

# Whistleblower Policy

## 1. Purpose and Scope

- 1.1 The Whistleblower Policy supports AIAT's commitment to integrity, accountability and good management by establishing
  - 1.1.1 the correct channels for reporting wrongdoing within AIAT;
  - 1.1.2 the procedure that will be followed for managing reports of wrongdoing; and
  - 1.1.3 the requirements for making, receiving and managing protected reports of wrongdoing under Part 9.4AAA (Protection for whistleblowers) in the Corporations Act 2001 (Cth) (Corporations Act).
- 1.2 This policy does not apply to staff or student complaints. Staff complaints are managed under the Staff Complaints Resolution Policy and student complaints are managed under the Student Complaints and Appeals Policy.
- 1.3 This policy applies to all students and to all staff (including academics, non-academics, Board or committee members), visitors, volunteers and contractors.
- 1.4 This policy should be read in conjunction with the Whistleblower Procedure.

## 2. Definitions

Refer to *Glossary of Terms* for commonly used terms. The definitions below are included for clarity.

**Detrimental Conduct** means any actual or threatened conduct that could cause a detriment to the Whistleblower as a result of the Whistleblower making a disclosure, including:

- termination of employment;
- harassment, bullying or intimidation;
- personal or financial disadvantage;
- unlawful discrimination;
- harm or injury, including psychological harm;
- damage to reputation; or
- any other conduct that constitutes retaliation.

**Staff Complaint** means raising a matter or issue of concern about any type of work-related problem that is causing distress or concern for a staff member. A complaint may be informal or formal.

**Student Complaint** - A reasonable expression of dissatisfaction or discontent, decision or omission within the control or responsibility of AIAT in the delivery of academic, administrative or support services that involves a formal process for resolution.

**Whistleblower** means anyone who informs about potential Wrongdoing relating to an organisation.

**Wrongdoing** means conduct or behaviour that includes, but is not limited to:

- breach of laws or regulations;
- criminal activity including theft;
- offering or accepting a bribe;
- dishonest or unethical behaviour;
- conflicts of interest;
- anti-competitive behaviour;
- financial fraud or mismanagement including in relation to AIAT's tax affairs;
- falsifying financial or corporate reporting;
- insider trading;
- unauthorised use of AIAT's confidential information;
- improper use of Personal Information as described in the AIAT Privacy Policy;
- improper use of AIAT's physical or intellectual property;
- conduct endangering health and safety or causing damage to the environment;
- improper conduct towards students;
- facilitation or encouragement of student academic misconduct;
- deliberate infringement of academic standards in student admissions, assessment or any other matter affecting students or their teaching and learning;
- deliberate concealment of any of the above; and
- any other any improper, unethical or potentially criminal conduct.

### 3. Policy Statement

- 3.1 AIAT is committed to undertaking its activities with the highest standards of honest and ethical behaviour in all of our business activities. AIAT recognises the value and importance of reports of wrongdoing to enhance administrative and management practices.
- 3.2 AIAT has an unequivocal commitment to ensuring that all reports of alleged wrongdoing are identified, investigated and managed appropriately and that staff and students who report wrongdoing are supported and protected.
- 3.3 AIAT is committed to ensuring processes for reporting wrongdoing are accessible, timely, and able to protect the discloser.
- 3.4 This policy is not intended to replace normal communication channels between management and staff. If staff have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern with their immediate manager.

### 4. Policy Principles

- 4.1 AIAT strongly encourages early reporting of suspected wrongdoing to promote integrity, accountability and good management.
- 4.2 AIAT responds appropriately to concerns about illegal or inappropriate conduct, whether provided as feedback, a complaint or a whistleblower disclosure.
- 4.3 AIAT strictly prohibits all forms of Detrimental Conduct against whistleblowers or against people who are involved in an investigation of a disclosure in response to their involvement in that investigation.
- 4.4 Reports must be based on reasonable grounds that the information disclosed is true. There will not be negative consequences if the information turns out to be incorrect, but making a false report is considered a serious matter and may result in disciplinary action.
- 4.5 AIAT is committed to providing support and protecting the identity of those who report wrongdoing.
- 4.6 Wrongdoing may be reported anonymously and will be managed as per Clause 3.13 in the procedure.
- 4.7 AIAT will treat all reports of wrongdoing as confidential, and will not disclose information that might identify or tend to identify the person making the report unless:
  - 4.7.1 he or she first gives written consent;
  - 4.7.2 it is generally known that the person has made the report by having voluntarily identified themselves (other than by making the report itself) as the person who made it;
  - 4.7.3 it is essential, taking into account the requirements of procedural fairness, that the identity of the person who made the report be revealed to a person about whom the substance of the report relates;
  - 4.7.4 the compliance officer considers that disclosure of the identifying information is necessary to investigate the matter effectively;
  - 4.7.5 AIAT is required to disclose it in order to comply with the law, or an order made by a court or a tribunal.
- 4.8 As far as possible, reports will be dealt with promptly and cooperatively, with an emphasis on seeking an early resolution of the matter where appropriate.
- 4.9 Investigations of disclosures will be conducted using the principles of natural justice.
- 4.10 AIAT may liaise with external parties during investigations as appropriate/as legally obliged.
- 4.11 AIAT will comply with its legal obligations relating to any relevant legislation, including notifying relevant authorities of wrongdoing.

- 4.12 AIAT will provide regular orientation and training on whistleblowing for its students and staff.

## 5. Roles and responsibilities

### 5.1 The Board of Directors

- 5.1.1 is committed to establishing and maintaining a working environment that encourages staff to report wrongdoing and supports them when they do;
- 5.1.2 ensures the identity of whistleblowers is kept confidential where practicable and appropriate;
- 5.1.3 ensure appropriate steps are taken to protect whistleblowers from Detrimental Conduct;
- 5.1.4 providing leadership in promoting ethical and honest conduct within the AIAT community;
- 5.1.5 establishing effective systems of internal control and legal compliance within AIAT; and
- 5.1.6 comply with any legal requirements to report alleged wrongdoing.

### 5.2 The CEO is responsible for

- 5.2.1 providing an annual report regarding all whistleblower investigations to the Board of Directors; and
- 5.2.2 ensuring annual training for all staff and students on this policy and procedure.

### 5.3 The compliance officer is responsible for

- 5.3.1 receiving whistleblower reports;
- 5.3.2 advising the Board of Directors of whistleblower issue investigations commencing on a quarterly basis;
- 5.3.3 investigating whistleblower reports using the principles of natural justice;
- 5.3.4 taking or recommending appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified;
- 5.3.5 report the results of the investigation to the whistleblower (if appropriate) and the Board of Directors.

### 5.4 All AIAT students and staff have a responsibility to:

- 5.4.1 report all known or suspected wrongdoing;
- 5.4.2 support those who have made reports of wrongdoing;
- 5.4.3 if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- 5.4.4 treat any staff member or person dealing with a report of wrongdoing with courtesy and respect;
- 5.4.5 respect the rights of those who are the subject of reports; and
- 5.4.6 be familiar with and adhere to the AIAT Staff Code of Conduct and Student Code of Conduct. A breach of either Code of Conduct may result in disciplinary action.

### 5.5 The Executive Management Group and Managers have a responsibility to:

- 5.5.1 Cultivate a workplace culture that does not tolerate wrongdoing, encourages reports of wrongdoing and takes those reports seriously;
  - 5.5.2 encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do;
  - 5.5.3 implement local management strategies, in consultation with the compliance officer, to minimise the risk of Detrimental Conduct;
  - 5.5.4 maintain confidentiality on matters pertaining to disclosures, and
  - 5.5.5 notify the compliance officer immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.
- 5.6 A person reporting wrongdoing is required to:
- 5.6.1 provide a clear and honest account of their concerns, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
  - 5.6.2 engage openly in the assessment and investigation handling process, including participating in discussion with other parties to resolve the concerns;
  - 5.6.3 respond to AIAT requests for information in a timely manner;
  - 5.6.4 maintain confidentiality on matters pertaining to the reported wrongdoing; and
  - 5.6.5 respect those individuals involved in handling the assessment and investigation.

## 6. Policy Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Policy name	Whistleblower Policy
Policy Reference No.	POL – 58
Policy Approval	Board of Directors
Policy Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 2021: 6.2.1d
Related Documents	Whistleblower Procedure Conflict of Interest Policy Conflict of Interest Procedure Staff Code of Conduct Student Code of Conduct Privacy Policy Staff Complaints Resolution Policy Student Complaints and Appeals Policy
Related Legislation	Corporations Act 2001 Higher Education Standards Framework (Threshold Standards) 2021 (HESF)

References	<p>AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy:</p> <p>Australian Institute of Business (2020) Whistleblower Policy Charles Sturt University, (unknown), Whistleblowing (reporting wrongdoing) Policy, <i>retrieved 4 March 2022</i></p> <p>King’s Own Institute (2021) Whistleblower Policy Southern Cross University, (unknown), Whistleblower Policy, <i>retrieved 4 March 2022</i></p> <p>Western Sydney University (unknown) Whistleblowing (Reporting Corruption and other Wrongdoing) Policy, <i>retrieved 4 March 2022</i></p>
Date of approval	31 March 2022
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Policy Category	Operational

## 6. Document Version Control

Document No	POL - 58	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
Created Date	March 2022		