

# 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 is compliant with and enables RMIT to comply with the [Public Interest Disclosures Act 2012](#) (Vic), the corporate whistleblower obligations under the [Corporations Act 2001](#) (Cth)(Corporations Act) and obligations under the [Independent Broad-based Anti-corruption Commission Act 2011](#) (Vic).

## 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 to [Stopline](#) or to the Whistleblower Coordinator.

(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 their report anonymously.

(16) Individuals who are concerned about maintaining their anonymity can discuss this with [Stopline](#) or the Whistleblower Coordinator before providing any details about the conduct.

## **Who is responsible for whistleblower disclosures at RMIT?**

(17) RMIT has appointed a Whistleblower Coordinator to be responsible for:

- a. receiving and handling whistleblower disclosures on behalf RMIT
- b. dealing with queries about whistleblower disclosures in relation to RMIT
- c. liaising with the Independent Broad-based Anti-Corruption Commission ([IBAC](#)) and the Victorian Ombudsman (VO), where required, and
- d. ensuring that whistleblower disclosures made to RMIT are appropriately investigated, including by referral to the Australian Federal Police, IBAC or the VO where required.

(18) The RMIT Whistleblower Coordinator is the Executive Director, Governance, Legal and Strategic Operations. The Whistleblower Coordinator may be contacted by email via [whistleblower@rmit.edu.au](mailto:whistleblower@rmit.edu.au). The Whistleblower Coordinator may delegate their responsibilities to an appropriate representative.

## **Support for Whistleblowers at RMIT**

(19) The Whistleblower Coordinator will assess and support the reasonable welfare needs of any whistleblower who makes a report under this procedure and any relevant witnesses. While the Whistleblower Coordinator will endeavour to support all whistleblowers it will not be possible to afford the same level of support to non-employee whistleblowers as it is to whistleblowers who are current employees.

(20) Where relevant, the Whistleblower Coordinator may act as or appoint a welfare support officer to:

- a. ensure the whistleblower is treated with respect
- b. foster a supportive work environment
- c. advise the individual of the legislative and administrative protections available to the individual, including the legislative protections set out in [Schedule 1](#)
- d. listen and respond to any concerns of reprisals or the suffering of any detriment in connection to the making of a whistleblower report
- e. maintain their support for the individual throughout any investigation to ensure expectations of the process and outcomes are realistic

- f. keep records of all aspects of the case management of the individual, including all contact and follow-up action, and maintain confidentiality as far as is possible.

(21) Whistleblowers may also choose to discuss the appointment of a welfare support manager with the Whistleblower Coordinator by email via [whistleblower@rmit.edu.au](mailto:whistleblower@rmit.edu.au).

(22) In determining whether welfare support is required in the circumstances, the Whistleblower 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.

(23) 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. Persons who believe they have been, or will be, victimised or harassed in relation to the making of a whistleblower report should immediately contact the Whistleblower Coordinator, and RMIT will seek to provide appropriate protection and support to such persons.

## **Investigations and Reporting**

(24) The Whistleblower 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. RMIT's conduct of whistleblower investigations will be guided by advice provided by relevant agencies, including the Independent Broad-based Anti-Corruption Commission and the [Victorian Ombudsman](#). The Whistleblower 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 Whistleblower 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.

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

(26) The Whistleblower Coordinator will keep detailed records in relation to the investigation and will report to the Whistleblower Oversight Committee. The Whistleblower Coordinator will report any significant matters to the Audit and Risk Management Committee of Council in accordance with that committee's terms of reference.

(27) The Whistleblower Coordinator may disclose the details regarding whistleblower reports to relevant government agencies such as [IBAC](#), VO, Australian Federal Police, Victoria Police, the Victorian Auditor-General and responsible Ministers, including in circumstances where RMIT is required to do so under law. RMIT will discontinue or pause any whistleblower investigations if advised or directed to do so by [IBAC](#) or VO.

## **Handling Conflicts of Interest**

(28) Where the Whistleblower 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.

(29) 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.

(30) The Whistleblower Coordinator may assess any other potential conflicts of interest by appointing an external

independent investigator.

## Legal Immunities and Protections

(31) Both Commonwealth and Victorian law provide legal protections and immunities for whistleblower disclosures. This includes immunity from civil, criminal and administrative liability that arises from making the whistleblower disclosure.

## Whistleblower Oversight Committee

(32) The Whistleblower Oversight Committee is established to:

- a. oversee the application of this procedure
- b. receive regular reports from the Whistleblower 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, including the referral of disclosures to [IBAC](#) or the [Victorian Ombudsman](#).

## Additional Legislative Protections for Whistleblowers

(33) Whistleblowers seeking to have their report assessed and treated as a public interest disclosure can contact IBAC or VO directly. RMIT cannot receive public interest disclosures.

(34) Whistleblowers who contact [IBAC](#) or VO directly and make a public interest disclosure may receive legislative protections under Victorian law. These include:

- a. prohibitions on disclosing the identity of a whistleblower, or information likely to lead to the identification of a whistleblower (subject to specific limited exceptions, including disclosure to a legal practitioner for the purpose of obtaining legal advice in relation to the disclosure).
- b. prohibitions on disclosing the subject matter of the disclosure (subject to specific limited exceptions, including disclosures necessary for the purpose of taking lawful action in relation to the whistleblower disclosure such a disciplinary process).
- c. immunity from civil, criminal and administrative liability arising from the making of the whistleblower report.

Further information about these protections for whistleblowers who contact [IBAC](#) or VO directly and make a public interest disclosure is set out at [Schedule 1](#).

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

- a. liaise with [IBAC](#) or VO in any investigation into the disclosure
- b. on the advice of [IBAC](#) or VO, 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 is supportive of public interest disclosures being made
- f. establish and manage a confidential filing system.

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

- a. record details of the incident and advise the person of their rights to report the action to [IBAC](#) or VO
- b. not make preliminary enquiries or gather information before instruction by [IBAC](#), immunity from civil, criminal and administrative liability that arises from making the whistleblower disclosure. 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.

(37) A whistleblower report made under this procedure may also have additional legal protections under the [Corporations Act 2001](#) where it is about an [Schedule 1](#).

## Section 5 - Schedules

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

## Section 6 - Resources

(39) [Stopline](#)

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

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.

(40) [IBAC](#)

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

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	17th July 2023
<b>Review Date</b>	17th July 2023
<b>Approval Authority</b>	Senior Policy Advisor
<b>Approval Date</b>	1st September 2020
<b>Expiry Date</b>	Not Applicable
<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

## Glossary Terms and Definitions

**"RMIT Group"** - The University, its controlled entities and strategic investment vehicles (known as the RMIT Group).