



Version	Approved by	Approval date	Effective date	Next full review
1.0	President and Vice-Chancellor	25 June 2020	1 July 2020	July 2023
Procedure Statement				
Purpose	To outline the process for making a protected disclosure (under the Report Wrongdoing Policy) and how the University will respond to, and effectively manage, protected disclosures.			
Scope	This Procedure applies to all Officers and employees of the University. Students wishing to report wrongdoing may do so through the Student Complaint Procedure.			
Are Local Documents on this subject permitted?	☐ Yes, however Local Documents must be consistent with this University-wide Document			☒ No
Procedure Processes and Actions				

Contents

1.	Introduction	1
2.	How to report wrongdoing	2
2.1.	Before making a report	2
2.2.	Who is eligible to make a report under this Procedure	2
2.3.	Who is eligible to receive a report under this Procedure	2
2.4.	Information to be included in the report under this Procedure	2
2.5.	Anonymous reports.....	3
3.	How reports of wrongdoing will be handled	3
3.1.	Receive and acknowledge report	3
3.2.	Assess if report is a protected disclosure	3
3.3.	Investigation of a protected disclosure	4
3.4.	Next steps after an investigation of a protected disclosure	5
3.5.	Protection from detrimental action	5
3.6.	Recordkeeping.....	5
4.	Roles and responsibilities	5
4.1.	Principal Officer – President and Vice-Chancellor	5
4.2.	Disclosures Coordinator – Deputy Vice Chancellor Academic.....	5
4.3.	Disclosures Manager	5
4.4.	Responsibilities of Eligible Recipients	6
4.5.	Reports relating to the President and Vice-Chancellor, the Disclosures Coordinator or the Disclosures Manager	6
5.	Further information.....	6

1. Introduction

The UNSW [Report Wrongdoing Policy](#) gives effect to the University's commitment to fostering and promoting an ethical culture and to its obligations under the *Public Interest Disclosures Act 1994* (NSW)

(PID Act) and Part 9.4AAA (Protection of Whistleblowers) of the *Corporations Act 2001* (Cth) (Corporations Act).

This Procedure outlines the process for making a protected disclosure and how the University will respond to, and effectively manage, protected disclosures.

2. How to report wrongdoing

2.1. Before making a report

It is important that anyone wishing to report wrongdoing under this Procedure read the UNSW [Report Wrongdoing Policy](#) (the Policy) before making a report. The Policy identifies the legal requirements for a report to qualify as a protected disclosure and for the reporter to receive the legal protections available to Eligible Disclosers under the relevant legislation and the Policy.

2.2. Who is eligible to make a report under this Procedure

Eligible Disclosers under this Procedure are:

- A current or former Officer of the University
- A current or former Employee of the University
- A supplier of goods or services to the University, whether paid or unpaid (or an employee of any such supplier)
- An Associate of the University
- A Relative of any person referred to in a) to d) above; and/or
- A dependant of any person referred to in a) to d) above (or a dependant of the person's spouse or de facto partner).

2.3. Who is eligible to receive a report under this Procedure

Eligible Disclosers may make a report to the following Eligible Recipients:

UNSW	Externally
A report may be made to the following disclosure recipients by email, telephone or post: - A Dean at the University - The Rector of UNSW Canberra - The University's Director, Internal Audit or a member of an internal audit team conducting an audit on behalf of the Director, Internal Audit - The University's General Counsel or Deputy General Counsel - Any member of the University's Management Board and/or Pro-Vice Chancellors - The President and Vice-Chancellor of the University - The Chancellor and any member of the Council of the University	<i>Your Call</i>, the independent external service provider contracted by the University to receive reports. Call 1300 790 228 between 9.00 a.m. and 12.00 a.m. (midnight) Monday to Friday (AEST) except public holidays; or Lodge a report at any time online via the link at: https://www.unsw.edu.au/report-wrongdoing - The NSW Audit Office - NSW Ombudsman - Independent Commission Against Corruption (ICAC) - NSW Auditor-General - Australian Securities and Investments Commission (ASIC) - Australian Prudential Regulation Authority (APRA) - Australian Tax Office (ATO) (where the disclosure relates to the tax affairs of the University)

2.4. Information to be included in the report under this Procedure

The report should:

- clearly and succinctly outline details of the wrongdoing, including all supporting documentation which the Eligible Discloser is able to provide
- include a written statement indicating if the Eligible Discloser:

- consents to their identity being disclosed to the University without any limitation
 - consents to their identity being disclosed to the University subject to limitations (for example, their identity being known only to the Eligible Recipient, to the investigator/s or for their identity not to be disclosed to certain individuals); or
 - wishes to remain anonymous.
- c) provide contact details, where a response and notification of the outcome is expected.

Eligible Disclosers wishing to remain anonymous may use a pseudonym or non-identifying email address to submit a report under this Procedure.

2.5. Anonymous reports

An Eligible Discloser who wishes to do so can remain anonymous:

- a) whilst making a report
- b) over the course of any investigation; and
- c) after any investigation is finalised.

An Eligible Discloser who wishes to remain anonymous should maintain an ongoing communication channel with the University so that necessary follow-up questions may be answered, and investigations can progress.

3. How reports of wrongdoing will be handled

The University will take all reasonable steps to ensure that reports made under this Procedure are dealt with promptly, impartially and fairly.

3.1. Receive and acknowledge report

Upon receipt of a report under this Procedure, Eligible Recipients will:

- a) record details of the report and of the Eligible Discloser (unless anonymity is requested); and
- b) refer the report to the Disclosures Manager to process and provide the:
 - Disclosures Coordinator with the report; and
 - Eligible Discloser with a written acknowledgement of the report.

3.2. Assess if report is a protected disclosure

- 3.2.1. On receiving the report from the Disclosures Manager, the Disclosures Coordinator will assess whether the report qualifies for protection as a protected disclosure and the legislative regime under which protection is provided (PID Act or Corporations Act).
- 3.2.2. In conducting the assessment, the Disclosures Coordinator (or their delegate) may:
 - a) take any immediate actions necessary to ensure the safety of people, animals or the environment
 - b) contact relevant parties to clarify and/or gather facts (subject to the confidentiality obligations imposed by the Policy and by applicable legislation)
 - c) seek expert advice
 - d) seek legal advice; or
 - e) consider if there is a legal obligation to report the alleged wrongdoing to a law enforcement or investigative agency.
- 3.2.3. If the report is accepted by the Disclosures Coordinator as a protected disclosure, they may decide that:
 - a) the report will be investigated in accordance with sections 3.3 and 3.4 of this Procedure; or that; or
 - b) no further action can be taken due to insufficient evidence.

- 3.2.4. If the report is not accepted as a protected disclosure, the Disclosures Coordinator may decide that:
- a) the report should be managed under another UNSW Procedure
 - b) the report should be referred to another institution or organisation for appropriate action (subject to the confidentiality obligations imposed by the Policy and by applicable legislation); or
 - c) no further action will be taken by the University.
- 3.2.5. The Disclosures Coordinator (or their delegate) will advise the person who made the report within 45 days of receiving the report of the outcome determined in accordance with sections 3.2.3 and 3.2.4.

NOTE

Once a report has been accepted as a protected disclosure the Eligible Discloser will have legal protections from detrimental action as outlined in section 3.5 below, and in section 4.3 of the [Report Wrongdoing Policy](#).

- 3.2.6. Where the Disclosures Coordinator has decided to accept a report as a protected disclosure and to carry out an investigation, the Disclosure Coordinator will then:
- a) determine the scope of the investigation; and
 - b) refer the matter to the Disclosures Manager for investigation.

3.3. Investigation of a protected disclosure

- 3.3.1. The Disclosures Manager will consider whether they are affected by a conflict of interest in relation to the investigation, and whether any other person involved in the investigation, is affected by a conflict of interest. Any conflict of interest must be disclosed in writing and managed in accordance with the UNSW *Conflict of Interest Policy*. Where appropriate as a result of a conflict of interest, an alternative person must be appointed by the Disclosures Coordinator to take on the role of the Disclosures Manager in relation to an investigation. Conflict of interest in this context includes actual, potential or perceived conflicts.
- 3.3.2. The Disclosures Manager will be responsible for the investigation. Subject to the confidentiality obligations imposed by the Policy and applicable legislation, the Disclosures Manager may seek assistance from the Internal Audit Office, the Legal Office or a third party as required. The objective of the investigation will be to determine whether there is enough evidence to substantiate the matters reported.
- 3.3.3. Subject to the confidentiality obligations imposed by the Policy and applicable legislation, in conducting the investigation, the Disclosures Manager, or their delegate, may contact relevant parties to clarify and/or gather facts and to seek expert or legal advice.
- 3.3.4. At any time during the investigation, the Disclosures Manager may take action necessary to ensure the safety of people, animals and the environment.
- 3.3.5. The Disclosures Coordinator and Disclosures Manager must ensure the fair treatment of any staff member whose conduct is investigated. Subject to the confidentiality obligations imposed by the Policy and applicable legislation, the staff member may be informed about the subject matter of the disclosure at an appropriate time.
- 3.3.6. At the conclusion of the investigation, the Disclosures Manager will be responsible for ensuring that an investigation report is prepared, outlining the allegation/s, the findings of fact and the recommended action/s.
- 3.3.7. Upon conclusion of the investigation, the Disclosures Manager will provide the investigation report to the Disclosures Coordinator.
- 3.3.8. The Eligible Discloser whose report led to the investigation will not be provided with details of the investigation but will be given updates by the Disclosures Manager at appropriate intervals as to the stage of the process that has been reached and as to the likely timeframe to complete the investigation.

3.4. Next steps after an investigation of a protected disclosure

- 3.4.1. The Disclosures Coordinator will consider the investigation report and any recommended actions, such as:
 - a) appropriate action to be undertaken in accordance with the applicable Enterprise Agreement
 - b) system and/or process improvements; or
 - c) reporting to relevant external bodies such as regulators or the Police.
- 3.4.2. To the extent reasonably possible, the University will address findings and recommendations arising from an investigation report even where the person whose conduct has been investigated is no longer employed by the University.
- 3.4.3. Subject to any confidentiality obligations binding on the University, the Disclosures Coordinator will notify the Eligible Discloser of the investigation outcome within six (6) months of the protected disclosure being made (or such longer period as may be necessary due to the circumstances of an investigation), including any action taken or proposed to be taken by the University as a consequence of the investigation.
- 3.4.4. The investigation report will remain confidential to the University and will not be provided to the Eligible Discloser or the person whose conduct was the subject of a protected disclosure.

3.5. Protection from detrimental action

A person cannot take, or threaten to take, detrimental action against an Eligible Discloser where a reason for the detrimental action is a belief or suspicion that a protected disclosure has been or could be made.

A threat of detrimental action may be express or implied, or conditional or unconditional. A discloser (or another person) who has been threatened because they have made or propose to make a disclosure does not have to actually fear that the threat will be carried out.

If the University becomes aware that any detrimental action has been taken (or threatened) by an officer or employee, based upon a belief or suspicion that a protected disclosure has been or will be made, the University will commence disciplinary action against the officer or employee, up to and including termination of employment where appropriate.

3.6. Recordkeeping

All reports of wrongdoing must be recorded by the Disclosure Manager on the UNSW Report Wrongdoing register. Information will be stored on a secure and confidential University system of record. Eligible Recipients are responsible for keeping all records of a report of wrongdoing on a secure and confidential University or other approved system of record.

All records kept will comply with UNSW's Recordkeeping Framework and [Recordkeeping Policy](#).

4. Roles and responsibilities

The following roles have specific responsibilities in relation to receiving and managing protected disclosures.

4.1. Principal Officer – President and Vice-Chancellor

The President and Vice-Chancellor, as the Principal Officer, has the ultimate responsibility to ensure that the University complies with its obligations under this Procedure.

4.2. Disclosures Coordinator – Deputy Vice Chancellor Academic

The Deputy Vice Chancellor Academic, as the Disclosures Coordinator, is responsible for receiving, assessing and acting as the central contact point within the University for all protected disclosures made under the UNSW [Report Wrongdoing Policy](#).

The Disclosures Coordinator will provide written reasons for decisions.

4.3. Disclosures Manager

- 4.3.1. The Director, UNSW Conduct and Integrity (or another senior staff member delegated by the Disclosures Coordinator) is the Disclosures Manager responsible for:

- a) receiving reports of wrongdoing from Eligible Recipients, including from the independent external service provider
 - b) referring reports of wrongdoing to the Disclosures Coordinator for assessment as a protected disclosure
 - c) investigating a protected disclosure
 - d) acting in a procedurally fair manner, including acting impartially and without any conflict of interest and bias
 - e) reporting the investigation outcome and recommended actions to the Disclosures Coordinator
 - f) keeping the Eligible Discloser informed of any action taken or to be taken in relation to their protected disclosure; and
 - g) managing referral of matters to relevant areas of the university for further action.
- 4.3.2. The Director, UNSW Conduct and Integrity will be supported by the Manager, Complaint Management and Support and UNSW Legal Counsel in carrying out the responsibilities.

4.4. Responsibilities of Eligible Recipients

- 4.4.1. Eligible Recipients must:
- a) obtain written consent from Eligible Disclosers to disclose their identity and/or report details
 - b) maintain confidentiality at all times; and
 - c) ensure accurate and detailed records are kept of each step in the handling of a protected disclosure and in any investigation.

4.5. Reports relating to the President and Vice-Chancellor, the Disclosures Coordinator or the Disclosures Manager

A report concerning the:

- 4.5.1. President and Vice-Chancellor should be directed to the Chair of the Audit Committee of the UNSW Council. In this instance the Chair of the Audit Committee will assume the role of Disclosure Coordinator or they will appoint an appropriate independent person to assume the role of Disclosure Coordinator.
- 4.5.2. Deputy Vice-Chancellor (Academic) should be directed to the President and Vice-Chancellor. In this instance they will assume the role of Disclosure Coordinator, and the Chancellor would assume the role of Principal Officer, or the President and Vice-Chancellor will appoint an appropriate independent person to assume the role of Disclosure Coordinator.
- 4.5.3. Director, UNSW Conduct and Integrity should be directed to the Deputy Vice-Chancellor (Academic). In this instance they will appoint an appropriate person to assume the role of Disclosure Manager.

5. Further information

Further information about reporting wrongdoing and protected disclosures is available at <https://www.unsw.edu.au/report-wrongdoing>

Accountabilities	
Responsible Officer	Deputy Vice-Chancellor Academic
Contact Officer	Director, UNSW Conduct and Integrity
Supporting Information	
Legislative Compliance	<i>Corporations Act 2001 (Cth)– Part 9.4AAA – Protection of Whistleblowers (Corporations Act)</i> <i>Public Interest Disclosures Act 1994 (NSW) (PID Act)</i> <i>Independent Commission Against Corruption Act 1988 (NSW) (ICAC Act)</i> <i>Crimes Act 1900 (NSW)</i>

Parent Document (Policy)	Report Wrongdoing Policy			
Supporting Documents	Nil			
Related Documents	Staff Code of Conduct Research Code of Conduct Complaint Management Policy Sexual Misconduct Prevention and Response Policy Staff Complaint Procedure Student Complaint Procedure Complaint Management Procedure (External) Conflict of Interest Policy Recordkeeping Policy			
Superseded Documents	Public Interest Disclosures Procedure, v2.4			
File Number	2020/007984			
Definitions and Acronyms				
ASIC	Australian Securities and Investments Commission			
APRA	Australian Prudential Regulation Authority			
Associate	is a person or entity connected to the University within the meaning of the term Associate as defined in the Corporations Act			
ATO	Australian Taxation Office			
Corporations Act	Part 9.4AAA (Protection of Whistleblowers) of the <i>Corporations Act 2001</i> (Cth)			
Detrimental action	Means detrimental action or omission and includes actual or threatened harassment, intimidation, causing injury (including psychological injury) or harm (including reputational harm), discrimination or adverse treatment in relation to employment, dismissal or disciplinary proceedings, and any such conduct may be taken or threatened against the Eligible Discloser or any third person (for example, a family member of the Discloser).			
Eligible Discloser	A person eligible to make a protected disclosure according to the <i>UNSW Report Wrongdoing Policy</i>			
Eligible Recipient	A person eligible to receive a protected disclosure according to the <i>UNSW Report Wrongdoing Policy</i> .			
PID Act	<i>Public Interest Disclosure Act 1994</i> (NSW)			
Protected Disclosure	Means a report about any of the type/s of wrongdoing listed in section 2.2 of the report Wrongdoing Policy which is made by an individual who is eligible to make such a report (Eligible Discloser) to a person who is eligible to receive such a report (Eligible Recipient).			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	President and Vice-Chancellor	25 June 2020	1 July 2020	New Procedure