

# REPORTING WRONGDOING POLICY 2023

The Vice-Chancellor and President adopts the following policy, as delegate of the Senate of the University of Sydney.

Dated: 8 September 2023

Last amended: 22 February 2024 (administrative amendments)  
21 March 2024 (administrative amendments)  
14 October 2024 (administrative amendments)

Name: Professor Mark Scott

---

## CONTENTS

<b>CONTENTS</b> .....	<b>1</b>
1 Name of policy .....	2
2 Commencement.....	2
3 Policy is binding .....	2
4 Statement of intent.....	2
5 Application .....	2
6 Definitions .....	3
7 Governing principles .....	5
<b>PART 1 – MAKING AND RECEIVING REPORTS</b> .....	<b>6</b>
8 Who can make a report .....	6
9 How to make a report to the University .....	6
10 What to do on receiving a report.....	7
11 Identifying a public interest disclosure .....	7
12 What is not a public interest disclosure .....	8
13 Mixed or incomplete reports .....	8
14 Making a public interest disclosure outside the University .....	9
<b>PART 2 – MANAGING PUBLIC INTEREST DISCLOSURES</b> .....	<b>10</b>
15 Acknowledgement and assessment .....	10
16 Responding to public interest disclosures .....	10
17 Investigations when the <i>Enterprise Agreement</i> does not apply .....	11
18 Legislative protections for reporters .....	12
19 Protecting reporters’ identity .....	13
20 Protecting against detrimental action .....	14
21 Response to investigations.....	16
22 Updating reporters .....	16
23 Review of decisions .....	16
<b>PART 3 – MANAGING OTHER REPORTS</b> .....	<b>17</b>
24 Assessment and response .....	17
25 Investigations .....	18
26 Protecting reporters’ identity .....	18
27 Protecting against detrimental action .....	18
28 Response to investigations.....	19
<b>PART 4 – ROLES, RESPONSIBILITIES AND ADMINISTRATIVE MATTERS</b> .....	<b>19</b>



29	Personal supports .....	19
30	Annual returns to Ombudsman .....	19
31	Assuring compliance with the PID Act .....	19
32	Roles and responsibilities .....	20
33	Rescissions and replacements .....	21
	<b>Notes .....</b>	<b>21</b>
	<b>Amendment history.....</b>	<b>22</b>
	<b>Schedule 1 .....</b>	<b>23</b>

## 1 Name of policy

This is the Reporting Wrongdoing Policy 2023.

## 2 Commencement

This policy commences on 1 October 2023.

## 3 Policy is binding

Except as specifically stated, this policy binds the University, staff, and affiliates.

## 4 Statement of intent

- (1) This policy:
  - (a) states the University's commitment to encouraging people to report suspected wrongdoing;
  - (b) explains how to make reports and how to manage them;
  - (c) provides for support and protections for those making reports and those affected by them;
  - (d) supports the University's compliance with the [Public Interest Disclosures Act 2022 \(NSW\)](#) by explaining how the University will:
    - (i) identify and manage public interest disclosures; and
    - (ii) protect reporters.
- (2) This policy applies together with:
  - (a) the [Staff and Affiliates Code of Conduct](#);
  - (b) the [Research Code of Conduct](#); and
  - (c) the [Enterprise Agreement 2023 – 2026](#).

## 5 Application

- (1) This policy applies to:
  - (a) all staff and affiliates;



- (b) people who provide services or exercise functions on the University's behalf;
    - (i) This includes volunteers and contractors;
  - (c) Fellows of Senate;
  - (d) members of Senate committees; and
  - (e) controlled entities of the University. This includes:
    - (i) directors;
    - (ii) employees; and
    - (iii) people who provide services or exercise functions on a controlled entity's behalf.
- (2) This policy does not apply to:
- (a) people or entities who want to make a complaint about services they have received from the University or a controlled entity; or
  - (b) people or entities who provide services to the University or a controlled entity.
- (3) This policy does not apply to complaints made under any of:
- (a) [University of Sydney \(Student Academic Appeals\) Rule](#);
  - (b) [Intellectual Property Policy](#);
  - (c) [Resolution of Complaints Policy](#);
  - (d) [Student Sexual Misconduct Policy](#);
  - (e) [Staff Sexual Misconduct Policy](#);
  - (f) [Bullying, Harassment and Discrimination Policy](#);
  - (g) [Faculty of Medicine and Health – Professionalism Provisions](#).

## 6 Definitions

<b>affiliate</b>	has the meaning set out in the <a href="#"><u>Staff and Affiliates Code of Conduct</u></a> . This is: <ul style="list-style-type: none"><li>a person appointed or engaged by the University to perform duties or functions on its behalf, including but not limited to:<ul style="list-style-type: none"><li>• an honorary title holder engaged under the <a href="#"><u>Honorary Titles Policy 2013</u></a>;</li><li>• a consultant or contractor to the University;</li><li>• an office holder in a University entity;</li><li>• a member of any University committee, board or foundation.</li></ul></li></ul>
------------------	---

An affiliate is not an employee of the University.



**detrimental action** means an act or omission that causes, involves or encourages detriment to a person, or a threat of detriment to a person. Detrimental action taken in response to an actual or potential public interest disclosure is a criminal offence and may also lead to civil liability.

This is discussed further in clause 20.

**Disclosure Officer**

means any of:

- The Chancellor
- A Fellow of Senate
- The Vice-Chancellor
- The Provost
- General Counsel
- Chief Internal Audit Officer
- Director, Workplace Relations
- Director Employment, Workplace Relations and Administrative Law in the Office of General Counsel
- Manager, Archives and Records Services
- Senior Manager, Workplace Behaviour and Conduct
- Senior Manager, Industrial Relations
- At sites other than the University's main campuses, the most senior employee ordinarily at that site. A list of these positions is available at [Report wrongdoing - The University of Sydney](#).

**integrity agency**

means an agency listed in section 19 of the [PID Act](#). These include:

- The Ombudsman
- The Auditor General
- The Independent Commission Against Corruption
- The Inspector of the Independent Commission Against Corruption
- The Law Enforcement Conduct Commission
- The Inspector of the Law Enforcement Conduct Commission
- The Privacy Commissioner
- The Information Commissioner

**PID Act**

means the [Public Interest Disclosures Act 2022 \(NSW\)](#)

**public interest disclosure**

means:

- a report of suspected serious wrongdoing;
- based on an honest and reasonable belief;
- made by a public official to a person authorised to receive it;
- which meets the criteria set out in clause 11(2).

**Note:** See Part 2 of the [PID Act](#) for more detailed information.

**public official** means any of:

- a person employed by the University;
- a person who provides services or exercises functions on behalf of the University. This includes contractors, subcontractors, volunteers and other affiliates;
- a person who works for an entity that is contracted by the University to provide services or exercise functions on its behalf.

**public service agency** means an agency listed in section 16 of the [PID Act](#). These include:

- a NSW government department
- statutory bodies representing the crown
- local government authorities; and
- Local Aboriginal Land Councils.

A Minister's office is not a public service agency.

**reporter** means a person making a report of suspected wrongdoing, whether or not that report is a public interest disclosure.

**serious wrongdoing** means any of:

- corrupt conduct
- government information contravention
- privacy contravention
- serious maladministration
- serious and substantial waste of public money.

**Note:** See examples in clause 11(4) and further elaboration of the categories of serious wrongdoing in Schedule 2 of the [PID Act](#).

## 7 Governing principles

- (1) The University is committed to supporting a “speak up” culture.
  - (a) It encourages anyone who is concerned about possible wrongdoing to report it.
  - (b) It will provide support to staff and affiliates who do so.
- (2) The University will deal with reports confidentially. It will take all reasonable steps to protect the identity of any person making a public interest disclosure.
- (3) The University will not tolerate detrimental action against a reporter as a result of an actual, possible or perceived public interest disclosure.

- (4) The University will:
  - (a) deal with reports thoroughly and impartially;
  - (b) conduct investigations where appropriate; and
  - (c) inform reporters of the outcome of any investigation.
- (5) The University will take appropriate action:
  - (a) against staff member or affiliate found to have engaged in wrongdoing; and
  - (b) to rectify identified wrongdoing.
- (6) The University will take appropriate disciplinary action against staff member or affiliate who:
  - (a) engages in detrimental action; or
  - (b) wilfully makes a false or misleading report.
- (7) The University will keep full and accurate records of all information received, and actions taken, in relation to reports of wrongdoing.
  - (a) The [Recordkeeping Policy](#) applies to creating and retaining records under this policy.

## **PART 1 – MAKING AND RECEIVING REPORTS**

---

### **8 Who can make a report**

- (1) Anyone who suspects wrongdoing has occurred may report it to the University.
- (2) Some, but not all, reports will be public interest disclosures. Public interest disclosures are entitled to specific protections under the [PID Act](#).
  - (a) Only a public official may make a public interest disclosure. Most University staff and affiliates are public officials.

**Note:** “Public official” is defined in clause 6 of this policy and in section 14 of the [PID Act](#).
  - (b) The requirements for public interest disclosures are set out in Part 2 of this policy.

### **9 How to make a report to the University**

- (1) Reports may be made orally or in writing.
- (2) Reports may be made anonymously.
- (3) Reports should be made to one of:
  - (a) the reporter’s manager;
  - (b) a Disclosure Officer; or
  - (c) Internal Audit.

**Note:** Reports to Internal Audit can be made to [internal.audit@sydney.edu.au](mailto:internal.audit@sydney.edu.au) or (02) 8627 4991. “Disclosure Officer” is defined in clause 6.

- (4) A full list of Disclosure Officers is available at [Report wrongdoing - The University of Sydney](#)
- (5) Reports should include:
  - (a) a short description of the conduct that constitutes the alleged wrongdoing;
  - (b) where and when key events took place;
  - (c) names, roles and titles of people involved; and
  - (d) how each person is involved.
- (6) A reporter does not have to prove what happened or to specify a particular category or type of wrongdoing.
  - (a) A reporter making a public interest disclosure does not have to specify that the conduct reported constitutes serious wrongdoing or to identify a particular category of serious wrongdoing.

**Note:** “Serious wrongdoing” is defined in clause 6. Clause 11(4) gives University-related examples.

## 10 What to do on receiving a report

- (1) Any person who receives a report under this policy must inform Internal Audit as soon as possible, by email to [internal.audit@sydney.edu.au](mailto:internal.audit@sydney.edu.au).
- (2) Sometimes, a Disclosure Officer at the University may receive a report of suspected wrongdoing at another public sector agency. These reports must also be immediately provided to Internal Audit.
- (3) A person who receives a report:
  - (a) must not provide information about it to anyone else without permission from the reporter, Internal Audit or the Office of General Counsel; and
  - (b) must make a record of the report and the referral to Internal Audit, in a confidential University record.

**Note:** See [Recordkeeping Policy](#).

## 11 Identifying a public interest disclosure

- (1) Internal Audit will review all reports received and will decide if a report is a public interest disclosure.
- (2) A report will be a public interest disclosure if:
  - (a) it is made by a public official;
  - (b) it is made orally or in writing;
  - (c) it is made to a person authorised to receive it; and

**Note:** Lists of authorised people are set out in clause 9(3). A full list of Disclosure Officers is available at [Report wrongdoing - The University of Sydney](#)

  - (d) the maker honestly and reasonably believes that the information provided shows or tends to show serious wrongdoing.
- (3) Most public interest disclosures are made voluntarily. In some instances, a disclosure will be mandatory, or will be made by a witness in an investigation.



- (a) The protections given to makers of mandatory or witness public interest disclosures are the same as those given to voluntary public interest disclosures.
- (b) Internal Audit will provide further information and support to anyone making a mandatory or witness public interest disclosure.
- (4) Serious wrongdoing is defined in clause 6. The following are possible examples relevant to the University and its activities.
  - (a) **Corrupt conduct:** Giving or accepting bribes; fraudulent invoicing; misappropriation of grant funds.
  - (b) **Serious maladministration:** Systemically failing to comply with recruitment processes when hiring staff; making a decision based on an improper motive.
  - (c) **Government information contravention:** Destroying, concealing or altering records to avoid releasing them under a [Government Information Public Access Act](#) application.
  - (d) **Privacy contravention:** Using research data for marketing purposes; sharing personal information without authority.  
**Note:** See the [Privacy Policy](#).
  - (e) **Serious and substantial waste of public money.** By-passing mandatory market testing or tender requirements when making large contractual expenditures.  
**Note:** Schedule 2 of the [PID Act](#) gives further descriptions of potential serious misconduct.

## 12 What is not a public interest disclosure

Reports are not public interest disclosures if they:

- (a) do not meet all of the criteria set out in clause 11(2);
- (b) are covered by any of the policies listed in clause 5(3);
- (c) relate to personal work-related grievances;
- (d) relate to a disagreement over reasonable management action, taken or proposed; or
- (e) only express disagreement with:
  - (i) government policy; or
  - (ii) decisions about amounts, purposes or priorities of public expenditure.

## 13 Mixed or incomplete reports

- (1) It is possible that a report may contain parts which are public interest disclosures and parts which are not.
- (2) It is also possible that a report may show, or tend to show, serious wrongdoing but not meet all the requirements of clause 11(2).
- (3) The Chief Internal Audit Officer may deem a report to be a public interest disclosure in appropriate circumstances, if they are satisfied that it shows or tends to show serious wrongdoing.





- (a) A deemed public interest disclosure will be treated in the same way as all other public interest disclosures. The reporter will be entitled to [PID Act](#) protections.

## 14 Making a public interest disclosure outside the University

- (1) Public officials may make a public interest disclosure about suspected wrongdoing at the University to someone outside of the University. It is possible that the recipient will refer it to the University for appropriate action.
- (2) Public officials may make public interest disclosures to:
  - (a) the head of another NSW public service agency;
  - (b) a disclosure officer for another NSW public service agency;
  - (c) an integrity agency;
  - (d) a NSW government Minister or a member of their staff; or
  - (e) a journalist.

**Note:** The circumstances in which reports can be made to Ministers and their staff, or journalists, are limited. Clauses 14(4) and 14(5) of this policy and section 28 of the [PID Act](#) give more details.

- (3) Details of heads of public service agencies, and their disclosure officers, are available from their public websites or in their equivalents to this policy.
- (4) Public interest disclosures to a Minister, Ministerial staff member or journalist must be made in writing.
- (5) A reporter may only make a public interest disclosure to a Minister, Ministerial staff member or journalist if:
  - (a) the reporter has previously made substantially the same disclosure under this policy;
  - (b) the previous disclosure:
    - (i) is substantially true; and
    - (ii) was not made anonymously;
  - (c) the reporter has not previously waived their right to receive information about the disclosure;
  - (d) the University has not notified the reporter that it will not investigate the disclosure or refer it to another agency;
  - (e) the reporter has not previously received the following information at the end of the investigation period:
    - (i) notice of the University's decision to investigate;
    - (ii) a description of the results of the investigation; and
    - (iii) details of any proposed or recommended corrective action.
- (6) For the purposes of clause 14(5), the investigation period is:
  - (a) 6 months after the reporter made the original disclosure; or
  - (b) if the reporter applied for a review, 12 months after the original disclosure.

## **PART 2 – MANAGING PUBLIC INTEREST DISCLOSURES**

---

### **15 Acknowledgement and assessment**

- (1) As soon as possible after receiving a report which is, or may be, a public interest disclosure, Internal Audit will provide the reporter with an acknowledgement.
- (2) The acknowledgement must:
  - (a) state that the [PID Act](#) applies to how the University will manage the report;
  - (b) state that the Chief Internal Audit Officer will assess the report and decide if it is a public interest disclosure; and
  - (c) provide:
    - (i) a link to, or a copy of, this policy;
    - (ii) details of an Internal Audit contact person; and
    - (iii) information about available personal supports.
- (3) The Chief Internal Audit Officer will assess the report.
  - (a) If the Chief Internal Audit Officer decides that the report is a public interest disclosure, the University will manage the report as set out in this Part.
  - (b) If the Chief Internal Audit Officer decides that a report is not a public interest disclosure, the University be consider and deal with it under the appropriate University policy and processes, as set out in Part 3.
  - (c) Internal Audit will inform the reporter as soon as possible if a report is assessed as not being a public interest disclosure. They must provide the reporter with:
    - (i) an outline of the steps the University proposes to take in response to the report; and
    - (ii) information about how to request a review of the decision. Reviews are discussed in clause 23.
- (4) In some cases, a report that has been classified as a public interest disclosure may later be shown not to meet the criteria. In such cases the Chief Internal Audit Officer may decide to stop dealing with the report as a public interest disclosure.
  - (a) If so, the Chief Internal Audit Officer must provide the reporter with:
    - (i) reasons for this decision;
    - (ii) details of how the University will address the report; and
    - (iii) details of how to request a review of the decision.

### **16 Responding to public interest disclosures**

- (1) The Chief Internal Audit Officer may decide:
  - (a) to investigate a report formally;
  - (b) to investigate a report under another applicable law, policy or procedure; or
  - (c) to take action of an investigative nature short of a formal investigation;



- (i) This may include conducting an inquiry, audit or preliminary assessment;
  - (d) that the matter does not need further investigation (for example, if it has already been investigated or resolved); or
  - (e) to refer the report to another agency.
- (2) The Chief Internal Audit Officer may consult relevant delegates and University staff in making these decisions. Any such consultations will be confidential, and will be protected under this policy and the [PID Act](#).
- (3) If the Chief Internal Audit Officer decides not to investigate, they must:
  - (a) provide the reporter with reasons;
  - (b) inform the reporter of how to request a review of the decision; and
  - (c) notify the NSW Ombudsman.
- (4) If the Chief Internal Audit Officer decides to refer the matter to another agency, they must provide the reporter with:
  - (a) details of the referral; and
  - (b) a contact person at the other agency.
- (5) If the Chief Internal Audit Officer decides that the University will investigate:
  - (a) investigations involving staff subject to the [Enterprise Agreement](#) will be conducted consistently with the [Enterprise Agreement](#);
  - (b) investigations involving people who are not subject to the [Enterprise Agreement](#) will be conducted as provided in clause 17.
- (6) The Chief Internal Audit Officer may refer a report to another specialist unit within the University.
  - (a) That unit must manage any referred public interest disclosure consistently with this policy and the [PID Act](#).
  - (b) Examples of specialist units to which reports may referred include the Human Resources, Privacy and Cyber Security teams.
- (7) Before providing information to a person who is the subject of a public interest disclosure, the Chief Internal Audit Officer or other relevant delegate must:
  - (a) review the information; and
  - (b) take appropriate steps to protect the reporter's identity and prevent detrimental action.

## **17 Investigations when the *Enterprise Agreement* does not apply**

- (1) The Chief Internal Audit Officer may undertake or arrange any preliminary enquiries they consider necessary.
- (2) For less serious matters, the Chief Internal Audit Officer may consult with the relevant supervisor or delegate and decide to deal directly with the person the subject of the public interest disclosure.
  - (a) This may involve a supervisor or relevant delegate seeking to resolve the matter by:
    - (i) guidance;
    - (ii) counselling;

- (iii) warning;
  - (iv) mediation or other dispute resolution process.
- (3) In other cases the University will provide the allegations to the person the subject of the public interest disclosure in enough detail to allow them to respond.
  - (a) The recipient must be given a reasonable period to respond, appropriate to the nature and complexity of the allegations.
- (4) The Chief Internal Audit Officer may appoint a person to investigate the allegations. The investigator may be a person within, or external to, the University.
- (5) The investigator will decide on the procedure for the investigation.
  - (a) The person the subject of the investigation must be given a reasonable opportunity to respond to all allegations, including new matters or variations to allegations.
  - (b) The investigator will report on their findings and any other matters the Chief Internal Audit Officer believes appropriate.
  - (c) The investigator must provide a written report to the Chief Internal Audit Officer.
- (6) The University will provide the person who is the subject of the investigation with information about the findings that relate to them.

## 18 Legislative protections for reporters

- (1) The [PID Act](#) provides a number of protections for reporters who make public interest disclosures.
- (2) These protections apply regardless of whether the public interest disclosure is a voluntary, mandatory or witness public interest disclosure.
- (3) Reporters who make a public interest disclosure are entitled:
  - (a) not to have information disclosed that tends to identify them, except as permitted by the [PID Act](#);  
**Note:** Clause 19 gives more detail about protecting identity.
  - (b) not to have detrimental action threatened or taken against them;  
**Note:** Clause 20 gives more detail about detrimental action.
  - (c) to seek compensation if unlawful detrimental action is taken against them;
  - (d) to apply for a court order (such as an injunction) if detrimental action is threatened or taken; and
  - (e) to immunity from civil or criminal liability for confidentiality breaches involved in making their public interest disclosure.
- (4) Reporters may also apply to the Attorney-General for protection from liability for their own wrongdoing or misconduct disclosed while making a public interest disclosure.
- (5) Reports which are not public interest disclosures are not entitled to the protections set out in the [PID Act](#).

## 19 Protecting reporters' identity

- (1) The University will not disclose the identity of a reporter, or information which is likely to identify them, unless:
  - (a) they have consented to the disclosure; or
  - (b) the disclosure is permitted by the [PID Act](#).
- (2) The PID Act permits disclosure if:
  - (a) the reporter has consented in writing;
  - (b) the reporter's identity is generally known because they have voluntarily identified themselves;
  - (c) the University reasonably believes it is necessary to protect a person from detriment;
  - (d) it is necessary to provide the information to a person whose interests are affected by the disclosure;
  - (e) the information has previously been lawfully published;
  - (f) the information is disclosed to a medical or psychological practitioner for the purpose of providing care to the reporter;
  - (g) for court or tribunal proceedings;
  - (h) it is necessary to deal with the disclosure effectively; or
  - (i) it is otherwise in the public interest.

**Note:** S 64 of the [PID Act](#) gives more detail.
- (3) The University will take all reasonable steps to avoid unnecessary disclosure. These include:
  - (a) limiting the number of people who are aware of the report, and the reporter's identity;
  - (b) reminding anyone who knows the reporter's identity of their obligation not to disclose it; and
  - (c) providing the reporter with information about how best to protect their identity, such as not discussing the report with others.
- (4) It may not be possible to maintain complete confidentiality of a reporter's identity and still progress an investigation. If this confidentiality cannot, or is unlikely to be, maintained, the University will:
  - (a) inform the reporter;
  - (b) review its assessment of the risk of detrimental action;
  - (c) take steps to minimise the risk of detrimental action;
  - (d) provide additional supports to the reporter; and
  - (e) remind everyone who has access to the report, or knows the reporter's identity, of:
    - (i) their non-disclosure obligations; and
    - (ii) the potential criminal and disciplinary consequences of disclosure.

## 20 Protecting against detrimental action

- (1) A staff member or affiliate who threatens or takes detrimental action against someone may be liable to criminal and civil sanctions, if the action is partly or wholly because they believe a public interest disclosure has been, or might be, made.
  - (a) This is the case whether or not any public interest disclosure, or other report, has actually been made.
- (2) The University will not tolerate detrimental action being threatened or taken against:
  - (a) a person who:
    - (i) has made a public interest disclosure;
    - (ii) is believed to have made a public interest disclosure; or
    - (iii) might make a public interest disclosure;
  - (b) investigators;
  - (c) witnesses; or
  - (d) a person the subject of a public interest disclosure.
- (3) Detrimental action includes:
  - (a) injury, damage or loss;
  - (b) property damage;
  - (c) reputational damage;
  - (d) unfavourable treatment in relation to someone's job or workplace;
  - (e) intimidation, bullying or harassment;
  - (f) discrimination, prejudice or adverse treatment, in or outside employment;
  - (g) disciplinary action;
  - (h) other disadvantage.
- (4) Detrimental action does not include:
  - (a) reasonable management action;
  - (b) lawful action to investigate serious wrongdoing or other misconduct;
  - (c) lawful reporting or publishing of findings of serious wrongdoing or other misconduct;
  - (d) lawful adverse comment made as a result of investigation; or
  - (e) criminal prosecution.
- (5) Reasonable management action may involve:
  - (a) appraising work performance;
  - (b) counselling;
  - (c) investigating suspected misconduct or wrongdoing;
  - (d) disciplinary action;
  - (e) transferring or redeploying a person;
  - (f) making a role redundant; or

(g) suspend, review or terminate a contract.

**Note:** Section 31 of the [PID Act](#) gives more detail.

- (6) As soon as possible after identifying a report as a public interest disclosure, the Chief Internal Audit Officer must:
- (a) consult with relevant delegates and managers to assess the risk of detrimental action against the reporter; and
  - (b) document this in a risk assessment.
- (7) If the risk of detrimental action is assessed as “medium” or higher, the Chief Internal Audit Officer will work with relevant delegates and managers to minimise the risk by:
- (a) increasing monitoring and supervision of relevant people; or
  - (b) taking other appropriate steps, on a case-by-case basis.
- (8) A person who believes that detrimental action has been, or is being, threatened or taken against them should inform:
- (a) their contact officer in Internal Audit;
  - (b) a Disclosure Officer; or
  - (c) an integrity agency.
- (9) The Chief Internal Audit Officer will consider all allegations of threatened or actual detrimental action.
- (10) The Chief Internal Audit Officer may decide to:
- (a) take preliminary action of an investigative nature to obtain evidence about an allegation; and or
  - (b) investigate an allegation formally.
- (11) If the Chief Internal Audit Officer decides to investigate:
- (a) investigations involving staff subject to the [Enterprise Agreement](#) will be conducted consistently with the [Enterprise Agreement](#);
  - (b) investigations involving people who are not subject to the [Enterprise Agreement](#) will be conducted as provided in clause 17.
- (12) If threatened or actual detrimental action is identified:
- (a) the Chief Internal Audit Officer will report this to the Vice-Chancellor;
  - (b) the University will take all reasonable steps to stop it and protect the person subjected to it; and
  - (c) the Vice-Chancellor will:
    - (i) notify the NSW Ombudsman of the alleged detrimental action;
    - (ii) refer evidence of any offence to the NSW Police and Independent Commission Against Corruption; and
    - (iii) notify the NSW Ombudsman of the outcome of any prosecution for detrimental action.
- (13) A person who believes that the University is not dealing appropriately with detrimental action may contact the NSW Ombudsman or the Independent Commission against Corruption.

**Note:** See [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) and [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

## 21 Response to investigations

- (1) If an investigation concludes that there has been serious wrongdoing or other misconduct, the University will take appropriate action to address and correct it.
  - (a) If there has been serious wrongdoing, the University may take disciplinary action against staff or affiliates involved. This may include terminating their employment or affiliation.
  - (b) If there has been misconduct that falls short of serious wrongdoing, the University will respond appropriately. This may include taking disciplinary steps under relevant University policies and the [Enterprise Agreement](#).
- (2) Depending on the nature of any serious wrongdoing identified, the University may also take corrective actions. These may include:
  - (a) a formal apology;
  - (b) policy or process changes to prevent and improve responses to similar wrongdoing;
  - (c) additional education and training.

## 22 Updating reporters

- (1) This clause does not apply to anonymous reports.
- (2) Where the identity of the reporter is known the University will keep the reporter informed of progress as set out in this clause.
  - (a) Updates should be made as soon as reasonably practicable after relevant decisions are made.
- (3) Internal Audit must provide the reporter with:
  - (a) acknowledgment of the report, as set out in clause 15;
  - (b) the assessment of whether it is a public interest disclosure, as set out in clause 15; and
  - (c) details of how the report will be managed. This includes whether it will be investigated or referred to another agency as set out in clause 16.
- (4) If the University investigates a public interest disclosure, it will provide the reporter with:
  - (a) progress updates at least every 3 months;
  - (b) details of the outcome of any investigation; and
  - (c) details of any corrective action taken, proposed or recommended.
- (5) A reporter may waive their entitlement to receive reports under this clause. The reporter must give this waiver in writing.

## 23 Review of decisions

- (1) A reporter may request a review of any of the following decisions:
  - (a) a decision that a report is not a public interest disclosure;
  - (b) a decision to stop dealing with a report as a public interest disclosure;



- (c) a decision not to investigate a public interest disclosure and not to refer it to another agency;
  - (d) a decision to cease investigating a public interest disclosure without either completing the investigation or referring the matter to another agency.
- (2) A reporter must make a request for review:
- (a) in writing;
  - (b) to the General Counsel;
  - (c) within 28 days of being informed of the relevant decision; and
  - (d) stating reasons why the decision should not have been made.
- (3) The General Counsel will:
- (a) consider the application and relevant materials;
  - (b) confirm the original decision or make an alternative decision; and
  - (c) inform the Chief Internal Audit Officer and the reporter of their decision.
- (4) If there is a dispute between a reporter and the University about a report, the Chief Internal Audit Officer may request that the NSW Ombudsman conciliate the matter.
- (a) The Chief Internal Auditor may only make such a request with the reporter's consent.

## **PART 3 – MANAGING OTHER REPORTS**

---

### **24 Assessment and response**

- (1) The Chief Internal Audit Officer will decide how a report which is not a public interest disclosure will be managed, consistently with any applicable University policies.
- (2) In confidential consultation with any other relevant delegate and manager, the Chief Internal Audit Officer will decide:
- (a) if an investigation is required; and
  - (b) if so, who should conduct it.
- (3) The Chief Internal Audit Officer may:
- (a) refer the report to another specialist unit of the University for management and investigation;
  - (b) appoint a person within the University to undertake an investigation; or
  - (c) appoint an external investigator.
- (4) As soon as possible after assessing the report, Internal Audit will inform the reporter:
- (a) that it is not a public interest disclosure;
  - (b) that the reporter may seek a review of this decision;
  - (c) how the reporter may seek a review;
  - (d) how the report will be managed; and

- (e) contact details for a person with responsibility for managing the matter. This person may be in Internal Audit or another part of the University.
- (5) If the Chief Internal Audit Officer decides that no further investigation is required, they will inform the reporter of the decision and give reasons.

## 25 Investigations

- (1) Investigations involving staff subject to the [Enterprise Agreement](#) will be conducted consistently with the [Enterprise Agreement](#).
- (2) Investigations involving people who are not subject to the [Enterprise Agreement](#) will be conducted as provided in clause 17.

## 26 Protecting reporters' identity

- (1) The University will take all reasonable steps to protect the reporter's identity, provided that doing so does not hinder the investigation.
- (2) These steps include, as far as practicable:
  - (a) not disclosing information which is likely to identify the reporter;
  - (b) limiting the number of people who are aware of the report and the reporter's identity;
  - (c) reminding anyone who knows details of the report or the reporter's identity that this information is confidential; and
  - (d) providing the reporter with information about how best to protect their identity, such as not discussing the report with others.

## 27 Protecting against detrimental action

- (1) Even if a report is not a public interest disclosure, the University will not tolerate detrimental action being threatened or taken against a person involved in a report of wrongdoing. This includes the reporter, witnesses, the person the subject of the report, and investigators.
- (2) A person who believes detrimental action is being threatened or taken against them should inform their contact officer.
- (3) The contact officer should immediately inform the Chief Internal Audit Officer.
- (4) The Chief Internal Audit Officer will consult with relevant University units, and obtain any advice they consider necessary, to evaluate the allegation.
  - (a) Relevant University units include Human Resources, Privacy and Cyber Security.
- (5) The Chief Internal Audit Officer may decide to investigate the allegation. If so, they may appoint a person from within, or external to, the University to conduct it.
- (6) If detrimental action is identified the University will take all reasonable steps to stop it and protect the person subject to it.
- (7) The University may also take disciplinary action against any person found to be engaging in detrimental action.

## 28 Response to investigations

- (1) The University will take appropriate action to respond to any identified misconduct.
- (2) This may include:
  - (a) disciplinary action against people found to have engaged in misconduct;
  - (b) an apology to people affected by the misconduct;
  - (c) guidance;
  - (d) counselling;
  - (e) warning; or
  - (f) mediation or other dispute resolution process.
- (3) The University will inform the reporter of the outcome of any investigation.

## PART 4 – ROLES, RESPONSIBILITIES AND ADMINISTRATIVE MATTERS

---

### 29 Personal supports

- (1) The University is committed to supporting those who are affected by the reporting wrongdoing process, whether or not the report is a public interest disclosure.
- (2) Details of support services available at the University are set out in Schedule 1. These services are available to reporters, to those affected by reports and those the subject of reports.
- (3) Every reporter will be allocated a contact person, who will assist them with their report, updates and accessing necessary support.

### 30 Annual returns to Ombudsman

- (1) The University will provide an annual return to the NSW Ombudsman for the period ending 30 June each year.
- (2) The annual return will provide information about:
  - (a) public interest disclosures received;
  - (b) action taken by the University to deal with them; and
  - (c) how the University promoted a workplace culture which encourages public interest disclosures.

### 31 Assuring compliance with the PID Act

- (1) The Chief Internal Audit Officer, together with the Chief Human Resources Officer, will arrange for the development and delivery of training on the requirements of the [PID Act](#) and this policy.
- (2) The Chief Internal Audit Officer will report periodically to the Senate Finance and Audit Committee about the operation of this policy.
- (3) Reports may include:

- (a) de-identified descriptions of allegations received;
- (b) status of investigations underway; and
- (c) relevant outcomes and recommendations from investigations.

## 32 Roles and responsibilities

- (1) **The Vice-Chancellor** is responsible for:
  - (a) fostering a workplace culture that encourages reporting wrongdoing;
  - (b) ensuring the University has processes in place for complying with the [PID Act](#). This includes processes for:
    - (i) assessing reports;
    - (ii) identifying public interest disclosures;
    - (iii) supporting reporters who make public interest disclosures;
    - (iv) protecting reporters who make public interest disclosures against detrimental action;
    - (v) implementing corrective action if serious wrongdoing is identified;
    - (vi) complying with external reporting obligations; and
    - (vii) making annual returns to the NSW Ombudsman.
- (2) **The Chief Internal Audit Officer** is responsible for:
  - (a) receiving and acknowledging reports passed on to them under this policy;
  - (b) dealing with reports appropriately, as provided in this policy;
  - (c) overseeing internal compliance with the [PID Act](#);
  - (d) working with relevant delegates and managers to:
    - (i) investigate reports;
    - (ii) protect the identity of reporters; and
    - (iii) protect reporters and others involved in reports from detrimental action.
- (3) **The General Counsel** is responsible for considering, and deciding, applications for review.
- (4) **Disclosure Officers** are responsible for:
  - (a) receiving reports and providing them to Internal Audit as soon as possible; and
  - (b) creating and retaining records of reports forwarded to Internal Audit, as provided in this policy.
- (5) **Managers and supervisors** are responsible for:
  - (a) receiving reports and providing them to Internal Audit as soon as possible;
  - (b) in consultation with Internal Audit, supporting and implementing steps to protect the identity of reporters, and protect them from detrimental action.
- (6) **All staff and affiliates** are responsible for:
  - (a) reporting suspected wrongdoing or detrimental action;



- (b) not disclosing the identity of a reporter, or information which may identify them;
- (c) assisting in investigations if requested to do so;
- (d) keeping details of reports and investigations confidential; and
- (e) not threatening or taking detrimental action against any person involved in reporting wrongdoing.

### **33 Rescissions and replacements**

This policy replaces the *Reporting Wrongdoing Policy 2012*, which is rescinded as from commencement of this document

## **NOTES**

### **Reporting Wrongdoing Policy 2023**

Date adopted:	8 September 2023
Date commenced:	1 October 2023
Date amended:	22 February 2024 (administrative amendments) 21 March 2024 (administrative amendments) 14 October 2024 (administrative amendments)
Owner:	Chief Internal Audit Officer
Review date:	1 October 2028
Rescinded documents:	Reporting Wrongdoing Policy 2012
Related documents:	Government Information Public Access Act 2009 (NSW) Public Interest Disclosures Act 2022 (NSW) <i>Privacy Policy 2017</i> <i>Recordkeeping Policy 2017</i> <i>Research Code of Conduct 2023</i> <i>Staff and Affiliates Code of Conduct 2021</i>

## AMENDMENT HISTORY

<b>Provision</b>	<b>Amendment</b>	<b>Commencing</b>
5(3)(d)	Replaced 'Student Sexual Misconduct Policy 2018' with 'Student Sexual Misconduct Policy 2023'	22 February 2024
	Replaced 'Staff Sexual Misconduct Policy 2020' with 'Staff Sexual Misconduct Policy 2023'	
6	Amended definition of 'serious wrongdoing' to include relevant clause reference	22 February 2024
Schedule 1 (3)	subclause deleted; not relevant to staff; consequent renumbering	21 March 2024
Schedule 1 (4)	renumbered to (3) 'Benestar Employee Assistance Program' replaced with 'Employee Assistance Program'	21 March 2024
Schedule 1 (3)	Updated Employee Assistance Program contact numbers and hours of operation	14 October 2024
throughout	Administrative amendments to remove the year in policy references	14 October 2024

## SCHEDULE 1

### CONTACT DETAILS FOR PERSONAL SUPPORT SERVICES

- (1) **Emergency services in NSW** (police, ambulance, fire and rescue): call **triple zero (000)**
- (2) **Campus Protective Services**: call **+ 61 2 9351 3333**, 24 hours a day, seven days a week.
- (3) **[Employee Assistance Program](#)**, call:
  - (a) **1300 687 327**, available 24/7;
  - (b) **1300 287 432**, a dedicated First Nations helpline;
  - (c) **+61 3 8620 5300**, an international line for staff based overseas.
- (4) **[1800RESPECT](#)** call **1800 737 732**, available 24/7.
- (5) **University Health Service** call **9351 3484**, 8:30am to 5:00pm, Monday to Friday.