



Version	Approved by	Approval date	Effective date	Next full review
1.0	President and Vice-Chancellor	3 October 2023	1 October 2023	1 October 2026
Policy Statement				
Purpose	To outline the University’s process and commitment to: • supporting and facilitating reports of Serious Wrongdoing at or affecting UNSW, • protecting the identity of those making a public interest disclosure and from the risk of detrimental acts that might arise against them as a result of a public interest disclosure, and • respond effectively to public interest disclosure reports including undertaking investigations and reporting to external agencies, where appropriate.			
Scope	This Policy and Procedure applies to, and for the benefit of all public officials in NSW including all Staff, Affiliates, Contractors and Volunteers of the University, all Controlled Entities and members of the University Council and its committees. Those who are not public officials can still make a complaint of suspected wrongdoing under the UNSW Complaints and Investigations Policy.			
Policy Provisions				

Public Interest Disclosure (Whistleblowing) Policy

1. Introduction and purpose

The University is committed to creating and maintaining an environment and culture that reflect its values of integrity, transparency and ethical decision-making, inspiring openness, courage and trust. The University recognises the valuable contribution made by those who report Serious Wrongdoing at the University and the importance of ensuring that these reporters, witnesses and other persons are protected from detriment or liability that might arise from their public interest disclosure reports.

This Policy gives effect to the University's obligations under the *Public Interest Disclosures Act 2022* (NSW) (PID Act).

All Staff, Affiliates, Contractors and Volunteers of the University, including Controlled Entities and members of the University Council and their committees must speak up and report Serious Wrongdoing if it is reasonably suspected that is occurring or has occurred.

When a public official reports suspected or possible Serious Wrongdoing at UNSW, their report will be a Public Interest Disclosure (PID) if it has certain features which are set out in the PID Act.

2. Serious Wrongdoing

Reports must be of one or more categories of *serious wrongdoing* to be a Voluntary PID (in addition to having the other features set out in this Policy).

2.1. Meaning of Serious Wrongdoing

2.1.1. Under this Policy Serious Wrongdoing means any or all of the following:

- Corrupt Conduct,
- a government information contravention,
- a local government pecuniary interest contravention
- Serious Maladministration,
- a privacy contravention,

- f) a serious and substantial waste of public money.

2.1.2. Other reports of wrongdoing will be handled in accordance with the Complaints Management Policy and Procedure.

3. Types of Public Interest Disclosures

There are three types of Public Interest Disclosures ('PIDs'): a Voluntary PID, a Mandatory PID and a Witness PID.

3.1. Voluntary Public Interest Disclosures

3.1.1. A report of Serious Wrongdoing will constitute a Voluntary PID if:

- a) the report is made by a public official including a Staff member, Affiliate, Contractor or Volunteer,
- b) the Staff member, Affiliate, Contractor or Volunteer honestly and reasonably believes that the information they are providing shows (or tends to show) Serious Wrongdoing,
- c) the report is made orally or in writing,
- d) it is made to:
 - o the Vice-Chancellor,
 - o a Disclosure Officer, or
 - o a Manager, and
- e) The report is voluntary (not a Mandatory or Witness PID).

3.1.2. A report of Serious Wrongdoing will not constitute a Voluntary PID if:

- a) the reporter wilfully makes a false statement to or misleads or attempts to mislead the University or the person to whom the disclosure is made,
- b) the report is only about a disagreement with a University policy,
- c) concerns only a grievance about a matter relating to the employment or former employment of an individual, and either
 - o does not have significant implications beyond matters personally affecting or tending to personally affect the individual, or
 - o relates to a disagreement with the taking or proposed taking of reasonable management action.

3.1.3. Clause 3.1.2. does not apply if the grievance arises from a decision made by the University in dealing with a previous public interest disclosure or alleged detrimental action relating to a previous voluntary public interest disclosure.

3.1.4. The President and Vice-Chancellor and Disclosures Coordinator may determine a report made by a person is a Voluntary PID even if the report would not otherwise meet the criteria to be a Voluntary PID.

3.2. Mandatory Public Interest Disclosures

3.2.1. A Mandatory PID is where the public official has made a report about Serious Wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function.

3.3. Witness Public Interest Disclosures

3.3.1. A Witness PID is where a person discloses information during an investigation of Serious Wrongdoing following a request or requirement of the investigator.

4. Disclosure Officers

4.1. UNSW Disclosure Officers

4.1.1. Your Call Whistleblower Solutions is an independent, external service provider contracted by the University to receive reports of Serious Wrongdoing and is a Disclosure Officer for UNSW. It is the University's preference that all reports of Serious Wrongdoing be made through Your Call.

- 4.1.2. Other nominated Disclosure Officers for UNSW can be found on the [Serious Wrongdoing website](#) and [Conduct and Integrity Office SharePoint](#).
- 4.1.3. A Manager who receives a report of Serious Wrongdoing from a Staff member, Affiliate, Contractor or Volunteer, must report this to a Disclosure Officer or Your Call Whistleblower Solutions.

4.2. Other Disclosure Officers

- 4.2.1. Public officials including Staff, Affiliates, Contractors or Volunteers may also report Serious Wrongdoing to the head of another public service Agency or an Integrity Agency. If this occurs the Agency or Integrity Agency may refer the report back to UNSW for action.
- 4.2.2. Staff, Affiliates, Contractors or Volunteers may only report Serious Wrongdoing to a Minister, Ministerial staff member or the media if:
- a) the public official has previously made substantially the same disclosure under this Policy,
 - b) the previous disclosure:
 - o is substantially true, and
 - o was not made anonymously,
 - c) the reporter has not previously waived their right to receive information about the disclosure,
 - d) the University has failed to notify the reporter that it will not investigate the disclosure or refer it to another Agency, and
 - e) the reporter has not previously received the following information at the end of the investigation period:
 - o notice of the University's decision to investigate,
 - o a description of the results of the investigation, and
 - o details of any proposed or recommended corrective action.
 - o The investigation period is:
 - 6 months after the reporter made the original disclosure, or
 - if the reporter applied for a review, 12 months after the original disclosure.

5. Confidentiality and Protections

- 5.1. The University is committed to taking all reasonable steps to protect the identity and confidentiality of any person who has made a PID. The University will not disclose information tending to identify a person as the maker of a voluntary PID, or a Witness PID unless doing so is permitted by the PID Act.
- 5.2. UNSW will not tolerate any type of Detrimental Action being taken against a reporter because they have made a report, might make a report, or are believed to have made a report.
- 5.3. If adverse treatment or Detrimental Action is suspected it must be reported immediately to the Disclosures Coordinator, Disclosures Manager, or directly to an integrity agency.
- 5.3.1. The University is committed to taking all reasonable steps to protect any reporter from detriment who has made a Voluntary, Mandatory or Witness PID.
- 5.3.2. When a Voluntary, Mandatory, or Witness PID is made the person receives special protections under the PID Act. A person who is protected under the PID Act:
- a) has protection from Detriment, including the threat of Detriment to the person, whether express or implied. It is an offence to take Detrimental Action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a Voluntary, Mandatory or Witness PID,
 - b) has the right to seek an injunction to prevent or stop Detriment from occurring,
 - c) may seek compensation where unlawful detrimental action has been taken against them as a result of making a Voluntary PID,
 - d) has immunity from civil and criminal liability for breach of a duty of confidentiality where the reporter has first applied to an Integrity Agency so the NSW Attorney General's Office can provide the Reporter with an undertaking, and

- e) Has protection under the Defamation Act 2005.

5.4. Reasonable Management Action

5.4.1. Nothing in this Policy or Procedure prevents Reasonable Management Action from occurring. A person who is protected under the PID Act can still be subject to Reasonable Management Action, even though they receive special protections under the PID Act. Reasonable Management Action includes (but is not limited to):

- a) appraisals for work performance,
- b) misconduct investigations,
- c) disciplinary action,
- d) suspension from the workplace,
- e) termination of employment, and
- f) redundancy, retrenchment, deployment or redeployment.

6. Production of information

6.1. The Disclosure Coordinator or Disclosures Manager can access and arrange for access to any University record or University system (in accordance with the Acceptable Use of IT Policy and Procedure) or any University asset in relation to the reasonable management of the PID.

7. Roles and responsibilities of the University

7.1. The President and Vice-Chancellor

7.1.1. The President and Vice-Chancellor is responsible for:

- a) fostering a workplace culture where reporting is encouraged,
- b) receiving reports of Serious Wrongdoing from Staff, Affiliates, Contractors and Volunteers,
- c) ensuring there is a system in place for assessing disclosures,
- d) ensuring the University complies with this Policy, Procedure and the PID Act, and
- e) ensuring that the University has appropriate systems for:
 - o overseeing internal compliance with the PID Act,
 - o supporting Staff, Affiliates, Contractors and Volunteers who make a PID, including by minimising the risk of Detrimental Action,
 - o overseeing Corrective Action if Serious Wrongdoing is found to have occurred,
 - o complying with reporting obligations regarding allegations or findings of Detrimental Action, and
 - o complying with yearly reporting obligations to the NSW Ombudsman.

7.2. Internal Review Officer

7.2.1. The Deputy Vice-Chancellor (Transformation, Planning and Assurance), or their delegate, as the Internal Review Officer is responsible for:

- a) fostering a workplace culture where reporting is encouraged,
- b) oversight of the University's PID Framework including:
 - o overseeing the implementation of corrective action,
 - o approving reports for University governance and management committees,
 - o overseeing internal compliance requirements, and
- c) receiving, assessing, and determining internal review requests.

7.3. Disclosure Coordinator

7.3.1. The Director, Conduct and Integrity, or their delegate, as the Disclosures Coordinator is responsible for:

- a) fostering a workplace culture where reporting is encouraged,
- b) receiving, assessing, and determining if a report of Serious Wrongdoing constitutes a PID,
- c) acting as the central point of contact within the University for all PID related matters,
- d) contacting any agency or Integrity Agency for all PID related matters, and
- e) exercising any function conferred on or delegated by the President and Vice-Chancellor under the PID Act.

7.4. Disclosure Manager

7.4.1. The Manager, Disclosures and Complex Investigations, or their delegate, as the Disclosure Manager is responsible for:

- a) fostering a workplace culture where reporting of Serious Wrongdoing is encouraged,
- b) providing advice to the President and Vice-Chancellor, the Disclosures Coordinator, Disclosure Officers, Staff, Affiliates, Contractors and Volunteers on PIDs,
- c) assisting Disclosure Officers and Managers with their functions under this Policy and Procedure,
- d) assisting in receiving, assessing, and determining if a report of Serious Wrongdoing constitutes a PID,
- e) assisting in acting as the central point of contact within the University for all PID related matters,
- f) investigating and resolving all PIDs,
- g) recordkeeping, reporting and compliance with this Policy, Procedure and the PID Act,
- h) training Staff, Affiliates, Contractors and Volunteers on PIDs and the PID Act,
- i) reporting the investigation outcome and recommended actions to the Disclosures Coordinator,
- j) communicating with any person who reports Serious Wrongdoing, and
- k) seeking and receiving specialised advice from different areas of the University such as the Legal Office or Employment Relations.

7.5. Disclosure Officers

7.5.1. Disclosure Officers are any member of the University Leadership Team or above, including members of the University Council and its committees.

7.5.2. Disclosure Officers are responsible for:

- a) fostering a workplace culture where reporting of Serious Wrongdoing is encouraged,
- b) receiving reports from Staff, Affiliates, Contractors and Volunteers,
- c) receiving reports when they are passed on to them by Managers,
- d) ensuring that any oral reports that have been received are recorded in writing, and
- e) ensuring reports are dealt with appropriately, including referring the reports to Your Call.

7.5.3. Managers are not to investigate, fact-find or assist in substantiating reports of Serious Wrongdoing.

7.6. Managers

7.6.1. Managers are responsible for:

- a) fostering a workplace culture where reporting of Serious Wrongdoing is encouraged,
- b) receiving reports from Staff, Affiliates, Contractors and Volunteers that report to them or that they supervise, and
- c) passing on reports they receive to a Disclosure Officer.

7.6.2. Managers are not to investigate, fact-find or assist in substantiating reports of Serious Wrongdoing.

7.7. Staff, Affiliates, Contractors and Volunteers

7.7.1. All Staff, Affiliates, Contractors and Volunteers are responsible for:

- a) fostering a workplace culture where reporting Serious Wrongdoing is encouraged,
- b) reporting suspected Serious Wrongdoing,
- c) completing the Public Interest Disclosure and Whistleblowing Training Module,
- d) fully co-operating and assisting in a PID investigation, and
- e) treating any person dealing with or investigating reports of Serious Wrongdoing with respect.

7.7.2. Staff, Affiliates, Contractors or Volunteers must not:

- a) hinder or obstruct the investigation. Hindering or obstructing the exercise of a function under this Policy or Procedure will be treated seriously. For Staff and Affiliates it will be handled as a breach of the Code of Conduct,
- b) wilfully make a false statement to or mislead or attempt to mislead the Disclosures Coordinator or the Disclosures Manager or any investigator appointed to investigate the PID. Doing so is a breach of the Code of Conduct, for Contractors a contractual breach, and potentially a criminal offence,
- c) provide or offer to provide beneficial treatment to another person for the purposes of influencing the other person to refrain from making a PID or to withdraw a PID. Doing so is likely to result in disciplinary action, or for Contractors, contractual action, or
- d) prevent or attempt to prevent a person, or a group or class of persons, from making a PID. Doing so likely to result in disciplinary or contractual action.

8. Recordkeeping, reporting and compliance

8.1. Record keeping

8.1.1. The University must maintain full and accurate records of PIDs in accordance with the University's Recordkeeping Policy and the *State Records Act 1998* (NSW).

8.1.2. The University stores PID information and data in a secure database which the Disclosure Coordinator and Disclosure Manager are responsible for maintaining.

8.2. Reporting

8.2.1. The University must provide the NSW Ombudsman with an annual return which includes:

- a) information about Voluntary PIDs received by the University during each return period (yearly with the start date being 1 July),
- b) action taken by the University to deal with Voluntary PIDs during the return period, and
- c) how the University promotes a culture in the workplace where PIDs are encouraged.

8.2.2. The University will report de-identified Serious Wrongdoing data to the University's Audit Committee.

8.2.3. The University will continue to observe its reporting obligations to the NSW Independent Commission Against Corruption.

8.2.4. The University must report evidence of Detrimental Action offences to the NSW Commissioner of Police and to the NSW Independent Commission Against Corruption. The University must also report this information, including an allegation of, to the NSW Ombudsman.

8.2.5. The Disclosures Coordinator will report all recommendations for Corrective Action to the Audit Committee and/or University Leadership Team. The Conduct and Integrity Office will be responsible for the completion of accepted recommendations.

8.3. Compliance

8.3.1. The Conduct and Integrity Office is responsible and has oversight for the University's compliance with this Policy, Procedure and the PID Act.

8.3.2. The Conduct and Integrity Office, with assistance from the Internal Audit Office, conduct regular audits to ensure the University's compliance with this Policy, Procedure and the PID Act. This will be reported to either the University Leadership Team and/or Audit Committee.

8.3.3. Immediate Corrective Action may be taken to ensure the safety of people, animals, resources or the environment and to correct non-compliance with this Policy and Procedure and the PID Act. These matters will be reported to the University Leadership Team and/or Audit Committee.

8.3.4. Where there is an inconsistency with any other University code of conduct, policy, standard, procedure, or guideline, this Policy and Procedure prevails.

Public Interest Disclosure (Whistleblowing) Procedure

1. Support for reporting suspected Serious Wrongdoing

1.1. Support

1.1.1. The University will support any Staff member, Affiliate, Contractor or Volunteer who suspects Serious Wrongdoing has occurred or is occurring to make a report. This includes:

- a) ensuring free access to the Employee Assistance Program,
- b) actively minimising the risk of Detriment from occurring,
- c) being open and transparent as far as possible with reporters,
- d) maintaining confidentiality, and
- e) allowing Staff, Affiliates, Contractors or Volunteers to discuss suspected Serious Wrongdoing with either the Disclosures Manager or Disclosures Coordinator before a formal report is made.

1.1.1. Any Staff member, Affiliate, Contractor or Volunteer who is not sure if the conduct they have witnessed constitutes Serious Wrongdoing should report it regardless. Staff, Affiliates, Contractor or Volunteers can contact a Disclosure Officer, the Disclosure Manager, or the Disclosure Coordinator at any time.

2. Reporting suspected Serious Wrongdoing

2.1. The reporting process

2.1.1. Any Staff member, Affiliate, Contractor or Volunteer that suspects Serious Wrongdoing has occurred or is occurring must report this to either their Manager or a Disclosure Officer.

2.1.2. Even if the report is not a PID, it may fall within another one of UNSW policies for dealing with reports, allegations or complaints.

2.1.3. A report of suspected Serious Wrongdoing should include (but does not need to include) information such as:

- a) date, time, and location of key events,
- b) names of person(s) involved or believed to be involved, including their role, if known,
- c) the reporter's relationship with the person(s) involved,
- d) an explanation of the matter,
- e) how the reporter became aware of the matter that is being reported,
- f) consent for the reporter's identity to be disclosed to the University:
 - without any limitation, or
 - with limitations (for example, identity being known only to the Disclosure Officers, to the investigator/s or for their identity not to be disclosed to certain individuals),
- g) any possible witnesses,
- h) Any supporting evidence (such as screenshots, emails, documents, receipts) and other relevant information.

2.1.4. If a Manager receives a report of Serious Wrongdoing from a Staff member, Affiliate, Contractor or Volunteer, they must report this to Your Call, UNSW's external Whistleblowing service or to a Disclosure Officer.

2.1.5. When a Disclosure Officer receives a report of suspected Serious Wrongdoing, they must report this information to Your Call.

2.1.6. If a Staff member is investigating a complaint or allegation of misconduct under any other University code, policy, procedure or guideline and it becomes apparent at any time throughout

that process that suspected Serious Wrongdoing has occurred, they are to immediately cease managing the matter and report it in accordance with this Procedure.

2.2. Anonymous reports

- 2.2.1. Any Staff member, Affiliate, Contractor or Volunteer that wishes to remain anonymous when reporting suspected Serious Wrongdoing may do so.
- 2.2.2. Protections under this Policy and the PID Act still apply to anonymous reporters if the report is determined to be a Voluntary PID.
- 2.2.3. The University will endeavour to investigate anonymous reports, but the process may be restricted if there is insufficient information.
- 2.2.4. The University encourages anonymous reports of Serious Wrongdoing to be made via Your Call as this is an encrypted system which fully preserves the anonymity of the reporter.

3. Assessing reports of suspected Serious Wrongdoing

3.1. The assessment process

- 3.1.1. Every report made to Your Call, or to a Disclosure Officer, will be assessed to determine if it is a PID.
- 3.1.2. The report will be acknowledged and the reporter informed that:
 - a) the report will be assessed to identify whether it is a PID,
 - b) the PID Act and this Policy and Procedure applies to how the University deals with the report,
 - c) a link to this PID policy and Procedure is included in the acknowledgement, and
 - d) the identity of the Disclosure Manager and available support.
- 3.1.3. The Disclosure Manager will assess the report and make recommendations to the Disclosure Coordinator for determining whether the report is a PID.
- 3.1.4. Any report of suspected Serious Wrongdoing that relates to the Chancellor or President and Vice-Chancellor must be referred to an Integrity Agency.
- 3.1.5. In assessing any other reports of suspected Serious Wrongdoing, the Disclosure Coordinator, and/or the Disclosures Manager may:
 - a) take or facilitate any immediate Corrections Actions to ensure the safety of people, animals, resources or the environment,
 - b) contact relevant parties to clarify (including to request further information from the reporter) and/or gather information, subject to the confidentiality obligations imposed by this Policy and by the PID Act,
 - c) seek subject matter expert advice,
 - d) seek legal advice, or
 - e) consider if it is appropriate to report the suspected Serious Wrongdoing to a law enforcement or Integrity Agency.
- 3.1.6. Upon receiving the initial assessment from the Disclosure Manager, the Disclosure Coordinator will decide if the report of suspected Serious Wrongdoing is or is not a PID.
- 3.1.7. If the report is not a PID, the Disclosures Coordinator will determine if:
 - a) the report is to be managed under another University Policy or Procedure,
 - b) the report should be referred to another institution or organisation for appropriate action (subject to the confidentiality obligations imposed by the Policy and by applicable legislation), or
 - c) no further action will be taken by the University, and then,
 - d) arrange for notification to the reporter of this decision and the reasons for it including any available internal review options, and
 - e) notify the NSW Ombudsman of this decision.
- 3.1.8. If the report is determined to be a PID, the Disclosures Coordinator will determine:

- a) if the report is to be investigated under this Policy and Procedure, or
 - b) referred to another agency or Integrity Agency for investigation.
- 3.1.9. If the report is to be referred to another agency or Integrity Agency for investigation, the Disclosure Manager will advise the reporter of this decision, the reasons for it, the contact details of the agency and the protections available to the reporter.
- 3.1.10. If the PID is to be investigated under this Policy and Procedure the Disclosure Coordinator will determine:
- a) the scope of the investigation, and
 - b) that the Disclosure Manager must carry out the investigation, and then
 - c) ensure the reporter is informed of this decision, the reasons for it and the protections available to the reporter.

4. Investigating PIDs

4.1. The investigation process

- 4.1.1. The Disclosures Manager will consider whether they or any other person related to the investigation are affected by a conflict of interest. Any conflict of interest must be disclosed in writing and managed in accordance with the *UNSW Conflict of Interest Policy*. Where appropriate, an alternative person will be appointed by the Disclosures Coordinator to assume the role of the Disclosures Manager. Conflict of interest in this context includes actual, potential or perceived conflict.
- 4.1.2. The Disclosures Manager will be responsible for the investigation. Subject to the confidentiality obligations imposed by the Policy and the PID Act, the Disclosures Manager may seek assistance from the Legal & Compliance Office, the Internal Audit Office or a third party as required. The objective of the investigation is to determine whether there is sufficient evidence to substantiate, in whole or in part, the PID.
- 4.1.3. In conducting the investigation, the Disclosures Manager, or their delegate, may contact relevant parties to clarify and/or gather facts and to seek expert or legal advice.
- 4.1.4. The Disclosures Coordinator and Disclosures Manager must treat fairly any Staff member, Affiliate, Contractor or Volunteer whose conduct is investigated. The Staff member, Affiliate, or Volunteer may be informed about the subject matter of the disclosure at an appropriate time.
- 4.1.5. The Disclosures Coordinator will be responsible for making directions and recommendations for a supervisor, Divisional Head, Dean, Chief Human Resources Officer, or Deputy Vice-Chancellor to exercise their functions in accordance with the Enterprise Agreement.
- 4.1.6. For matters of Serious Wrongdoing, the Disclosures Manager will be responsible for ensuring these are investigated consistent with the Enterprise Agreement.
- 4.1.7. Staff, Affiliates, Contractors or Volunteers must use their best endeavours to assist in an investigation of Serious Wrongdoing if asked to do so by the Disclosures Coordinator or the Disclosures Manager.
- 4.1.8. The Disclosure Manager will provide the reporter with regular updates on the investigation in no less than three-month intervals.
- 4.1.9. The Disclosures Manager will provide the investigation report, including any recommendations for Corrective Action, to the Disclosures Coordinator.
- 4.1.10. The Disclosures Coordinator will take the most appropriate action to address Serious Wrongdoing. This is also known as Corrective Action. Corrective action can include:
 - a) a formal apology,
 - b) improving internal policies to adequately prevent and respond to similar instances of wrongdoing,
 - c) providing additional education and training to staff where required,
 - d) taking employment action against persons involved in the Serious Wrongdoing (such as termination of employment, relocation, a caution or reprimand), and
 - e) payment of compensation to people who have been affected by Serious Wrongdoing.

- 4.1.11. Once the investigation is complete, the Disclosure Coordinator will provide the reporter with the following information:
- a) the steps taken in the investigation,
 - b) the findings or results of the investigation, and
 - c) information about any Corrective Action as a result of the investigation.
- 4.1.12. There may be some details about the investigation outcome and the Corrective Action that cannot be revealed for legal or other reasons. The University will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations that the University has.
- 4.1.13. The University may at any time cease dealing with or investigating a PID if it is determined that it does not meet the definition of a PID. In this event, the Disclosure Coordinator will facilitate advice to the reporter of this decision and the reasons for it. The Disclosures Coordinator will determine if the report should be managed via another process.

5. Detrimental Action, Reasonable Management Action, risk, production, and obstruction

5.1. Causing Detriment

- 5.1.1. Any Detrimental Action taken against any person who has made, may in the future make, or is suspected of having made, a PID will not be tolerated. Engaging in Detrimental Action is a breach of the *Code of Conduct* and will constitute serious misconduct in accordance with the Enterprise Agreement.
- 5.1.2. Any person who suspects that Detrimental Action is being taken against them must immediately report this to the Disclosure Coordinator, the Disclosure Manager or an Integrity Agency.
- 5.1.3. Staff or Affiliates who engage in or are suspected of engaging in Detrimental Action will be directed to be absent from the workplace pending the resolution of the matter in accordance with the Enterprise Agreement.
- 5.1.4. Contractors or Volunteers who engage in or are suspected of engaging in Detrimental Action will be temporarily restricted from engaging in any University activity pending the resolution of the matter.

5.2. Minimising the risk of Detrimental Action

- 5.2.1. The Conduct and Integrity Office will take steps to minimise the risk of Detrimental Action by:
- conducting a risk assessment,
 - creating a risk management plan (including reassessing the risk throughout the entirety of the matter),
 - actively communicating with the reporter on potential or foreseeable risks and seeking their feedback on potential risks,
 - discussing protection options for the reporter, such as working from home for the duration of the investigation, and
 - outlining what support is available.

6. Managing Confidentiality

- 6.1.1. The University will manage confidentiality by:
- a) limiting the number of people who are aware of the reporter's identity or information that could identify them,
 - b) if the University must disclose information that may identify the reporter of the PID, the University will still not disclose the actual identity of the reporter of the PID, unless the University has the reporter's consent to do so,
 - c) ensuring that any person who does know the identity of the reporter of a PID is reminded that they have a legal obligation to keep the reporter's identity confidential,
 - d) ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the reporter,

- e) undertaking an assessment to determine if anyone is aware of the reporter's identity and if those persons have a motive to cause Detrimental Action to be taken against the reporter or impede the progress of the investigation, and
 - f) providing information to the reporter of the PID about the importance of maintaining confidentiality and advising them on how best to protect their identity, for example, by telling them not to discuss their report with other staff.
- 6.1.2. If a reporter discloses their identity when making a Voluntary PID, the Disclosures Coordinator and Disclosures Manager will not disclose the reporter's identity or identifying information unless:
- a) the reporter consents in writing to the disclosure of the identifying information,
 - b) it is generally known the reporter has made a Voluntary PID as a result of the reporter's voluntary self-identification as the reporter,
 - c) after consulting the reporter, the University reasonably considers it necessary to disclose the identifying information to protect the reporter from Detriment,
 - d) it is necessary for the identifying information to be disclosed to a person whose interests are affected by the PID,
 - e) the identifying information has previously been lawfully published,
 - f) the identifying information is disclosed to a medical practitioner or psychologist for the purposes of the practitioner or psychologist providing medical or psychiatric care, treatment or counselling to the individual disclosing the information,
 - g) the identifying information is disclosed for the purposes of proceedings before a court or tribunal,
 - h) the disclosure of the identifying information is necessary to deal with the disclosure effectively, or
 - i) it is otherwise in the public interest to disclose the identifying information.
- 6.1.3. In the event that confidentiality cannot be maintained or is unlikely to be maintained, the University will:
- a) advise the person whose identity may become known,
 - b) update the University's risk assessment and risk management plan,
 - c) implement strategies to minimise the risk of Detrimental Action,
 - d) provide additional support to the person who has made the PID, and
 - e) remind people who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in Detrimental Action is a criminal offence and will also be a disciplinary matter.

7. Internal review and dispute resolution

7.1. Internal review

- 7.1.1. Staff, Affiliates, Contractors and Volunteers who report Suspected Wrongdoing can seek internal review of the following decisions made by the University:
- that the University is not required to deal with the report as a voluntary PID,
 - to stop dealing with the report because the University determines it is not a Voluntary PID,
 - to not investigate Serious Wrongdoing under this Policy and Procedure or not refer the report to another agency, and
 - to cease investigating the Serious Wrongdoing without either completing the investigation or referring the report to another agency for investigation.
- 7.1.2. Applications for internal reviews must be made in writing within 28 days of being informed of the University's decision. The application should state the reasons why the reporter considers the University's decision should not have been made. The reporter may also submit any other relevant material with your application.
- 7.1.3. Applications should be addressed to the Internal Review Officer and be sent to SpeakUp@unsw.edu.au.

7.2. Dispute resolution

- 7.2.1. If a dispute arises between the University and a person who has made a report which is, or may be, a Voluntary PID, the University may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where the University and the reporter are willing to resolve the dispute.

8. Savings and transitional provisions

- 8.1.1. This Policy and Procedure commences on 1 October 2023.
- 8.1.2. Reports of suspected Serious Wrongdoing received on or after 1 October 2023 will be managed under this Policy and Procedure in accordance with the PID Act.
- 8.1.3. Reports of suspected Serious Wrongdoing received on or before 30 September 2023 will be managed under the *Report Wrongdoing Policy* and *Report Wrongdoing Procedure* in accordance with the *Corporations Act 2003* (Cth) and the *Public Interest Disclosures Act 1994* (NSW).
- 8.1.4. Nothing in this Policy or Procedure prevents or restricts protections being conferred on a person in accordance with the *Report Wrongdoing Policy*, *Report Wrongdoing Procedure*, *Corporations Act 2003* (Cth) or the *Public Interest Disclosures Act 1994* (NSW) for reports of suspected Serious Wrongdoing received on or before 30 September 2023.
- 8.1.5. If a person has submitted a report of suspected Serious Wrongdoing on or before 30 September 2023 and then re-submits the report of suspected Serious Wrongdoing on or after 1 October 2023, the University may decide not to deal with the re-submitted report under this Policy and Procedure.
- 8.1.6. If the Disclosure Coordinator does decide to deal with the re-submitted report under this Policy and Procedure, it is to be taken as a new and fresh report (as if it was never received by the University on or before 30 September 2023) of suspected Serious Wrongdoing where the PID Act, this Policy and Procedure apply and the *Report Wrongdoing Policy*, *Report Wrongdoing Procedure*, *Corporations Act 2003* (Cth) or the *Public Interest Disclosures Act 1994* (NSW) does not.

Accountabilities	
Responsible Officer	Vice-Chancellor and President (Agency Head under the PID Act)
Contact Officer	Director, Conduct and Integrity (Disclosures Coordinator under the PID Act) Manager, Disclosures and Complex Investigations (Disclosures Manager under the PID Act)
Supporting Information	
Legislative Compliance	This Policy and Procedure supports the University's compliance with the following legislation: Crimes Act 1900 (NSW) Independent Commission Against Corruption Act 1988 (NSW) Ombudsman Act 1974 (NSW) Public Interest Disclosures Act 2022 (NSW) (PID Act) State Records Act 1998 (NSW)
Supporting Documents	Nil.

Related Documents	Acceptable Use of UNSW Information Resources Policy Complaint Management Policy Complaint Management Procedure (External) Conflict of Interest Disclosure and Management Policy Conflict of Interest Disclosure and Management Procedure Controlled Entities Procedure Gift Acceptance Policy Gifts and Benefits Policy Gifts and Benefits Procedure Fraud and Corruption Prevention Policy Insider Trading Policy Insider Trading Policy Guidelines Legislative Compliance Policy Legislative Compliance Procedure Paid Outside Work by Academic Staff Policy Procurement Policy Procurement Procedure Recordkeeping Policy Research Code of Conduct Research Misconduct Procedure Staff Code of Conduct Staff Complaint Procedure
Superseded Documents	Report Wrongdoing Policy Report Wrongdoing Procedure
File Number	[For Governance Use]
Definitions and Acronyms	
Affiliates	means conjoint and visiting appointees; agency staff; emeriti; members of University Council; and any other person appointed or engaged by the University to provide services on behalf of the University or exercise functions of an agency in whole or in part.
Agency	has the same meaning as in section 16 of the <i>Public Interest Disclosures Act 2022</i> (NSW).
Controlled Entities	has the same meaning as in section 15A of the <i>University of New South Wales Act 1989</i> (NSW).
Contractor	means any person or entity who has a contractual relationship with the University to provide services or exercising functions on behalf of the University but is not a Staff member. This includes subcontractors.
Corrective Action	has the same meaning as in section 66 of the <i>Public Interest Disclosures Act 2022</i> (NSW).
Corrupt Conduct	has the same meaning as in Part 3 of the <i>Independent Commission Against Corruption Act 1988</i> (NSW).
Detriment or Detrimental Action	has the same meaning as in section 32 of the <i>Public Interest Disclosures Act 2022</i> (NSW).
Enterprise Agreement	means the University of New South Wales (Academic Staff) Enterprise Agreement 2018, or the University of New South Wales (Professional Staff) Enterprise Agreement 2018 and includes any industrial instrument which replaces either of them.

Integrity Agency	has the same meaning as in section 19 of the <i>Public Interest Disclosures Act 2022</i> (NSW).			
Manager	means a person who directly or indirectly supervises a Staff member, Affiliate, or Volunteer. It can also include a person who a Staff member, Affiliate, or Volunteer directly or indirectly reports to.			
Mandatory PID	means a report that has been made by a Staff member, Affiliate, or Volunteer because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function.			
Reasonable Management Action	has the same meaning as in section 31 of the <i>Public Interest Disclosures Act 2022</i> (NSW).			
Serious Maladministration	has the same meaning as in section 26 of the <i>Ombudsman Act 1974</i> (NSW).			
Serious Wrongdoing	means one or more of the following: (1) Corrupt Conduct, (2) a government information contravention, (3) a local government pecuniary interest contravention, (4) Serious Maladministration, (5) a privacy contravention, and (6) a serious and substantial waste of public money.			
Staff	means all employees of the University, including casual employees.			
University or UNSW	means the University of New South Wales.			
University Asset	means any item purchased with University finance.			
University Record	means any document, record, image, or thing (regardless of format), created or received by the University.			
University System	means any software accessible by any Staff member, Affiliate, or Volunteer.			
Volunteers	means any person that engages in a university activity freely without being paid to do so.			
Voluntary PID	means a report that has been made by a Staff member, Affiliate, or Volunteer because they decided, of their own accord, to come forward and disclose what they know.			
Witness PID	means a report that has been made by a Staff member, Affiliate, or Volunteer during an investigation at the request of the investigator.			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	President and Vice-Chancellor	1 October 2023	1 October 2023	New Policy and Procedure