

Whistleblowing (Reporting Wrongdoing) Procedure

Section 1 - Purpose

(1) This procedure supports the [Whistleblowing \(Reporting Wrongdoing\) Policy](#) by outlining the processes to be followed for reporting, receiving, managing and investigating wrongdoing within Charles Sturt University (the University).

Scope

(2) This procedure has the same scope as the [Whistleblowing \(Reporting Wrongdoing\) Policy](#).

Section 2 - Glossary

(3) For the purpose of this procedure:

- a. Authorised disclosure officer - means any of the officers, positions or contact points listed in the [Whistleblowing \(Reporting Wrongdoing\) Policy](#).
- b. Disclosure coordinator - means the role within the University that is assigned from time to time by the Vice-Chancellor to coordinate all reports of wrongdoing received by the University. The disclosure coordinator is an independent role and, notwithstanding the assignee's normal organisational reporting lines, reports to the University Secretary for the purpose of this role. This role is currently held by the Chief Security Officer.
- c. Disclosure manager - means a position within the University that may assist the disclosure coordinator in managing the investigation.
- d. Principal officer - means the responsibility assigned to the Vice-Chancellor under the [PID Act](#) as having ultimate responsibility for maintaining the internal reporting systems and workplace reporting culture, and ensuring the University complies with its obligations under the [Whistleblowing \(Reporting Wrongdoing\) Policy](#), the [PID Act](#) and the [Corporations Act](#).

Section 3 - Policy

(4) This procedure supports the [Whistleblowing \(Reporting Wrongdoing\) Policy](#).

Section 4 - Procedures

Part A - Making and receiving reports

Making a report

(5) A report can be made in writing or verbally to any authorised disclosure officer listed in the [Whistleblowing \(Reporting Wrongdoing\) Policy](#). Written reports are preferred as this can help to avoid any confusion or misinterpretation.

(6) The University's Reporting Wrongdoing website will also provide links to:

- a. an online reporting form that will submit the report directly to the University's disclosure coordinator, and/or
- b. i-Sight and Whistleblower Security, the independent external service providers that have been contracted by or on behalf of the University to receive reports of wrongdoing.

(7) If a report is made verbally (except for reports made to the independent external hotline), the authorised disclosure officer will make a comprehensive record of the report and ask the person reporting the wrongdoing to sign this record. The reporter should keep a copy of this record.

(8) When requested, the authorised disclosure officer will arrange to allow a person reporting a wrongdoing to make the report privately and discreetly, away from the workplace if necessary, and will discuss with the reporter any concerns they may have about potential reprisal or workplace conflict.

(9) As stated in the [Whistleblowing \(Reporting Wrongdoing\) Policy](#), wrongdoing may also be reported to the relevant external investigating authority. Contact details for each investigating authority are provided in the [External Investigating Authorities list](#).

Receiving a report

(10) An authorised disclosure officer who receives a report of wrongdoing will:

- a. if the report is made verbally, record the details of the report as stated at clause 7,
- b. refer the report immediately to the University's disclosure coordinator, and
- c. provide the person who made the report with a written acknowledgement, if the person has provided a means of doing so.
 - i. The acknowledgement must provide advice about the timeframe within which the person reporting will receive further information and the name and contact details of the disclosure coordinator and/or disclosure manager.
 - ii. Where appropriate, the disclosure coordinator may provide a proforma response for this acknowledgement, or the disclosure coordinator may send the written acknowledgement once the report has been referred to them.

(11) Notwithstanding clause 10, where a report of wrongdoing is about the principal officer or the disclosure coordinator, the following will apply:

- a. Where a report is about the principal officer, the authorised disclosure officer and/or the disclosure coordinator will forward the report to the Chancellor for assessment.
- b. Where a report is about the disclosure coordinator, the authorised disclosure officer will forward the report to the Vice-Chancellor for assessment.

(12) The University's disclosure coordinator will assess the report and may determine that:

- a. the report should be treated as a protected report under the [PID Act](#) or the [Corporations Act](#),
- b. the report does not meet the requirements of a protected report (for example, where the reporter is not eligible to make a protected report), but may still be investigated as a wrongdoing under this procedure,
- c. the report does not meet the requirements of a protected report, but should be referred elsewhere in the University for investigation under other policies,
- d. the report does not meet the requirements of a protected report, but should be referred to an external investigating authority or to the police, or

e. there is not enough evidence or information to take any further action.

(13) Where immediate action is required to protect the safety of people, animals or the environment, the disclosure coordinator will enact any relevant emergency management procedures.

Investigation of reports

(14) Where the disclosure coordinator determines that the report will be investigated as a wrongdoing under the [PID Act](#) or [Corporations Act](#), they will gather preliminary facts to determine whether there may be a case to answer. The disclosure coordinator may also delegate the preliminary appraisal to the disclosure manager.

(15) The preliminary appraisal will be completed promptly to determine what action will be taken to deal with the report of wrongdoing, and the findings will be referred to the principal officer (except where the matter relates to the principal officer).

(16) The disclosure coordinator will assess the preliminary appraisal, in consultation with the principal officer where appropriate, based on the information available to the disclosure coordinator at the time and:

- a. a decision will be made whether to carry out an investigation and how that investigation should be carried out, or
- b. the disclosure coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

(17) Throughout all preliminary appraisals and investigations, the disclosure coordinator and/or disclosures manager will:

- a. assess whether it is practicable and appropriate to keep the person making the report's identity confidential and discuss options as required with the reporter,
- b. assess the risk of reprisal and workplace conflict related to or likely to arise out of a report and develop strategies to manage any risk identified,
- c. where required, provide or coordinate support to people involved in the reporting or investigation process, including protecting the interests of any officer who is the subject of a report,
- d. where appropriate, refer actual or suspected cases of wrongdoing to an independent, qualified external investigator (such as a certified fraud examiner), and/or
- e. identify systemic issues arising from reports of wrongdoing and formulate recommendations for improvement.

(18) Where required, the disclosure coordinator or disclosure manager may seek advice from others within the University, including the Executive Director, People and Culture, General Counsel or Internal Audit staff, while maintaining the confidentiality as far as practicable.

(19) Subject to the direction of the Independent Commission Against Corruption (ICAC), all formal investigations relating to corrupt conduct within the University must be assigned, by the disclosure coordinator or principal officer, to a suitably qualified investigator (such as a certified fraud examiner or similar). The principal officer will refer investigation reports to the ICAC.

(20) Unauthorised investigations by line managers or by any member of staff are prohibited.

Part B - Feedback to people who report wrongdoing

(21) People who report wrongdoing will be advised of what is happening in response to their report (except where a report is made anonymously or without contact information).

Acknowledgement

(22) When a report is made, the authorised disclosure officer or the disclosure coordinator will contact the reporter to confirm that the report has been received and to advise:

- a. the timeframe within which the reporter will receive further updates, and
- b. the name and contact details of the people who can tell the reporter what is happening or handle any concerns the reporter may have.

(23) Within 45 calendar days of the report being made, the disclosure coordinator will send the reporter an acknowledgement letter, providing:

- a. advice on whether a decision has been made to treat the report as a protected disclosure,
- b. a copy of the [Whistleblowing \(Reporting Wrongdoing\) Policy](#) and this procedure,
- c. information about the action that will be taken in response to the report,
- d. the likely timeframes for any investigation or other action, and
- e. information about the internal and external resources or services available that the reporter can access for support.

(24) If the report is made that meets the requirements of the [PID Act](#), but is made under a statutory or legal obligation or is incidental to the performance of the reporter's day to day functions, an acknowledgement letter or a copy of this policy will not be provided.

Progress updates

(25) While a report is being dealt with, such as by investigation or making other inquiries, the person who made the report will be given:

- a. information about the progress of the investigation or other inquiries and reasons for any delay,
- b. advice of any decision by the University not to proceed with the matter,
- c. advice if the reporter's identity needs to be disclosed for the purposes of investigating the matter or making inquiries. An opportunity will be provided to the reporter to discuss this before their identity is disclosed.

Feedback

(26) Once the matter has been finalised the person who made the report of wrongdoing will be given:

- a. enough information to show that adequate and appropriate action has been taken and/or is proposed to be taken in response to the reporter's disclosure and any problem that was identified, and
- b. advice about whether the reporter is likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

Part C - Protection against reprisals

(27) The University will not tolerate detrimental action in reprisal against a person who reports wrongdoing or is believed to have reported wrongdoing.

(28) Detrimental action means action causing, comprising or involving any of the following:

- a. injury, damage or loss,
- b. intimidation or harassment,

- c. discrimination, disadvantage or adverse treatment in relation to employment,
- d. dismissal from, or prejudice in, employment,
- e. disciplinary proceedings.

(29) The [PID Act](#) and [Corporations Act](#) provide legal protection for people who have reported wrongdoing in accordance with the criteria under those acts. Penalties apply to anyone who takes detrimental action against another person substantially in reprisal for that person making a report under those acts. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have reported a wrongdoing, even if they did not.

(30) A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action.

(31) Taking or threatening detrimental action against a person substantially in reprisal for that person making a report under the [Whistleblowing \(Reporting Wrongdoing\) Policy](#) and this procedure is also misconduct which may result in disciplinary action under the [Enterprise Agreement](#).

(32) If a report of wrongdoing made under clause 14m. of the [Whistleblowing \(Reporting Wrongdoing\) Policy](#) is determined not to be a protected disclosure under the [PID Act](#) solely because it is made to an external service provider:

- a. the University will ensure the external service provider affords the person reporting the wrongdoing the same protections as arise where a report is made directly to an authorised disclosure officer of the University, and
- b. at the time the report of wrongdoing is notified by the external service provider to the University, it will be a report of wrongdoing to an authorised disclosure officer for the purposes of the [PID Act](#).

Responding to allegations of reprisal

(33) If a person believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, they should tell their supervisor (where they are a staff member), the disclosure coordinator, or the principal officer immediately.

(34) Supervisors must notify the disclosure coordinator or the principal officer if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them.

(35) If the University becomes aware of or suspects that reprisal is being or has been taken against a person who has reported a wrongdoing, the University will:

- a. assess the report of reprisal to decide whether it should be treated as a protected report of wrongdoing and whether the matter warrants investigation or if other action should be taken to resolve the issue,
- b. if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff,
- c. if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter,
- d. take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a report, and
- e. refer any evidence of an offence to the ICAC or NSW Police, or as required under applicable legislation.

(36) If a person who has reported wrongdoing alleges reprisal, they will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

(37) If a reporter of wrongdoing experiences reprisal which they believe is not being dealt with effectively, they may contact the NSW Ombudsman or the ICAC (if the report relates to corrupt conduct). Contact details for these investigating authorities are included at [External Investigating Authorities](#).

Protection against certain legal actions

(38) If a report of wrongdoing satisfies the requirements for a protected disclosure under the [PID Act](#) or the [Corporations Act](#), the person making the report will be protected against certain legal actions related to making the report. A person who makes a protected disclosure may rely on the protection under those acts in their defence against any action, claim or demand taken or made against the reporter for having made the disclosure. The reporter will not have breached any confidentiality or secrecy obligations and the reporter will have the defence of absolute privilege in defamation.

(39) The protections under the [PID Act](#) and [Corporations Act](#) are essentially protections against reprisals that may be made against a reporter because he or she has made a report of wrongdoing in accordance with those Acts. However, this does not extend to any wrongdoing on the part of that reporter.

Part D - The rights of the persons the subject of a report

(40) The University is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practicable and appropriate.

(41) A person who is the subject of a report will be advised of the allegations made against them at an appropriate time and before any adverse findings. The subject of a report must be:

- a. advised of the details of the allegation,
- b. advised of their rights and obligations under the relevant related policies and procedures,
- c. kept informed about the progress of any investigation,
- d. given a reasonable opportunity to respond to any allegation made against them, and
- e. told the outcome of any investigation, including any decision made about whether further action will be taken against them.

(42) Where allegations against a person are clearly wrong, or have been investigated and are unsubstantiated, that person will be supported by the University. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the person who was subject to the report.

Part E - Roles and responsibilities

(43) The University is committed to establishing and maintaining a working environment that encourages staff to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practicable and appropriate and taking steps to protect reporters from reprisal and manage workplace conflict.

(44) The University will take ownership of all reports of wrongdoing it receives and deal with them as stated in the [Whistleblowing \(Reporting Wrongdoing\) Policy](#) and this procedure. All reports of wrongdoing will be treated fairly and reasonably while respecting the rights of any officers the subject of a report.

(45) All University staff have a responsibility to:

- a. report all known or suspected wrongdoing,
- b. support those who have made reports of wrongdoing,

- c. if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality,
- d. treat any staff member or person dealing with a report of wrongdoing with courtesy and respect,
- e. respect the rights of officers who are the subject of reports, and
- f. be familiar with and adhere to the University's [Code of Conduct](#). A breach of the [Code of Conduct](#) may result in disciplinary action.

(46) Staff must not:

- a. victimise or harass anyone who has made a report, or
- b. make false or misleading reports of wrongdoing.

(47) The Vice-Chancellor, as the principal officer, has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the University complies with the [PID Act](#) and [Corporations Act](#). The principal officer is responsible for:

- a. providing leadership in promoting ethical and honest conduct within the University community,
- b. establishing effective systems of internal control and legal compliance within the University,
- c. assessing reports received by or referred to them, to determine whether the report should be treated as a protected report, and to decide how the report will be dealt with,
- d. ensuring there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report,
- e. making decisions following any investigation or appointing an appropriate decision maker,
- f. taking appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified,
- g. referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC),
- h. referring any evidence of a reprisal offence to the ICAC or NSW Police, or as required under applicable legislation, and
- i. dismissing or otherwise disciplining a member of staff in the event of wrongdoing, if demonstrated to the satisfaction of the University, in accordance with the delegations of the Vice-Chancellor.

(48) The disclosure coordinator is responsible for:

- a. assessing reports to determine whether a report should be treated as a protected report, and to decide how each report will be dealt with,
- b. coordinating the University's response to the report,
- c. acknowledging reports and providing updates and feedback to the reporter,
- d. assessing whether it is possible and appropriate to keep the reporter's identity confidential,
- e. assessing the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified,
- f. where required, providing or coordinating support to staff involved in the reporting or investigation process, including protecting the interests of any person who is the subject of a report,
- g. where appropriate, referring actual or suspected cases of wrongdoing to an independent, qualified external investigator (such as a certified fraud examiner),
- h. identifying systemic issues arising from disclosures and formulating recommendations for improvement,
- i. ensuring the University complies with the [PID Act](#) and [Corporations Act](#) for the purposes of Reporting Wrongdoing, and
- j. providing six monthly reports to the NSW Ombudsman in accordance with the [PID Act](#).

(49) Authorised disclosures officers are responsible for:

- a. ensuring that information received is handled in a sensitive and confidential manner where practicable and appropriate,
- b. documenting in writing any reports received verbally, and having the document signed and dated by the reporter,
- c. making arrangements to ensure people can make reports privately and discreetly when requested, if necessary away from the workplace,
- d. discussing with the reporter any concerns they may have about reprisal or workplace conflict, and
- e. forwarding reports for assessment, as stated in this procedure.

(50) Supervisors and line managers have a responsibility to:

- a. encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do,
- b. identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to a nominated disclosure officer,
- c. implement local management strategies, in consultation with the disclosure coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report,
- d. maintain confidentiality on matters pertaining to disclosures, and
- e. notify the disclosure coordinator or principal officer immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.

(51) A person reporting wrongdoing is required to:

- a. provide a clear and honest account of their concerns, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter,
- b. engage openly in the assessment and investigation handling process, including participating in discussion with other parties to resolve the concerns,
- c. respond to University requests for information in a timely manner,
- d. maintain confidentiality on matters pertaining to the reported wrongdoing, and
- e. respect those individuals involved in handling the assessment and investigation.

Part F - More information

(52) Further information around reporting wrongdoing is available on the University's website. Staff can also seek advice and guidance from the disclosure coordinator or the NSW Ombudsman's website at www.ombo.nsw.gov.au.

Section 5 - Guidelines

(53) The [Whistleblowing \(Reporting Wrongdoing\) Guidelines](#) provide further information for people considering making a report of wrongdoing.

Status and Details

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