

Janet Clarke Hall

The University of Melbourne

COLLEGE POLICIES AND PROCEDURES

Document title:	WHISTLEBLOWER POLICY	
Applies to:	All staff, students, visitors, Council members	
Drafted by:	Chair, Nominations & Governance Committee	February 2020
Endorsed by:		
Next Review date:		

Purpose

This policy explains how Janet Clarke Hall (“the College”) protects a person who raises concerns about illegal, unethical, or inappropriate behaviour (a whistleblower).

It is designed to specifically address complaints about issues which attract protections under the whistleblowing legal framework in Australia. It is not a vehicle for raising personal or work related grievances.

1. Commitment to Whistleblowers

The College encourages staff, contractors and their employees, and other individuals affected by the College to raise a concern about anything they believe may be illegal or improper. Ordinarily, you should raise such concerns with your supervisor or with the Principal of the College. The College encourages staff and others to use normal reporting mechanisms when possible. However, this policy provides an alternative where those normal processes are unavailable or inappropriate.

2. What is reportable?

2.1 You should raise a concern under this policy if you have reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to the College.

2.2 You should consider whether the issue you are raising could also or preferably be addressed under the terms of another College policy or procedure.

2.3 You should also consider whether your issue is a personal work-related grievance. If so, it is not covered under this policy.

3. How to make a report

3.1 In most instances, you should promptly, in person or in writing, report the matter to the Principal or, in the absence of the Principal, to the Acting Principal, as the Senior Manager of the College.

3.2 You may report matters anonymously if you wish.

3.3 If you feel unable to report directly to the Principal, then you can report the matter to the Chair of Council. If you feel unable to report directly to the Chair of Council, you can report the matter to the College Counsellor.

3.4 If, after speaking with the College Counsellor, you still wish for a person other than the Chair or Principal to investigate, the College Counsellor must ask the Chair of Council to appoint an independent person to assist, without disclosing the details of the complaint or your identity.

3.5 You may also report to any Council Member or the Auditor of the College – but note that those persons will not investigate the report themselves, but rather must pass on the complaint to the Principal or Chair who must attend to the report as if it had been made to them directly.

3.6 Please note that whoever you report to must report any criminal acts apparent from a whistleblower report to the Police or relevant authorities.

4 How the College will respond to a report

4.1 The Principal, Acting Principal, Chair or Independent Person receiving your report (the **Investigator**) must act promptly to investigate and/or resolve any reported issue (see clause 4.3 below).

4.2 The Investigator must provide any individuals who are the subject of a report with procedural fairness. This includes:

- (a) documenting allegations and decisions;
- (b) to the extent possible, providing the affected person with access to relevant materials; and
- (c) considering any submissions the person wishes to make before making any final decision.

4.3 The time required to investigate or resolve any reported issue will depend on the size, significance and sensitivity of the matters raised, but should ordinarily be no longer than 30 days from the date of the report. The Investigator may need to take interim steps to:

- (a) protect the health and safety of any persons involved;
- (b) preserve relevant material; or
- (c) request further relevant information.

4.4 Where your identity is known, the Investigator must provide you with a report regarding the investigation, disposition or resolution of the issue. Normally, the report would be in writing, but there may be a reason for the Investigator to report in another way. If the Investigator considers that a verbal report is appropriate, they must discuss the reasons for this with you before finalising their report.

4.5 If you are unhappy with the Investigator's report, you can refer it to one of the other persons mentioned in clauses 3.1 – 3.5 above. You may also make a new report to an appropriate external body, such as the Police or the Australian Charities and Not-for-profits Commission.

4.6 It is possible to make a report in good faith that does not result in findings of actual misconduct.

5 How the College will treat whistleblowers

5.1 The College takes the protection of genuine whistleblowers extremely seriously. It will not make any act of retaliation or retribution towards a whistleblower for a report provided in good faith and in accordance with this policy.

5.2 Anyone bound by this policy must not make any act of retaliation or retribution towards a whistleblower for a report provided in good faith and in accordance with this policy. The College will investigate any allegation of retaliation against a whistleblower. This may result in discipline, including possible termination of employment. It may also expose anyone carrying out acts of retaliation to criminal and civil penalties.

5.3 If you want to keep your identity confidential, the Investigator must not disclose it other than:

- (a) to prevent an immediate risk to the health and safety of any person;
- (b) to any person assisting with the conduct of the investigation (who then becomes bound by this clause); or
- (c) where required by law (for example in response to a compulsory court process).

5.4 The Investigator will not reveal the substance of the complaint unless:

- (a) they have your permission to do so;
- (b) it is necessary to prevent an immediate risk to the health and safety of any person;
- (c) where required by law (for example in response to a compulsory court process);
- (d) where the Investigator needs to obtain independent external legal advice;
- (e) where the Investigator determines that the complaint is vexatious.

5.5 In some circumstances, it may not be possible for the Investigator to provide a report without disclosing your identity (for example, where providing details of allegations would tend to identify the complainant). If you don't agree to disclosing your identity in these circumstances, the Investigator may be unable to provide a report.

5.6 In circumstances in which your identity is known, the College will provide appropriate support.

5.7 A vexatious report is a report that is deliberately made dishonestly, in bad faith or outside the terms of this policy. This includes a matter that is solely a personal or work-related grievance, such as:

- (a) an interpersonal conflict with another employee
- (b) a decision about your employment, salary, or promotion
- (c) a decision about the terms and conditions of your employment
- (d) a decision to suspend or terminate your employment or otherwise discipline you.

5.8 A person making a vexatious report, or who makes a report other than in accordance with this policy, will be subject to normal disciplinary procedures. This does not constitute retaliation.