

# Whistleblower Procedure

## Section 1 - Context

(1) The RMIT Group (RMIT) is committed to the highest standards of conduct and ethical behaviour in its activities, and to promoting a culture of honest and ethical behaviour, compliance and good governance.

(2) This procedure provides a way for anyone to report concerns they may have about illegal, unethical or improper conduct involving RMIT or its staff, Council members, students or researchers while providing protection to the person making the report.

(3) It does not replace existing complaints, conduct or compliance policies but provides an additional avenue for matters to be raised in relation to specific types of conduct.

(4) This procedure enables the RMIT to comply with the [Public Interest Disclosures Act 2012](#) (Vic) (PID Act) and the corporate whistleblower protections under the [Corporations Act 2001](#) (Cth) (Corporations Act).

## Section 2 - Authority

(5) Authority for this document is established by the [Anti-Corruption and Fraud Prevention Policy](#).

## Section 3 - Scope

(6) This procedure applies to any individual or group of individuals including RMIT employees, contractors and third parties.

(7) This procedure does not apply to personal work-related grievances. Personal work-related grievances are issues that are solely related to personal employment with RMIT, and do not involve illegal, dishonest or improper conduct.

## Section 4 - Procedure

### Illegal, Dishonest or Improper Conduct

(8) RMIT does not tolerate illegal, dishonest or improper conduct by its employees, contractors or Council members.

(9) RMIT does not tolerate reprisals against people who provide information about such conduct. This includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a whistleblower report.

### Making a Whistleblower Report to RMIT

(10) A whistleblower is a person who provides information about a person or an organisation to expose conduct that may be illegal, dishonest or improper.

(11) Any person with knowledge of illegal, dishonest or improper conduct at RMIT is encouraged to report that conduct

in accordance with this procedure.

(12) Reports of illegal, dishonest or improper conduct at RMIT can be reported to Stopline, an external, independent, professional service.

### **Anonymous Whistleblower Report**

(13) Anyone can make an anonymous whistleblower report on Stopline.

(14) Making an anonymous whistleblower report may affect RMIT's ability to effectively investigate the matter, as it limits the ability to seek further information or keep the whistleblower updated about actions being taken.

(15) RMIT will take all reasonable steps to protect the identity of an anonymous whistleblower reporter, noting that the subject matter and details of a report may identify the reporter even if they have chosen to make your report anonymously.

(16) Individuals who are concerned about maintaining their anonymity can discuss this with Stopline before providing any details about the conduct.

### **Support for Whistleblowers at RMIT**

(17) The Whistleblower Protection Coordinator will assess and support the reasonable welfare needs of any whistleblower who makes a report under this procedure.

(18) Where relevant, the Whistleblower Protection Coordinator will consider the welfare and protection needs of the whistleblower and/or any witnesses and may act as or appoint a welfare support officer to:

- a. foster a supportive work environment
- b. advise the individual of the legislative and administrative protections available to the individual, including the legislative protections set out in the table in section 7
- c. listen and respond to any concerns of reprisals in connection the making of a whistleblower report
- d. maintain their support for the individual throughout any investigation to ensure expectations of the process and outcomes are realistic
- e. keep records of all aspects of the case management of the individual, including all contact and follow-up action, and
- f. maintain confidentiality as far as is possible.

(19) In determining whether welfare support is required in the circumstances, the Whistleblower Protection Coordinator will consider the outcomes of any risk assessments conducted with respect to the report and whether the report has proceeded, or is likely to proceed, to an investigation, and ensure:

- a. the whistleblower is taken seriously and treated with respect
- b. effective support is provided to the whistleblower, including keeping them informed of the progress of the report
- c. the whistleblower is protected from suffering repercussions as far as is possible.

(20) RMIT will not tolerate any activity that is, or could be perceived as, victimisation or harassment of a person they know or suspect to have made a whistleblower report under this procedure.

### **Investigations and Reporting**

(21) The Whistleblower Protection Coordinator will instigate an investigation into the accuracy of the whistleblower

report, its status and the extent of the alleged illegal, dishonest or improper conduct.

(22) The Whistleblower Protection Coordinator will take all reasonable steps to ensure that investigations into reports are fair and unbiased. This includes:

- a. ensuring that any person who may be affected by the investigation has an opportunity to be aware of, and respond to, the allegations and evidence against them
- b. obtaining independent advice on matters outside the knowledge or expertise of the Coordinator, where relevant
- c. carrying out investigations as quickly as reasonably practicable and with the degree of confidentiality consistent with the nature of the report.

(23) All RMIT employees are required to assist the Whistleblower Protection Coordinator and their delegated investigators to the maximum possible extent in conducting those investigations.

(24) The Whistleblower Protection Coordinator will keep detailed records in relation to the investigation and will report to the Whistleblower Oversight Committee and the Audit and Risk Management Committee.

(25) A report will be produced by the Whistleblower Protection Coordinator which summarises the conduct of the investigation and the evidence collected and relied upon. The report should contain recommendations for action where appropriate to ensure that any illegal, dishonest or improper conduct does not recur.

### **Handling Conflicts of Interest**

(26) Where the Whistleblower Protection Coordinator is the subject of or implicated in, the whistleblower report made under this procedure, the matter will be escalated to the Chief Financial Officer for the appointment of an independent external investigator without notification to the Whistleblower Coordinator.

(27) Where the Chancellor or Vice-Chancellor is the subject of or implicated in a whistleblower report made under this procedure, the matter will be escalated to the Chair of the Audit and Risk Management Committee without notice to the Chancellor or Vice-Chancellor, for the appointment of an external independent investigator.

(28) The Whistleblower Protection Coordinator may assess any other potential conflicts of interest by appointing an external independent investigator.

### **Whistleblower Advisory Panel**

(29) The Whistleblower Advisory Panel is established to:

- a. oversee the application of this procedure
- b. receive regular reports from the Whistleblower Protection Coordinator about the number and nature of whistleblower reports at RMIT
- c. make recommendations about any further action or reporting that may be required in relation to a specific whistleblower report or systemic issues identified in this procedure.

(30) The Whistleblower Advisory Panel will have terms of reference that set out its role, composition and reporting obligations.

### **Additional Legislative Protections for Whistleblowers**

(31) Whistleblowers seeking to have their report assessed and treated as a public interest disclosure can contact the [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) directly. RMIT cannot receive public interest disclosures.

(32) Where a public interest disclosure is made, RMIT's Whistleblower Protection Coordinator must:

- a. liaise with [IBAC](#) or the Ombudsman in any investigation into the disclosure
- b. on the advice of [IBAC](#) or the Ombudsman, advise the discloser of the progress of an investigation into the matter
- c. appoint a welfare support officer if necessary
- d. take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential
- e. where the identity of the whistleblower is known, ensure that they are protected from detrimental action, and that the culture of RMIT University is supportive of public interest disclosures being made
- f. establish and manage a confidential filing system.

(33) Where an instance of detrimental action taken in reprisal for making or being involved in a public interest disclosure is reported, RMIT's Whistleblower Protection Coordinator must:

- a. record details of the incident and advise the person of their rights to report the action to [IBAC](#) or the Ombudsman
- b. not make preliminary enquiries or gather information before instruction by [IBAC](#), the Ombudsman or their appointed investigative body to ensure the integrity of any evidence that might be later relied upon in a criminal prosecution, and
- c. manage any requests from the discloser for a transfer of employment.

(34) A whistleblower report made under this procedure may also have additional legal protections under the [Corporations Act 2001](#) where it is about an RMIT controlled entity or an officer or employee of an RMIT controlled entity.

## Section 5 - Schedules

(35) [Schedule 1 - Types of Disclosures](#)

## Section 6 - Resources

### Stoptline

(36) Instructions on using RMIT's externally managed whistleblower hotline, [Stoptline](#), are available online.

(37) Reports can be made via telephone, email, voicemail, or online via a dedicated website and a smart phone app available for download on iPhone or Android, 24 hours a day, 365 days a year. Language and translation support and services are also available.

### [IBAC](#)

(38) You can contact [IBAC](#) and make a whistleblower report via the [Make A Complaint](#) website.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	19th October 2020
<b>Review Date</b>	30th May 2022
<b>Approval Authority</b>	Chief Financial Officer
<b>Approval Date</b>	1st September 2020
<b>Expiry Date</b>	16th July 2023
<b>Policy Owner</b>	Teresa Finlayson Chief Operating Officer
<b>Policy Author</b>	Briony Lewis Executive Director, Governance, Legal and Strategic Operations
<b>Enquiries Contact</b>	Central Complaints and Investigations