower may be subject to disciplinary proceedings or other relevant legal actions available.

5.5 IMMUNITY FROM CIVIL ACTION BY UMT

Subject to paragraph 5.6, a Whistleblower shall not be subject to any civil liability or any liability arising from administrative proceedings, including disciplinary proceedings, and no action, claim or demand can be taken or brought against the Whistleblower for making the report.

5.6 WHEN PROTECTION MAY BE REVOKED

- 5.6.1 Based on the investigation, the protection under paragraph 5.1 of this Policy may be revoked in the following circumstances:
 - (a) the report is not made in good faith;

- (b) the Whistleblower has been involved in the reported improper conduct;
- (c) the report is made solely or substantially with the motive of avoiding dismissal or other disciplinary action; or
- (d) the report involves questioning the merits of UMT policy or any decisions made by the top management or the Board.

5.6.2 Any Whistleblower who took part in the reported improper conduct can be subject to disciplinary action. However, JSD and JKTT may decide on a case by case basis to consider leniency for the Whistleblower.

5.6.3 If the Whistleblower protection has been revoked, HIU must send a written notice to the Whistleblower.

6.0 INVESTIGATION

6.1 INVESTIGATION PROCEDURES

6.1.1 For a quick overview, please refer the investigation procedures flowchart in **APPENDIX C**.

6.1.2 Upon lodging a report of improper conduct, HIU will assign a reference number and provide the Whistleblower an acknowledgement of receipt of the report within two (2) working days.

6.1.3 Subsequently, if necessary, the following persons may be consulted (without disclosure to the extent possible of the identity of the Whistleblower and the person that allegedly committed the improper conduct) to assist and to provide relevant advice in relation to their respective areas:

In the case of a report relating to—

- (i) a breach of any law – Legal Advisor
- (ii) a breach of the Code of Ethics – Registrar
- (iii) financial malpractice – Bursar
- (iv) a breach of academic misconduct – TNC (A&A) & TNC (P&I)

6.2 PRELIMINARY INVESTIGATION

6.2.1 HIU will conduct a preliminary investigation of every report received in which the recommendation shall be referred to JKPAM on whether the case should be closed or if there is merit, to proceed to a full investigation of the allegations.

6.2.2 Upon review of the findings of the preliminary investigation, JKPAM may:

- (a) instruct the matter to be closed should the preliminary findings indicate clearly that the evidence is not sufficient to warrant a full investigation;
- (b) refer the matter to JSD for a full investigation in the event that the preliminary findings clearly indicate suspicious circumstances;
- (c) in cases involving any members of the Top Management of UMT or Board of Directors, members of JSD shall be appointed by:

Alleged Wrongdoer	JSD to be appointed by:
Board of Director	Minister
Vice Chancellor	Secretary General
Deputy Vice Chancellor	Vice Chancellor or Integrity Unit of the Ministry
Other top management members	JSD or Vice Chancellor or Integrity Unit of the Ministry

- (d) the appointment of JSD members pursuant to subparagraph (c) above shall take into account the seniority of the alleged wrongdoer and any circumstances which may give rise to conflicts of interest;
- (e) in the event UMT has no expertise, JKPAM may appoint an external independent party to assist in the conduct of the investigation;
- (f) in cases where the preliminary findings indicate a potential criminal offence, the matter should be referred for further investigation to the relevant authorities, such as the Royal Malaysia Police or the Malaysia Anti-Corruption Commission (“MACC”);
- (g) determine any other course of action which JKPAM deems fit having regard to the circumstances of the matter reported and the fairness of the conduct of any investigation.

6.2.3 HUI shall inform the Whistleblower of the status of the report from time to time and in the event of a full investigation, HIU shall notify the Whistleblower of the conduct of a full investigation and the Whistleblower shall give his/her full cooperation during the conduct of the investigation.

6.3 FULL INVESTIGATION

6.3.1 JSD shall conduct the investigation and endeavour to complete such investigation within three (3) months. Any extension of the time required for the completion of the investigation shall be subject to the approval by the Chairman of JAR.

6.3.2 All Staff shall give their full cooperation to any investigation conducted by JSD. In addition, JSD shall be provided all necessary resources required and full access to all relevant documents or records in the course of the investigation.

- 6.3.3 JSD may decide to appoint an external independent party to conduct or assist in conducting the investigation in which the terms of appointment of that external independent party shall be approved by JAR.
- 6.3.4 All information, documents, records and reports relating to the investigation shall be kept securely to ensure its confidentiality.

6.4 FINDINGS OF INVESTIGATION

- 6.4.1 HIU shall review the investigation report upon the conclusion of an investigation in a case where the member of the Top Management or the Board is **not** implicated. If the allegations are substantiated, HIU shall then forward the report to the Legal Advisor and carbon copy to the Vice Chancellor. Upon review of this investigation report, the Legal Advisor shall determine whether the findings are adequate and sufficient to proceed with disciplinary procedure.
- 6.4.2 The person who appointing members of JSD pursuant to paragraph 6.2.3 (c) shall review the investigation report upon the conclusion of an investigation in a case where the member of the Top Management or the Board is implicated. On review of such investigation report, where the respective person finds that the allegations are substantiated, the respective person shall recommend corrective action to be taken to mitigate the risks of such improper conduct or recommend disciplinary action against the wrongdoer.

6.5 DECISION

- 6.5.1 In a case where the Legal Advisor is satisfied that the findings are valid and satisfactory, the Legal Advisor shall proceed with disciplinary proceedings pursuant to Act 605.
- 6.5.2 Subject to any prohibition in any law or any legal requirements, HIU will inform the Whistleblower that the investigation has been completed and the findings have been presented to JKTT.
- 6.5.3 UMT shall give the enforcement agencies its full cooperation and shall not interfere with the reports submitted to them. However, if any Staff is implicated and goes through trial, the necessary disciplinary procedure will entail upon him.

6.6 DISCIPLINARY ACTION

Any disciplinary action against any Staff shall be carried out in accordance with the procedures for disciplinary action as stipulated in the Act 605.

**WHISTLEBLOWER POLICY AND PROCEDURES FOR
UNIVERSITI MALAYSIA TERENGGANU**

REFERENCE NUMBER: _____

FORM FOR REPORT OF IMPROPER CONDUCT

A	PERSONAL PARTICULARS OF WHISTLEBLOWER	
1.	Name:	
2.	I/C No. / Passport No./Staff no.:	
3.	Correspondence Address:	
4.	Telephone No.	Home: Office: Mobile:
5.	Email:	
6.	Designation / Occupation:	
7.	Preferred method of communication: Mail/email/telephone/	

REFERENCE NUMBER: _____

B	INFORMATION OF UNIVERSITI MALAYSIA TERENGGANU STAFF INVOLVED IN IMPROPER CONDUCT
1	<p data-bbox="320 383 469 416">Individual 1</p> <p data-bbox="320 439 932 472">Name of Universiti Malaysia Terengganu Staff:</p> <p data-bbox="320 551 1230 584">Designation / position of said Staff in Universiti Malaysia Terengganu:</p> <p data-bbox="320 663 1114 696">How do you know this Universiti Malaysia Terengganu Staff?</p>
2	<p data-bbox="320 837 469 871">Individual 2</p> <p data-bbox="320 893 932 927">Name of Universiti Malaysia Terengganu staff:</p> <p data-bbox="320 1005 1225 1039">Designation / position of said staff in Universiti Malaysia Terengganu:</p> <p data-bbox="320 1117 1114 1151">How do you know this Universiti Malaysia Terengganu staff?</p>
3	<p data-bbox="320 1279 469 1312">Individual 3</p> <p data-bbox="320 1335 932 1368">Name of Universiti Malaysia Terengganu Staff:</p> <p data-bbox="320 1447 1230 1480">Designation / position of said Staff in Universiti Malaysia Terengganu:</p> <p data-bbox="320 1559 1114 1592">How do you know this Universiti Malaysia Terengganu Staff?</p>

REFERENCE NUMBER: _____

C	DETAILS OF IMPROPER CONDUCT	
	Date: Time: Place:	
	Details of Improper Conduct:	*Please submit supporting documents if available. *Please attach additional sheets if necessary.
<p>Have you lodged a complaint on this matter to another person / department / authority before? YES <input type="checkbox"/> NO <input type="checkbox"/></p>		
<p>If YES, please indicate the person / department / authority that the report was lodged: (please tick where applicable)</p>		
	(i) Police	*Please attach a copy of the report made.
	(ii) Malaysian Anti-Corruption Commission	*Please attach a copy of the report made.
	(iii) Securities Commission	*Please attach a copy of the report made.
	(iv) Ministry of Finance	*Please attach a copy of the report made.
	(v) Others (please indicate the organization)	Name of organization: *Please attach a copy of the report made.
	Date report was made:	
	Status report was made	

REFERENCE NUMBER: _____

D	DECLARATION
	<p>I declare that that all information provided in this Form is true, correct and complete to the best of my knowledge, information and belief.</p> <p>I hereby agree that the information provided herein to be used and processed for investigation purposes and further agree that the information provided herein may be forwarded to a department / authority / enforcement agency for purposes of investigation.</p>
	<p>Signature:</p> <p>Name:</p> <p>Date:</p>
	<p>For Office Use Only:</p> <p>Record No.:</p> <p>Officer receiving this report:</p> <p>Date:</p>

CONFIDENTIAL
FORM B
FORM FOR COMPLAINT OF DETRIMENTAL ACTION

**WHISTLEBLOWER POLICY AND PROCEDURES FOR
UNIVERSITI MALAYSIA TERENGGANU**

REFERENCE NO: _____

FORM FOR COMPLAINT OF DETRIMENTAL ACTION

A		PERSONAL PARTICULARS OF WHISTLEBLOWER	
1.	Name:		
2.	I/C No. / Passport No./Staff no.:		
3.	Correspondence Address:		
4.	Telephone No	Home:	
		Office:	
		Mobile	
5.	Email		
6.	Designation / Occupation:		
7.	Preferred method of communication: Mail/email/telephone/		
B.		INFORMATION AND PARTICULARS OF DETRIMENTAL ACTION:	
	Name(s) of Person(s) committing the Detrimental Action:		
	Detrimental Action complained of:	*Please submit supporting documents if available. *Please attach additional sheets if necessary.	

C	DECLARATION
	<p>I declare that that all information provided in this Form is true, correct and complete to the best of my knowledge, information and belief.</p> <p>I hereby agree that the information provided herein to be used and processed for investigation purposes and further agree that the information provided herein may be forwarded to a department / authority / enforcement agency for purposes of investigation.</p>
	<p>Signature:</p> <p>Name:</p> <p>Date:</p>
	<p>For Office Use Only: Record No.: Officer receiving this report: Date:</p>

APPENDIX A

ACADEMIC AND RESEARCH MISCONDUCTS

A. ACADEMIC MISCONDUCT

1. Be negligent or failure to complete the teaching syllabus without reasonable cause.
2. Make unfair or biased assessments.
3. Non-compliance with the rules and evaluation criteria.
4. Violation of confidentiality ethics by leaking examination questions.
5. Failure to comply with the relevant rules or timeline as prescribed by the Senate or the Faculty.
6. Make decision on students' academic affairs without complying with the relevant rules, regulations, policies or guidelines.
7. Use the academic platform to make any statement that is seditious or inclined to incite malice or hostility among students, staff or any person or interfere with the harmony and stability of UMT, the public or the country.
8. Breach any other rules, regulations or instructions related to teaching and learning as prescribed by the Senate or the Faculty from time to time.

B. RESEARCH MISCONDUCT

UMT	HIGHER EDUCATION MINISTRY
<ul style="list-style-type: none"> • General principles of research ethics • Management of research data management • Publication and dissemination of research findings • Authors' rights • Peers and panel of experts' review • Conflict of interest • Research collaboration within and outside the University • Misconduct in research 	<ul style="list-style-type: none"> • Handling Research proposal • Conducting research • Management of research data • Management of research resources • Management of research team • Training and responsibility of researchers • Responsibilities of Research Entities • Responsibilities of research funders /funding agencies • Publication • Authorship • Affiliated institutions • Peer review • Collaborative research • Conflicts of interest • Public dissemination of research findings • Awareness and acculturation of Responsible Conduct in Research

1. Responsibilities

- (a) Responsibilities of researchers
- (b) Responsibilities of university
- (c) Responsibilities of funding agencies

2. Publications

- (a) Authorship
- (b) Affiliation
- (c) Peer review

3. Collaborative research

4. Dissemination of research findings

5. Scientific misconducts (Falsification, Fabrication, Plagiarism and Deception (“FFPD”))

These misconducts are considered as major breach of research code of ethics and should be avoided by all researchers. Therefore, every researcher must make themselves familiar with the definition of FFPD and relate them in the research environment.

(a) Fabrication

Making up results and recording them not in accordance to the methods described as if they were real. Producing non-existence results not in a manner described in methods.

(b) Falsification

- (i) Intentional alteration or presentation of original findings in a way which distorts the result.
- (ii) Scientifically unjustified alteration or selection of data or results.
- (iii) Omission of results or data pertinent to conclusions.

(c) Plagiarism

Appropriating another person’s ideas, research results, or words without giving appropriate credit.

(d) Deception

- (i) Intention of leading other to false conclusion. For example, keeping and hiding certain data in order to getting a research article published or in obtaining research grants.
- (ii) Conducting research before obtaining approval from relevant ethics committee or authorities. For example, a researcher commences a research activity prior of obtaining human ethics which leads to detrimental effects on subjects, investigators or even university and funding agencies.

6. Breaches of the Code (BoC)

BoC is normally considered as minor transgressions in scientific misconducts. Although it is considered as minor offences in researcher, researchers should by any means not conduct any breach of the code. Sometimes, it is also known as questionable research practices (QRP).

(a) Research practice misconduct

- (i) Misappropriation use of researcher's name in project that he or she does not provide any contribution.
- (ii) Poor research design – even in proposal.
- (iii) Using inappropriate (harmful or dangerous) research methods.
- (iv) Manipulation of experiments to generate preferred results.
- (v) Deceptive statistical or analytical practices to generate preferred results.
- (vi) Improper reporting of results to present a misleading outcome.

(b) Publication-related misconduct

- (i) Claiming undeserved authorship.
- (ii) Denying authorship to contributors.
- (iii) Artificially proliferating publications (salami-slicing publications).
- (iv) Publishing (submitting) the same results as new to several different journals.
- (v) Failure to correct the publication record (should be retracted from the journal or sent a new data/record as erratum or corrigendum).
- (vi) Failure to cite appropriate references in publication.

(c) Data-related misconduct

- (i) Not preserving primary data.
- (ii) Poor data management and/or storage.
- (iii) Withholding data from the research community.

(d) Personal misconduct

- (i) Inadequate leadership/mentoring of students and next generation of researchers.
- (ii) Inadequate mentoring or counselling of students, misrepresentation of credentials.
- (iii) Inappropriate personal behaviour and harassment.
- (iv) Insensitivity to social or cultural norms.
- (v) Prejudice against members of a particular groups or gender.
- (vi) Conducting research that contravene with any provisions of the laws by University/Ministry/Country.

(e) Financial misconduct

Misuse of research funds for unauthorised purchase or for personal gain.

C. SUPERVISION MISCONDUCT

1. Carrying out supervisory duties carelessly so as to make it difficult for students or cause the students not to receive proper direction and guidance.
2. Failure to supervise industrial training or practicum student.
3. Delay the checking or examining of the students' thesis or coursework without reasonable cause.
4. Practice partiality and biasness towards students.
5. Conceal actual information related to supervision.
6. Breach any rules, regulations and instructions related to the supervision issued by UMT from time to time.

D. CONSULTATION MISCONDUCT

1. Carrying out consultation projects without UMT's permission.
2. Focusing too much on consultation projects to the point of compromising official duties as a lecturer.
3. Carrying out consultation projects that are in conflict with UMT's rules and regulations or unlawful.
4. Misuse of UMT's name for personal gain.
5. Tarnish the image or reputation of UMT or any staff of UMT during the execution of consultation projects.

E. MISCONDUCT IN COMMERCIALIZATION AND MANAGEMENT OF INTELLECTUAL PROPERTY

1. Conduct negotiation for commercialization without UMT's permission.
2. Interfere with the process of acquiring or registering intellectual property to safeguard the interests of UMT.
3. Prioritise self-interest over the interest and rights of UMT.
4. Deliberately causing conflicts in the commercialisation process by being a board member or acquiring shares of a company involved in such commercialization.
5. Conduct himself in such a manner that could affect UMT's reputation and image such as being irresponsible, not keeping promises or offering commercialization of innovations that have not been tested for effectiveness.
6. Focusing too much on commercialization activities to the point of compromising official duties as a lecturer.

F. MISCONDUCT IN COMMUNITY SERVICE

1. Fail to inform or obtain the Dean's approval before carrying out any community service activities.
2. Focusing too much on community service activities to the point of compromising official duties as a lecturer.
3. Carry out activities that are unlawful or contravene UMT's rules, regulations, policies or guidelines.
4. Misuse of UMT's name for personal gain.
5. Conduct himself in such a manner that could affect UMT's reputation and image or any of its' Centres, Departments, Divisions or staffs during the execution of community service activities.
6. Tarnish the image or reputation of the country, States or government agencies or any related officers during the execution of community service activities.
7. Contravene any professional work ethics as prescribed by UMT.

G. MISCONDUCT IN STUDENT DEVELOPMENT

1. Forge unprofessional relationships with students that can lead to conflict of interest.
2. Commit any act with students or behave in such a way that violate religious boundaries or social norms and ethics that can undermine UMT's academic credibility and integrity.
3. Use position as UMT lecturers for personal gain and advantages.

APPENDIX B

FINANCIAL MALPRACTICE AND MISCONDUCT UNDER ACT 605

A. FINANCIAL MALPRACTICE

1. False Claim

Illustrations:

- (a) Submit false and dubious claim document.
Example: false receipt of claim for refund of shoes and uniform tailoring payment.
- (b) Claim for travelling expenses for non-attendance at any required events or create false events.
- (c) False overtime claim whereby no work have been done overtime but conspired with the supervisor to issue overtime work instructions.

2. Procurement/Payment

Illustrations:

- (a) Make a pact or collusion with suppliers to coordinate or undermine procurement process.
Example: Leak the estimated tender price to the supplier.
- (b) Obtain additional information or document from the supplier to enable the supplier to be considered and succeed in the bidding process.
- (c) False verification of receipt of goods and services where the supplier does not meet the specifications but was verified as accurate as the specifications.
- (d) Accept commissions to expedite the payment process or any financial process.
- (e) Using a petty cash or university's asset for personal use.

3. Manipulation of Financial System

Illustrations:

- (a) As the Head of Department or Supervisor grant access to the system (in terms of approval) under his control to his subordinate which has been misuse by the subordinate. The Head of Department or Supervisor is accountable for being negligent.
- (b) As a staff who monitor the financial system use his expertise to amend or manipulate financial data for personal financial benefit.

B. MISCONDUCT UNDER ACT 605

1. Subordinate his duty to UMT to his private interests

Illustrations:

- (a) Allow admission of unqualified family members or relatives as a student or staff of UMT.
- (b) Amend examination marks for students who are relatives to the staff.
- (c) Leak examination questions to students who have relatives to the staff.
- (d) Using the influence of official positions to earn personal gain (as a dealing customer, etc.).

2. Conduct himself in such a manner as is likely to bring his private interests into conflict with his duty to UMT

Illustrations:

- (a) As the Head of Department or Supervisor instructs subordinates to do any tasks that are of private matters or for his personal advantages.
Example: Instruct the driver to send or pick up his children from school during office hours.
- (b) Misuse of UMT's assets.
Example: Utilise office equipment for personal use.

3. Conduct himself in any manner likely to cause a reasonable suspicion that—

- (i) **he has allowed his private interests to come into conflict with his duty to UMT so as to impair his usefulness as an officer of UMT; or**
- (ii) **he has used his position as an officer of UMT for his personal advantage.**

Illustrations:

- (a) Maintaining a standard of living beyond emoluments and legitimate private means.
- (b) Use departmental facilities (department vehicles and facilities) for personal matters.
- (c) Vacation or having recreation with suppliers.

4. Conduct himself in such a manner as to bring UMT into disrepute or to bring discredit to UMT

Illustrations:

- (a) Wear UMT uniforms to social places such as shopping complexes during working hours.
- (b) Involve in drug abuse.
- (c) Convicted of a criminal offence either in Civil or Syariah Court.
- (d) Commit sexual harassment.
- (e) Display behaviours that can tarnish the name of UMT.
Example: being a loan shark

- (f) Involved in personal debt with various parties.
- (g) Involved in illegal demonstrations.
- (h) Irresponsible use of social media.
Example: Upload defamatory statement on Facebook

5. Lack efficiency or industry

Illustrations:

- (a) Make the same mistakes over and over again.
Example: small mistakes but have a big impact on the organization such as the preparation of letters / papers, banking / financial matters, etc.
- (b) Does not achieve the set KPIs repeatedly.

6. Be dishonest or untrustworthy

Illustrations:

- (a) Submit false medical certificate.
- (b) Submit false claims.
- (c) Selling of official information or exam questions.
- (d) Free ride by listing name as co-author of an article either journal articles, news, etc. but does not contribute anything to the article.
- (e) Provide confidential data or information to suppliers.
- (f) Doing personal part time work during working hours.
- (g) Delay the execution of duties during office hours with the aim of doing overtime work.
- (h) Conceal problems or issues that occur from the Head of Department or Supervisor.

7. Be irresponsible

Illustrations:

- (a) Absent from work or not present at any event or place as instructed by the Supervisor.
- (b) Log in or log out attendance for other staff either the colleagues, spouses or family members.
- (c) Give instruction to subordinates to perform tasks not related to the scope of duties.
- (d) Plagiarism of work.
- (e) Being partial or bias when handling complaints.
- (f) Issue Instruction for Variation of Works without the approval of the Superintending Officer.
- (g) Falsely certify progress of work by contractor.
- (h) Amend minutes of meeting without the meeting's approval.
- (i) Share passwords with colleagues or other interested parties.
- (j) As Supervisor assign his duties to subordinates without monitoring.

8. Bring or attempt to bring any form of outside influence or pressure to support or advance any claim relating to or against UMT, whether the claim is his own claim or that of any other officer of UMT

Illustrations:

- (a) Use external support in the process of promotion or appointment or new appointment.
- (b) Solicit interference from influential or political parties to avoid disciplinary action.

9. Be insubordinate or conduct himself in any manner which can be reasonably construed as being insubordinate

Illustrations:

- (a) Receive gifts without reporting to the Head of Department.
- (b) Travel overseas without approval.
- (c) Bring out official documents without permission.

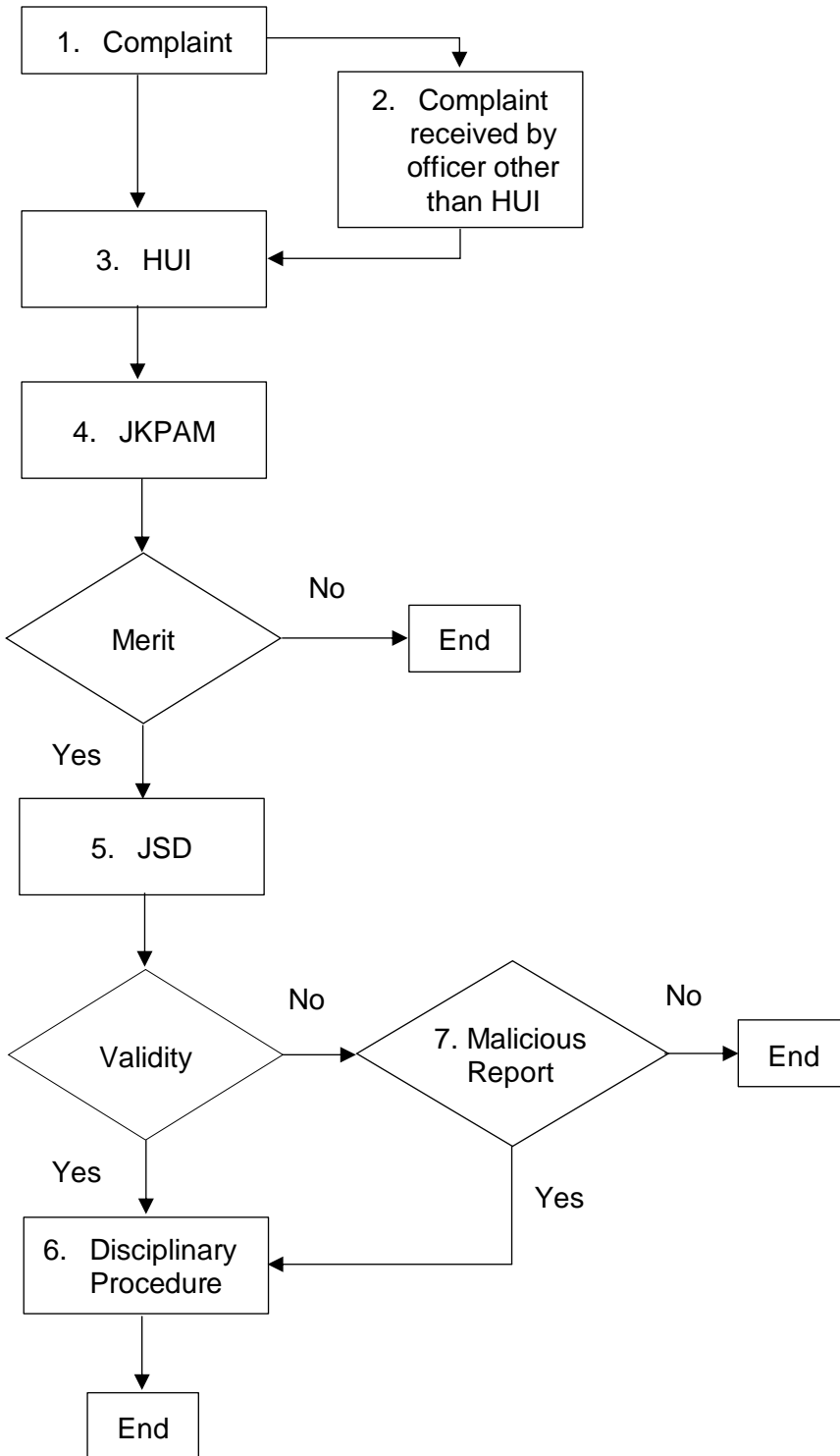
10. Be negligent in performing his duties

Illustrations:

- (a) Negligently lost, misplaced or disposed of UMT's assets, property or documents.
- (b) Prescribed incorrect medication.
- (c) Recommend unsafe building design.
- (d) Error in making payment.
- (e) Careless in the preparation of official documents.
- (f) Record minutes of a meeting not in accordance with the decision of the meeting.

APPENDIX C

FLOW CHART OF LODGING REPORT AND INVESTIGATION PROCEDURE



1. A complainant can be from all UMT's stakeholders. However a person against whom the complaint is raised must be under UMT's jurisdiction. The identities of both parties will be kept confidential.
2. If a complaint is sent other than HUI, the officer who received the complaint MUST submit the complaint to HUI in a sealed envelope. The report received will be classified as confidential.
3. Complainant must fill and sign a formal complaint form and which will be given a reference number.
4. JKPAM will evaluate the merit of the complaint.
5. If supporting evidence not sufficient but the complaint has credible basis, HUI can conduct a preliminary investigation to gather information and evidence and will subsequently presented to JKPAM for evaluation to determine the merit of the complaint
6. If the complaint has merit, then the complainant will be given protection from detrimental action and the complaint will be investigated by JSD.
7. Upon conclusion of the investigation, if the findings are valid and satisfactory, then the Legal Advisor shall proceed with disciplinary proceeding.
8. If the complaint cannot be substantiated, JSD will proceed to determine whether the complaint was made with malicious intent.
9. Immunity granted to the complainant will be revoked if JSD finds that the report is not made in good faith and the complainant may be subject to disciplinary action.