

Whistleblower Policy

Section 1 - Introduction

(1) The University of Newcastle (University) is committed to excellence in governance, ethical behaviour, and transparent and accountable decision making.

(2) The University does not tolerate wrongdoing in the performance of its functions and identifies that early intervention in addressing wrongdoing through acting promptly and fairly will build confidence in the University's governance. For this reason, the University encourages University community members to make whistleblower disclosures to the University in the first instance.

Section 2 - Audience

(3) This Policy should be read by members of the University community, including but not limited to:

- a. students;
- b. visitors to the University;
- c. alumni; and
- d. honorary and visiting appointees.

(4) The Whistleblower Procedure should also be read in conjunction with this document.

Section 3 - Purpose

(5) The purpose of this Policy, and its associated procedure, is to:

- a. prescribe a framework for the disclosure of wrongdoing by persons other than University public officials; and
- b. provide appropriate protection for those who make whistleblower disclosures under this policy when made in good faith and in accordance with the Whistleblower Procedure.

(6) University community members are encouraged to report any wrongdoing, in accordance with this Policy and its associated procedure.

Section 4 - Scope

(7) This Policy applies to:

- a. the University operations and the performance of its functions; and
- b. any report by a University community member who is not a University public official that discloses or attempts to disclose wrongdoing.

(8) This Policy does not apply to:

- a. the operations and functions of any University controlled entity or associated entity; or
- b. public interest disclosures of wrongdoing by University public officials: such matters will be dealt with in accordance with the [Public Interest Disclosures Policy](#).

Section 5 - Definitions

(9) In the context of this document:

- a. “detrimental action” has the same meaning as defined in the [Public Interest Disclosure Act \(NSW\) 1994](#);
- b. “discloser” means a person, other than a University public official, who discloses or attempts to disclose wrongdoing to the University and wishes to avail themselves of protection against reprisal within the provisions of this Policy;
- c. “disclosure” means a report of wrongdoing made under this policy;
- d. “maladministration” has the same meaning as defined in the [Public Interest Disclosure Act \(NSW\) 1994](#);
- e. “public official” has the same meaning as defined in the [Public Interest Disclosure Act \(NSW\) 1994](#);
- f. “University community member(s)” means students, visitors to the University, alumni, honorary and visiting appointees, or other persons associated with the University who are not defined as a University public official by the [Public Interest Disclosures Act 1994 \(NSW\)](#);
- g. “whistleblower” has the same meaning as a discloser; and
- h. “wrongdoing” means corrupt conduct, serious maladministration or serious and substantial waste of public money.

Section 6 - Organisational Commitment

(10) The University is committed to:

- a. creating a climate of trust and supporting any University community member who comes forward to make a whistleblower disclosure if they are aware of, or if they suspect genuine wrongdoing;
- b. respecting any University community member’s decision to make a whistleblower disclosure to an external organisation or individual;
- c. keeping the identity of any whistleblower disclosing wrongdoing as confidential, as far as reasonably possible;
- d. protecting any whistleblower who acts honestly and reasonably from detrimental action resulting from a whistleblower disclosure, as far as reasonably possible;
- e. properly assessing, investigating or otherwise dealing with any whistleblower disclosure of wrongdoing thoroughly and impartially using the principles of natural justice;
- f. taking appropriate action against any person found to have engaged in wrongdoing, and where appropriate, notifying relevant authorities;
- g. managing any workplace issues, and appropriately addressing any other identified issues or problems that a whistleblower disclosure identifies, or that result from a whistleblower disclosure of wrongdoing, including taking all appropriate action to rectify any wrongdoing;
- h. keeping a whistleblower who makes a whistleblower disclosure informed of the progress and outcome of any enquiry, assessment of fact or investigation, having regard to any obligations to maintain confidentiality and privacy, and any limitations or constraints which may be experienced because of a request for anonymity;
- i. ensuring University staff are aware of the contents of this policy and that relevant and appropriate training is provided; and
- j. providing adequate resources to operationalise this Policy and any associated procedures.

Section 7 - Whistleblower Framework

(11) This Policy encourages and provides protection for whistleblower disclosures made to the University when made by a University community member in accordance with this Policy and its associated procedure.

(12) The University will not respond to whistleblower disclosures where, on reasonable grounds, the University believes:

- a. the discloser has wilfully made a false statement to the University;
- b. the motive of the whistleblower disclosure is to avoid other disciplinary action; or
- c. the whistleblower disclosure is vexatious or not made in good faith.

(13) The University will respond to whistleblower disclosures where the discloser honestly believes on reasonable grounds, that wrongdoing by the University, or any of its public officials, has occurred. Types of wrongdoing in relation to the University that may be disclosed include, but is not limited to:

- a. conduct including fraud, negligence, default, breach of trust and breach of duty;
- b. an improper state of affairs or circumstances;
- c. financial irregularities;
- d. failure to comply with, or breach of legal or regulatory requirements;
- e. engaging in or threatening to engage in detrimental conduct against a person who has made a whistleblower disclosure, or is believed or suspected to have made, or be planning to make a whistleblower disclosure; or
- f. behaviour that represents a danger to the public or the University's financial system.

How to Make A Disclosure

(14) To avail the protections under this Policy a whistleblower disclosure must be made in accordance with the Whistleblower Procedure (the Procedure), which outlines the roles within the University that can receive a whistleblower disclosure.

(15) The University will manage all whistleblower disclosures made under this Policy in accordance with the Procedure.

Protections for Whistleblowers

(16) The University is not subject to the [Corporations Act 2001](#) which may provide protections for whistleblowers when a disclosure is made about a public company. However, the University wishes to maintain a culture of accountability and integrity, and in doing so supports whistleblower disclosures by University community members of wrongdoing occurring within the University.

(17) The University will, so far as reasonably possible:

- a. maintain confidentiality of all whistleblower disclosures and disclosers in accordance with the Procedure;
- b. provide reasonable and appropriate support to disclosers, including professional support services;
- c. deal appropriately with reprisal, as required by the Procedure; and
- d. make alternative arrangements for a whistleblower who is dealing with or attending the University, where practical and necessary.

(18) The protections provided by the University may be upheld even if a whistleblower disclosure is found to be incorrect.

(19) The University may redirect whistleblower disclosures, where relevant, to alternative University procedures, including but not limited to the [Research Breach Investigation Procedure](#) or [Complaint and Grievance Resolution Procedure](#). Such whistleblower disclosures may remain to be subject to an assessment of fact in accordance with the Procedure.

Protection Against Reprisal

(20) The University will not tolerate any reprisal against a discloser who reports wrongdoing or are believed to have reported wrongdoing. This includes taking or threatening to take detrimental action against another person substantially in reprisal for the person making a whistleblower disclosure, or where they believe or suspect a person has made a whistleblower disclosure. A threat may be express, implied, conditional or unconditional. Detrimental action may include, but is not limited to actions causing, comprising, or involving:

- a. injury, damage, or loss;
- b. intimidation or harassment;
- c. discrimination, disadvantage, or adverse treatment in a University process or function;
- d. dismissal from or prejudice in a University process or function; or
- e. disciplinary proceedings.

(21) In the event detrimental action is taken by a University staff member, this may be considered a breach of the University's [Code of Conduct](#) and may result in disciplinary action.

(22) This policy does not provide protection to disclosers from disciplinary action (such as outlined in the [Student Conduct Rule](#)) or other management action (such as outlined in the [Complaint and Grievance Policy](#)) where the University has reasonable grounds to take such action.

Section 8 - Compliance

(23) Staff found to be non-compliant with this policy may result in the University taking disciplinary action in accordance with the [Code of Conduct](#) and the relevant [Enterprise Agreement](#) or employment contract.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	
Approval Date	To Be Advised
Expiry Date	Not Applicable
Enquiries Contact	Assurance Services

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Associated entity" - A separate legal entity which is controlled and operated by a separate governing body, but over which the University maintains significant influence but not control.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Disciplinary action" - When used in relation to staff of the University, this is as defined in the applicable and current Enterprise Bargaining Agreement, or the staff member's employment contract. When used in relation to students of the University, this is as defined in the Student Conduct Rule.