



THE UNITED REPUBLIC OF TANZANIA
TANZANIA PORTS AUTHORITY
BANDARI COLLEGE DAR ES SALAAM



STUDENTS' WHISTLEBLOWING GUIDELINES, 2023

MARCH, 2023

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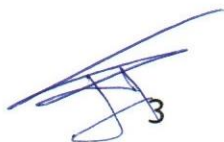
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LIST OF ABBREVIATIONS

BCD	Bandari College Dar es Salaam
BACOSO	Bandari College Students' Organization
NTA	National Technical Award
PBC	Principal Bandari College
TPA	Tanzania Ports Authority



INTERPRETATIONS

In these Guidelines, the following terms shall have the following meanings:

“BC Community” means students, academic and administrative staff, service providers and visitors at BCD.

“Board” means BCD Board of Governors.

“Student Welfare Office” means the Office which deals with student’s affairs.

“Guidelines” means the Bandari College Dar es Salaam Students’ Whistleblowing Guidelines.

“Principal” means Principal of Bandari College.

“Retaliation” means any adverse or detrimental treatment made or taken against an individual who has made a whistle-blower disclosure.

“Staff” means any person employed by TPA to work at BCD station whether full-time, part-time, temporary, or casual.

“Student” means any person enrolled as such for any course or program at BCD.

“Whistle-blower” means any person who makes a disclosure of wrongdoing in accordance with the provisions of these Guidelines.

“Sexual Harassment” refers to the acts of sexual misconduct as defined and spelt out in the BCD Students’ Bylaws, 2021.

1.0 INTRODUCTION

1.1 Background

Tanzania Ports Authority (**TPA**) is in the process of transforming its Bandari College Dar es Salaam (BCD) by enhancing the College capacity to provide competence-based training in the maritime and port subsector. The College is offering general and tailor-made short courses, long term courses from Basic Technician Certificates (NTA level 4) to Ordinary Diploma (NTA level 6), advisory services (consultancy) to the Authority and stakeholders from port, transport, logistics and mining sub-sector across Tanzania and beyond and operational research in the port and port sub-sector.

It is a strong held belief of BCD Management that all students who are pursuing their studies at the College whether long term or short programmes are entitled to do so in an environment which is free from any form of harassment, corruption, and unethical behaviour either from fellow students, academic, non-academics staff (including part time staff) and BCD service provider.

Likewise, everyone within the BCD community should be vigilant and proactive in disclosing wrongdoings or potential wrongdoings. Students are encouraged to be confident and report wrongdoings or potential wrongdoings. Where a legitimate disclosure has been made, a whistle-blower has the right to be supported, protected and made safe against any retaliatory actions. Confidentiality shall be observed unless the situation legally warrants otherwise.

1.2 **Vision and Mission**

The Vision of Bandari College Dar es Salaam is *“to be a Centre of Excellence in Training, Applied Research and Advisory Services in the Port Logistics and Maritime Transport Management in Sub-Saharan Africa”*.

The Mission of BCD is *“to provide competence-based training, undertake applied research, and provide advisory services and solutions to problems based on current and future needs of the port logistics and Maritime transport sub-sector”*.

1.3 **Rationale of the Guidelines**

BCD is committed to the highest standards of integrity and conduct. BCD has also a zero tolerance for all forms of harassment, corruption, unethical conducts and related misconducts from its students, staff and service providers.

TPA and BCD has rules and regulations to deal with such misconducts. What is missing in BCD is a document which will help to deter these wrongdoings by encouraging disclosure of such wrongdoings or potential wrongdoings while ensuring the protection and safety of the person who makes such a legitimate disclosure. This entails creating an enabling environment where such persons should feel safe, secure and confident of protection, support and confidentiality after making such a disclosure.

BCD as an academic institution, incidents of unethical behaviours do occur. BCD has been receiving complaints from students that they have been subjected to an unwanted and unethical conducts such as sexual harassment and corruption. Such incidents have been

handled administratively but there is no proper document in place that provides legitimate guidance and emphasize importance of disclosure and reporting of such wrongdoings.

Thus, these guidelines are formulated to provide uniform standards, procedures, accountability mechanism, and protection of persons who disclose such wrongdoings or potential wrong doings.

1.4 **Scope**

These guidelines apply to all students, as well as individuals who have a contractual relationship with the students' community, including service providers. It is the responsibility of BCD management to inform and educate students and the whole BCD community on the existence of these Guidelines. BCD also has a duty to monitor and evaluate incidents and implementation of these Guidelines once it is operationalized.

Similarly, each community member of the College has a responsibility of familiarizing herself/himself with these guidelines to ensure that her/his conduct does not violate the principles and the spirit of these guidelines.

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2.0 GUIDING PRINCIPLES

2.1 Principles

2.1.1 Protection of Whistle-blowers

Whistle-blowers shall be protected against detriment, risk of detrimental treatment and to intervene if detriment has already occurred, if the:

- (i) disclosure is made in good faith,
- (ii) whistle-blower has reasonable cause to believe that the information disclosed and the allegation of wrongdoing contained in it is substantially valid, and
- (iii) Disclosure is made in accordance with the provisions of this Guideline.

2.1.2 Confidentiality

As regards the information and source of information disclosed:

- (i) The information received from the whistle-blower shall only be disclosed to an authorized person to receive the complaints or concern and remain confidential during and after the investigation. Any disclosure shall only be in accordance with these Guidelines.
- (ii) The identity of a person who makes a disclosure shall remain anonymous and confidential except where otherwise required under these Guidelines.

2.1.3 Zero Tolerance

BCD will not tolerate any form of harassment, abuse, corruption and unethical behaviour either from fellow students, academic and non-academics staff (including part time staff) and BCD service provider. Any such action needs to be reported and if found guilty, sanctions will ensue from such actions which will include but not limited to

denied access to BCD premises, suspension, termination of studies, employment or service provider contract or any other lawful sanctions applicable in accordance with the laws.

2.1.4 Prompt and effective Dealing with Whistleblowing Disclosures

College Management will ensure that upon receipt of a whistleblower report which has been lodged in accordance with this Guidelines, it will:

- (i) Record the time and place and the manner it was made.
- (ii) Issue a written acknowledgement of receipt of the disclosure (where whistle-blower is known).
- (iii) Keep the disclosure confidential and in safe custody pending investigation of the wrongdoing.
- (iv) Investigate the wrongdoing as expeditiously as possible.
- (v) Issue writings on the investigation.
- (vi) Forward matter to competent authority in the event the content of the disclosure requires so.

2.1.5 Malicious Whistleblowing

Every disclosure on corruption, any of harassment, unethical conduct or related conduct made will be taken in good faith and investigated accordingly. It should also be understood that all students, BCD staff and service providers have the right to be protected from false accusations.

A whistle-blower who knowingly makes a false disclosure/reporting in relation to acts or potential acts of corruption, harassment and any other unethical wrong against another student, BCD staff or service

provider commits an offence and/or serious misconduct. Any proven acts of malicious false accusations against a student, BCD staff or service provider will be treated as a serious misconduct which may lead to initiation of necessary sanctions in accordance with existing laws and regulations.

Therefore, any whistle-blower proven to have deliberately made false allegations or to have acted in bad faith to the detriment of BCD will face repercussions.

2.2 Issues not to be Reported

The following issues do not fall within the domain of whistleblowing and will not be reported under these Guidelines:

- (i) Issues for which appropriate procedures already exist.
- (ii) Student's personal grievances, which should be reported and deliberated through College Baraza meetings or reported through normal BACOSO channel.

2.3 Applicability

These Guidelines only addresses the aspect of whistleblowing by setting out parameters of Who? What? How? In relation to disclosure of certain misconducts. The Guidelines will be read together with the Students Bylaws, 2021 and other Regulations and Guidelines in place at the BCD.

3.0 WHISTLEBLOWING

3.1 Type of Whistleblowing

This Guideline recognizes the following types of whistleblowing:

3.1.1 Open Whistleblowing

The person making the disclosure/reporting does so openly without seeking protection of his/her identity.

3.1.2 Confidential Whistleblowing

The person making the disclosure/reporting does not want his/her name to be disclosed unless required by law. Any disclosure of name will require prior consent from the person making the disclosure.

3.1.3 Anonymous Whistleblowing

The identity of the person making the disclosure/reporting is unknown.

3.1.4 Who can Report

Any student, staff, service providers or any interested individual may file a disclosure/report.

3.2 What to Report

The disclosure or reporting must relate to all acts of harassment, corruption, unethical behaviour or related misconduct either from fellow students, academic and non-academics staff (including part time staff) and BCD service provider at the College. The areas include but are not limited to:

- (i) All forms of sexual harassment

- (ii) All forms of corruption and fraud. E.g., plagiarism, falsification of field and project reports, examination fraud, forgery.
- (iii) Illegal and dangerous activities at BCD.
- (iv) Any other unethical behaviour and related misconduct.

3.3 Form of Reporting

A disclosure/reporting may be made in writing, electronically or orally. As much as possible, the disclosure should contain as much information as possible without compromising the person making the disclosure to enable investigation to be carried out. As such, it should contain:

- (i) Nature and details of the wrongdoing being reported
- (ii) Name(s) of the person(s) alleged to have committed, who is committing or is about to commit the wrongdoing.
- (iii) Time and place where the alleged wrongdoing is taking place, took place or is likely to take place.
- (iv) Corroboration evidence (where available)
- (v) Name of the person making disclosure* (optional)

3.4 Where to Lodge the Disclosure/Reporting

Matters related to whistleblowing may be reported as follows:

- (i) Use the BCD's website (www.bandari.ac.tz) through the whistleblowing link named "*complaints or whistleblowing*" or filing a whistleblowing form found at the College website appearing as **Appendix 1** to these Guidelines and hand it to the Principal or the dedicated officer who will be appointed by the Principal.
- (ii) Orally directly to the Principal or in writing at the address below:
Principal

Bandari College Dar es Salaam (BCD)

PO. Box 9184,

DAR ES SALAAM

E-mail:

- (iii) Orally or in writing directly to the Principal or dedicated officer appointed by the Principal.
- (iv) In case the Person making the disclosure feels the use of the mentioned methods may not be effective, he/she may report the matter to any member of the College Board of Governors or TPA Director General.

4.0 HANDLING WHISTLEBLOWER DISCLOSURE

4.1 Formation of the Integrity Committee

4.1.1 There shall be an Integrity Committee which shall be composed of four (4) members and one (1) Secretary appointed by the Principal. The Principal shall also amongst the members appoint the Chairperson.

4.1.2 The Principal in appointing the members of the Committee shall give due regard to the following personal characteristics:

- (i) Integrity,
- (ii) Impartial,
- (iii) Discretion and
- (iv) Fair

4.1.3 The Secretary shall not take part in the decision of the Integrity Committee.

4.2 Powers and Duties of the Integrity Committee

The Integrity Committee shall have the following authority to:

- (i) Investigate and inquire on a whistle-blower disclosure.
- (ii) Demand and peruse inter alia any document, pictures, audio and visual recordings.
- (iii) Summon and question any person with relevant information in relation to the disclosure.
- (iv) To prepare and submit a detailed a confidential report on its investigation which contains findings and recommendation to the Principal. In the event that the matter relates to the Principal, the confidential report will be submitted to TPA Director General.

5.0 REWARD AND COMPENSATION

- 5.1 For the purpose of promoting and facilitating reporting of a wrongdoing, a whistleblower or a witness may be rewarded or compensated.
- 5.2 At the discretion of the Director General and from the recommendations from the Principal, a whistle-blower may be rewarded by way of monetary compensation or written commendation for disclosing a legitimate matter for the best interest of TPA. The amount of compensation and/or type of reward shall be at the sole discretion of the Director General.
- 5.3 The Principal before making recommendations to the Director General shall appoint an *ad hoc* committee of not less than three (3) staff to advise him on any compensation or reward to be paid to a legitimate whistle-blower or a witness on a disclosure which is of a **public interest disclosure**. The ad hoc committee shall consider the level of risks (monetary or reputational) of the action reported on.

6.0 SANCTIONS

6.1 Depending on the findings and/or recommendations in the investigation report, necessary sanctions including disciplinary action may be instituted against the accused wrongdoer, malicious reporter and/or any other named person in accordance with laid down procedures and the governing laws.

7.0 MANDATE

In pursuance to its investigation, when the Integrity Committee ascertains that the matter being disclosed is plausible and of national interest or beyond its mandate and that the mandate to investigate the disclosure lies with higher Authority or other Government entities, it shall formally write in confidence to the Principal who shall forward the matter to the relevant higher authority or Government entity together with all supporting documents for further action.

8.0 REVIEW

BCD reserves the rights at any time to amend these Guidelines as need arises.

9.0 OPERATIONALIZATION OF THE GUIDELINES

These Guidelines shall become operational on the date they are approved by the Board of Governors.

Approved by the Board of Governors:

.....*lywa;*.....
Eng. Anthony Swai
Chairperson
Board of Governors

..........
Dr. Lufunyo S. Hussein
Principal/Secretary

Dar es Salaam

Date.....*06th April, 2023*.....



BCD WHISTLEBLOWER REPORTING FORM

Please feel this form carefully after having read these Guidelines.

Note: Please read and follow the procedures laid out in these Guidelines in making a disclosure.

Caution: A student who knowingly makes a false disclosure/reporting in relation to acts or potential acts of corruption, harassment and any other unethical wrong against another student, BCD staff or service provider will be subjected to sanction as provided in these Guidelines and/or the Students' Bylaws 2021.

The Field With “*” must be filled.

REPORTER'S CONTACT INFORMATION

(This section may be left blank if the reporter wishes to remain anonymous)

Name	
Reg. No. (if applicable)	
Programme/Occupation (if applicable)	
Phone Number	
E-mail Address	

SUSPECT'S INFORMATION

Name*	
Designation*	
Phone Number	
E-mail Address	

DETAILS OF THE ALLEGATION

Briefly describe the misconduct/ improper activity related to sexual harassment, corruption or other related matters and how you know about it. Specify with as much details as possible what? Who? When? Where? and how? If there is more than one allegation, number each allegation and use as many pages as necessary.

1. What misconduct/improper activity occurred, is occurring or likely to occur?*
2. Who committed, is committing or is planning to commit the misconduct/ improper activity?*
3. Date and time of complained incident.
4. Where did it or is likely to happen?*
5. Is there any evidence that you could provide us? If yes please attach.*
6. Are there any other parties involved other than the suspect stated above?*
7. Do you have any other details or information which would assist in the investigation?

8. Any other comments or recommendations for mitigation?

Date:

Signature:

Note:

1. All information disclosed shall be treated confidentially.
2. In case of any form of victimization, harassment or retaliation, the whistle-blower shall report to the Principal whom shall take appropriate disciplinary action to protect the whistle-blower.
3. The students By Laws or any other statutes shall not be imposed against the whistle-blower.
4. Feedback shall be provided to all whistle-blowers.

WITNESSES'S INFORMATION (if any)

(1) Name	
Phone Number	
E-mail Address	
(2) Name	
Phone Number	
E-mail Address	
(3) Name	
Phone Number	
E-mail Address	