

Whistleblower Protection of Information and Investigation Procedure

1. Purpose of the document

Whistleblowers* are individuals who sound the alert on danger, malpractice, bribery or corruption, or other illegal or systemically unethical conduct (**Reportable Conduct***). This document is designed to encourage those who are aware of a wrongdoing to speak up safely.

2. Scope

This document supports the University of Melbourne [Whistleblowing Protection Policy](#). It outlines the procedure undertaken when the University receives a report where a reporter requests Whistleblower protections. That is, the protections afforded to a *Whistleblower Report** made to an *eligible recipient** under Federal or State legislation.

Please note that the University is interested in your information even if it does not qualify as a Whistleblowing Report* for the purpose of the legislation. In which case, a different pathway and policy may apply. Either way, the University is committed to ensuring that you know where and how your request for support, advice or action is being managed. One of the roles of your University whistleblower contact is to explain this to you.

3. Statement of Commitment

The University commits to supporting Whistleblowers who make a report, including:

- fostering a climate of trust, where Whistleblowers are comfortable and confident about reporting wrongdoing
- encouraging Whistleblowers to come forward if they have witnessed what they consider to be wrongdoing within the organisation
- keeping confidential the identity of the Whistleblowers who discloses wrongdoing, wherever possible and appropriate
- protecting Whistleblowers who make reports from any adverse action motivated by their report
- dealing with reports thoroughly and impartially
- taking appropriate action to rectify any identified wrongdoing
- keeping an individual who makes a report informed of progress and any outcome
- encouraging whistleblowers to report wrongdoing within the University but respecting any decision to disclose wrongdoing outside the organisation, in accordance with the provisions of the applicable State and Commonwealth legislation.

* Refer to the Whistleblower Protection Policy for definition: <https://policy.unimelb.edu.au/MPF1346>

- ensuring that managers and supervisors at all levels within the University understand the benefits of reporting wrongdoing, are familiar with the [Whistleblower Protection Policy](#), and are aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - a. facilitate reports of wrongdoing.
 - b. protect and support those who make them.
 - c. train key personnel on their responsibilities under this policy.
 - d. investigate allegations of wrongdoing.
 - e. properly manage any workplace issues identified or created by the allegations.
 - f. correct any identified problems.
 - g. review the policy every three years to ensure it is still relevant and effective.

4. What happens after I make a report?

All whistleblower reports will be taken seriously and handled sensitively and fairly.

4.1 Step 1 - Assessment (triage)

The first step is to ensure that the information is reviewed to:

- assess if it is a qualifying Whistleblower Report
- consider whether there are any conflicts of interest prior to investigating
- determine whether external authorities need to be notified
- determine whether and how to investigate; and
- appoint an investigator that has the necessary experience if required

An assessment takes around three business days from the report.

- It may be that the University need further information from the reporter to proceed and this can be arranged through the [Whistleblower Portal](#) and still provide anonymity to a reporter.
- It may be that the report is an issue that needs attention but doesn't qualify for whistleblower protection in which case it will be referred it to a different pathway and the reporter will be informed accordingly.
- In limited circumstances, it may need to be sent to an external agency and this too will be communicated to the reporter.

4.2 Step 2 – Investigation

Any investigation of suspected Reportable Conduct must be carried out in accordance with natural justice or procedural fairness, which refers to three key principles:

- **A fair hearing** - the person who is the subject of the Reportable Conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the person as part of the meeting agenda.
- **An absence of bias** - the investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.
- **Ensuring decisions are based on evidence** - the investigation should not be based on mere speculation or suspicion but instead must be based upon material evidence. A proper

examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

The Whistleblowing Disclosure Coordinator will attempt to ensure all reports covered by the [Whistleblower Protection Policy](#) and this procedure are, where appropriate, investigated in an objective, fair and appropriate manner, depending on the circumstances of each report. The University reserves the right to use both internal and external resources, where appropriate, to investigate a Whistleblower Report or part of it. Disclosures that involve senior executives or Council or board members will generally be allocated to an external investigator from a panel.

The investigation procedure and the person undertaking the investigation will vary depending on the nature of the Reportable Conduct and the amount of information provided. Subject to obligations of privacy and confidentiality, the investigator may be internal or in some situations an external investigator may be used. The Whistleblowing Committee, which provides oversight of the process and reviews deidentified data to assess trends, compliance and effectiveness, may provide a recommendation on the most appropriate investigator. When an investigation is commenced, the investigator will make contact with the Whistleblower (if possible), advising them that they have been appointed to respond to the report and will conduct an investigation, subject to the clarification of any preliminary matters with the Whistleblower they will then form a preliminary assessment of whether the alleged Reportable Conduct is reasonably capable of meeting the criteria under the [Whistleblower Protection Policy](#). If unclear about the matter, the investigator may seek further information from the Whistleblower or other persons necessary to form a proper view and will advise the Whistleblower of his or her assessment. If the investigator considers that the Whistleblower Report discloses Reportable Conduct, he or she will assess and determine the appropriate manner in which to conduct the investigation. The investigator will liaise with relevant parties, if necessary, in determining an Investigation Plan and content.

Without limitation, an Investigation Plan may address:

- a summary of the allegations, the issues to be proven, the possible findings or offences, and the facts in issue
- the number and identity of witnesses to be interviewed, if any, and the nature and extent of any documents to be reviewed
- any resources required to conduct the investigation, including external assistance or resources if necessary
- the realities of resource allocation affecting the investigation
- whether the investigation should be conducted in whole or in part by external investigators, and
- any recommendations to be considered by the Investigator regarding actions to be taken where Reportable Conduct is found to have occurred.

Subject to obligations of privacy and confidentiality the University will endeavour to keep the Whistleblower informed about the status of the investigation.

4.3 Step 3 - Outcome of an investigation

At the conclusion of the investigation, the Whistleblower Disclosure Coordinator will prepare a report outlining:

- a) a finding of all relevant facts

- b) a determination as to whether the allegation(s) have been substantiated or otherwise
- c) the action that will be taken, which may include disciplinary action and dismissal.

If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the whistleblower will be notified at the earliest possible opportunity.

Other action that may be taken to deal with a Whistleblower Report, may include direct management action, application of dispute resolution methods or referral to an appropriate external authority.

Any disciplinary action will be dependent upon the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to the University's privacy and confidentiality obligations, the whistleblower and relevant University Committee will be informed of the outcome of any investigation.

5. Anonymity

The Whistleblower may choose to remain anonymous in making a report or report via [Whistleblower Portal](#) however if you choose not to provide the information requested, this may inhibit the investigation the University can undertake, and/or limit the ability to provide appropriate support in response to your report. If you choose to remain anonymous, you are encouraged to remain in contact with the University via the two-way encrypted chat function within the [Whistleblower Portal](#).

6. Transparency and communication

In accordance with the [Whistleblower Protection Policy](#), the University will take reasonable steps to keep the Whistleblower informed. For reports made through the [Whistleblower Portal](#), status updates may be provided on that channel. The frequency of updates will vary according to the nature of the report.