

WHISTLEBLOWER POLICY

1 PURPOSE

The objective of this Policy is to encourage reporting of matters that are of legitimate concern by providing a convenient and safe reporting mechanism, and protection for people who make disclosures.

2 SCOPE

2.1 This Policy applies to “**Disclosers**” (herein also referred to as “**Whistleblowers**”), which means anyone who is, or has been, any of the following with respect to University College (UC):

- employees;
- councillors;
- contractors (including employees of contractors);
- suppliers (including employees of suppliers);
- students
- alumni;
- donors;
- consultants;
- conference and apartment guests; and
- relatives, dependants, spouses, or dependents of a spouse of any of the above.

2.2 The protections in this Policy will also apply to anyone who has made a disclosure of information to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblowing protection laws.

3 POLICY STATEMENT

3.1 UC is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

3.2 People who have a working relationship with UC may be the first to realise that something may be wrong. However, they may not wish to speak up for fear of appearing disloyal or being victimised or subject to reprisals for making disclosures. UC encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving UC and provides protections and measures so that such Disclosers who make a report may do so with confidentiality and without fear of intimidation, disadvantage or reprisal.

3.3 When a person makes a disclosure:

- their identity must remain anonymous according to their wishes;
- they will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure;
- an independent internal inquiry or investigation will be conducted;
- issues identified from the inquiry/investigation will be resolved and/or rectified;
- they will be informed about the outcome; and

- any retaliation for having made the disclosure will be treated as serious misconduct under this Policy.

4 MATTERS THAT SHOULD BE REPORTED

4.1 Any matter that a Discloser knows to be, or has reasonable grounds to believe to be, misconduct or an improper state of affairs or circumstances; or in breach of UC's policies or the law, should be reported in accordance with this Policy.

4.2 Reportable matters (herein also referred to as misconduct) include any conduct that involves:

- dishonest behaviour;
- fraudulent activity;
- unlawful, corrupt or irregular use of company funds or practices;
- illegal activities (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property);
- unethical behaviour, including anything that would breach UC's Code of Conduct;
- improper or misleading accounting or financial reporting practices;
- a breach of any legislation relating to UC's operations or activities;
- behaviour that is oppressive, discriminatory or grossly negligent;
- unsafe work practices;
- any behaviour that poses a serious risk to the health and safety of any person at the workplace;
- a serious risk to public health, public safety or the environment; or
- any other conduct which may cause loss to UC or be otherwise detrimental to the interests of UC.

4.3 Personal work-related grievances and Student grievances and complaints

4.3.1 Personal work related grievances are not covered under this Policy and should be reported to the relevant direct manager.

4.3.2 Student grievances and complaints are not covered under this Policy and should be dealt with in terms of the Student Handbook

4.3.3 "**Personal workplace grievances**" refer to grievances about any matter in relation to the Discloser's employment, or former employment, which tend to have implications for the Discloser personally, including:

- an interpersonal conflict between the Discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the Discloser;
- a decision relating to the terms and conditions of engagement of the Discloser; or
- a decision to suspend or terminate the engagement of the Discloser, or otherwise, to discipline the Discloser.

However, it does not include:

- any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make a report under this Policy; or
- a matter that would have significant implications for UC.



4.3.4 “**Student grievances and complaints**” refer to grievances or complaints about any matter in relation to a student’s residence at the College, including:

- interpersonal conflict between students;
- grievances in relation to accommodation; and
- matters arising under the Fit to Return or Remain Policy;
- matters arising under the Sexual Harassment and Sex Based Harassment Policy.

5 **RESPONSIBILITY TO REPORT**

UC relies on its employees and other Disclosers to help maintain and grow its culture of honest and ethical behaviour. It is therefore expected that any Discloser who becomes aware of any misconduct will make a report.

6 **RESPONSIBILITIES**

The Council of UC, through the Governance Committee governs and is responsible for the ultimate decision-making power regarding reports and investigations under this Policy.

6.1 **Whistleblower Protection Officer (“WPO”)**

6.1.1 UC has appointed a WPO who will safeguard the interests of Disclosers making reports under this Policy and will ensure the integrity of the reporting mechanism. The current WPO is the Head of College.

6.1.2 The WPO will:

- refer any reports that require further investigation to the Whistleblower Investigation Officer (“**WIO**”);
- report directly to the Governance Committee on matters relating to this Policy; and
- have access to independent advisers as and when required.

6.2 **Whistleblower Investigations Officer (“WIO”)**

6.2.1 UC has also appointed a WIO who will carry out or supervise the investigation of reports made under this Policy. The current WIO is the President of Council.

6.2.2 The WPO and WIO act independently of each other and the responsibilities of these roles do not reside with one person.

6.3 **Reports concerning the WPO and/or the WIO**

If a report involves the WPO and/or the WIO, this will be directed to the Chair of the Governance Committee for investigation and further action.

7 **MAKING A REPORT**

7.1 **Disclosure by Employees**

Employees should first report any matters of concern to their direct line manager. Where this is not appropriate, where the person making a report does not feel comfortable, or where an employee has made such a report but no action has been taken within a reasonable time, the report can be made to another eligible recipient or to the WPO.

7.2 Disclosure to eligible recipients

7.2.1 Disclosure can be made to an “**eligible recipient**” of UC. The following persons are eligible recipients:

- members of Council;
- executive management; and
- auditor or member of an audit team conducting an audit.

7.2.2 Reports to an eligible recipient must be made in person or by telephone and the Discloser must first inform the eligible recipient that they wish to make a report under this Policy.

7.2.3 An eligible recipient may direct the Discloser to make the report to the WPO, if they consider it appropriate in the circumstances.

7.3 Disclosure to the WPO

7.3.1 Disclosures can be made directly to the WPO.

7.3.2 Reports to the WPO must be made in person or by telephone and the Discloser must first inform the WPO that they wish to make a report under this Policy.

8 SUPPORT AND PROTECTIONS AVAILABLE TO DISCLOSERS

A Discloser will not be subject to any civil, criminal or disciplinary action for making a report that is covered by this Policy, or for participating in any subsequent investigation by UC. No employee, officer or contractor of UC may engage in detrimental conduct against a Discloser who has made or proposes to make a report in accordance with this Policy. All reasonable steps will be taken to ensure that a Whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal or prejudice, because they have made a report. However, this Policy will not protect the Discloser if they are also involved in or connected to the improper conduct or illegal activities that are the subject of a report

8.1 Anonymous reporting

Anonymous reports are accepted under this Policy. Anonymous reports do, however, have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms may be difficult to enforce if a Discloser chooses to remain anonymous.

8.2 Retaliation

8.2.1 UC will not tolerate any retaliation against a person because they have made a report under this Policy and is committed to protecting and respecting the rights of a person who reports any misconduct. The person (or entity) must not be disadvantaged or victimised for having made the report by:

- dismissal or termination of services or supply;
- demotion;

- discrimination, victimization or harassment;
- current or future bias; or
- threats of any of the above

8.2.2 Any such retaliatory action or victimisation due to Whistleblowing may be considered serious misconduct resulting in disciplinary action, which may include termination of employment.

8.2.3 Note that where a Whistleblower makes a disclosure in accordance with this Policy, it will not prevent management from taking any reasonable management action, carried out in a reasonable manner, to manage the conduct and/or performance of UC staff, where this is warranted

9 INVESTIGATION

9.1 Where a report is made under this Policy, the WIO will investigate the report.

9.2 Where the WPO and/or the WIO deems necessary, the WIO may use an external investigator to conduct an investigation, either in conjunction with the WIO or independently.

9.3 Where the WPO and/or the WIO deems necessary, the WIO may also use an external expert to assist with an investigation.

9.4 All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of an investigation. To avoid jeopardising an investigation, a Discloser who has made a report under this Policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

9.5 Where a Discloser wishes to remain anonymous, the Discloser's identity will not be disclosed to the investigator or to any other person. Information that is likely to lead to the identification of the Discloser can be disclosed without the Discloser's consent, provided that:

- it is disclosed for the purpose of reasonably investigating the matter; and
- all reasonable steps are taken to reduce the risk that the Discloser will be identified.

9.6 Wherever possible, and assuming that the identity of the Discloser is known, the Discloser will be kept informed of the progress and outcomes of the investigation, subject to privacy and confidentiality considerations.

10 REPORTS TO THIRD PARTIES

In certain circumstances a Discloser may have a legal obligation to make a report to a statutory body or government department. Disclosers should ensure that they comply with all such reporting requirements. The WPO can advise Disclosers on these reporting obligations following consultation with an independent adviser (to the extent required).

11 BREACH OF THIS POLICY

The consequences of any breach of this Policy will be considered by Management and ultimately determined by the Head of College.

12 GENERAL

It is a condition of any employment or engagement by UC that all employees, and contractors must comply at all times with this Policy. However, this Policy does not form part of any agreement between any person and UC, nor does it constitute terms and conditions of any person's employment or engagement with UC. This Policy will be made available to employees of UC by making it accessible from the UC website.

13 RELATED LEGISLATION AND DOCUMENTS

13.1 Related Legislation

- Part 9.4AAA of the Corporations Act 2001 (Cth) (Protection for Whistleblowers)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2019 (Cth) (Whistleblower Bill)

13.2 Relevant UC Policies

- Staff Code of Conduct
- Student Code of Conduct
- Fit to Return or Remain Policy
- the Sexual Harassment and Sex Based Harassment Policy.

14 APPROVAL AND REVIEW DETAILS

Approval and Policy Owner	Details
Approval Authority	Council
Advisory Committee to Approval Authority	Governance Committee
Policy Owner	Head of College (in capacity as Company Secretary)
Next Review Date	July 2023

Version Control	Date Approved	Description of Change
V1	December 2019	Original
V2	July 2021	Addition of reference to student grievances and complaints being excluded from this policy
V3	September 2022	Addition of reference to matters arising under the Fit to Return or Remain Policy as being excluded from this policy
V4	November 2022	Addition of reference to matters arising under the Sexual Harassment and Sex Based Harassment Policy as being excluded from this policy