

## Worldview Whistleblower Protection Policy

<b>Authorised by:</b>	Worldview Board	<b>Date Authorised:</b> 14 October 2019
<b>Effective Date:</b>	14 October 2019	
<b>Last Amendment Date:</b>		
<b>Review Date Due:</b>	October 2024	
<b>Associated Legislation:</b>	Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth)	
<b>Associated Documents:</b>	Corporations Regulations 2001	
<b>Implementation and Review:</b>	5 years	
<b>Superseded Documents:</b>	nil	
<b>Revision History:</b>		

### 1. Purpose

The objective of this policy is to encourage those employed by, volunteering, studying or residing at Worldview to report immoral, unethical and illegal behaviour without fear of losing their job/role or being harassed and have clearly defined paths to report such abuses. The policy shall also identify a framework for the handling of such complaints in a timely and ethical manner.

### 2. Scope of Policy

The policy applies to all Worldview residents including Worldview staff, students, volunteers, boarders and other non-studying residents. The list also includes those who are not normally residing on campus such as non-resident staff, volunteers, Board Members, committee members, contractors, suppliers, guests and visitors.

### 3. Definitions

**ASIC;** Australian Securities and Investment Commission

**Disclosure;** Information reported by a whistleblower representing misconduct, an improper state of affairs or circumstances, or a breach of law.

**Investigating Officer;** An eligible recipient (preferably the WBO) who has authority to investigate claims of misconduct.

**Recipient (or 'eligible recipient');** Persons who, according to legislation, are eligible to receive a disclosure from a whistleblower.

**Whistleblower (or ‘eligible Whistleblower’)**; A person or persons with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation. An eligible whistleblower can be someone who is or was:

- An officer or employee of the charity
- An individual or an employee of a person that supplies services or goods to the entity (including volunteers)
- An individual who is an associate of the entity
- A relative or dependant of any of the above, or a dependant of the spouse of any of the above
- An individual prescribed by the Regulations as being an eligible whistleblower.

**WBO (Whistleblower Officer)**; Person designated by Worldview management to receive disclosures from whistleblowers.

**Worldview**; Worldview Centre for Intercultural Studies.

Where practical, the definition will extend to imply the organisation’s board of management, company members and others serving the company.

#### **4. Disclosures that Qualify for Protection**

A qualifying disclosure involves reporting conduct by a charity or an officer or employee of the charity that represents misconduct, an improper state of affairs or circumstances, or breach of the law. This can include conduct that:

- contravenes the Corporations Act, or the ASIC Act
- constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more
- represents a danger to the public or the Worldview financial system, or
- is prescribed by the Corporations Regulations 2001.

To qualify for protection, the whistleblower must have reasonable grounds to suspect that the information they will disclose indicates misconduct.

Worldview will also receive disclosures relating to matters that are not illegal but are in contradiction with Worldview’s ethical values and practises and/or are in any way damaging to Worldview’s reputation.

#### **5. Protections Available to Whistleblowers**

Whistleblowers, or potential whistleblowers, have the right to be compensated for any loss, damage, or injury they suffer as a result of their act of whistleblowing.

Any person who, in good faith, report such incidents as described in this policy shall be protected from:

- Termination of employment, volunteer contract or student enrolment (as applicable);
- Alterations to terms of employment or volunteering contract;
- Expulsion from the Board or committee (for members of such bodies);
- Revocation of scholarship;
- Any form of harassment; and
- Any form of discrimination;

Any person breaching a whistleblower's confidentiality or causing detriment to a whistleblower because of their disclosure, the person faces criminal or civil penalties.

Protections listed above extend to persons who are potential whistleblowers. Similarly, penalties listed above apply to those who would prevent the potential whistleblower from making a disclosure and/or who breaches the confidentiality of the potential whistleblower.

## **6. Reporting Misconduct**

Worldview is committed to the principle of providing protection to people or organisations with a relationship with it at least to the extent of protection at law and beyond legal protection wherever it is practical in the circumstances.

Worldview values a culture of honesty and integrity in all facets of our daily business. Where whistleblowers believe in good faith that any employee, volunteer, contractor or person associated with the operation of Worldview has breached any provision of general law, that person may report their concern to:

- ASIC; they prefer online reporting through [www.asic.gov.au/report-misconduct](http://www.asic.gov.au/report-misconduct);
- The Australian Prudential Regulatory Authority;
- A Commonwealth body nominated for this purpose (not the ACNC);
- A legal practitioner, if someone is seeking legal advice about whether the protections will apply to them;
- Worldview's auditor;
- Australian Taxation Office (for tax avoidance behaviour);
- Their supervisor; or if they feel their supervisor may be complicit in the breach,
- Worldview's WBO;
- A member of the Worldview Leadership Team; or if members of the Leadership Team are complicit in the breach
- The Chairman of the Worldview Board, or
- A member of the WEC Australia Leadership Team.

Reports may be made verbally or in writing and should contain sufficient information for the recipient to act upon. Disclosures may be made anonymously however unless such disclosures provide sufficient information for the recipient to take appropriate action, the process of investigating the disclosure may be impeded or take longer to complete. Anonymous whistleblowers may choose to engage a trusted mediator to act on their behalf.

## **7. Responsibilities**

### **7.1 The Whistleblower**

The whistleblower will only make disclosures where they are confident that the suspected misconduct is serious in nature, made in good faith and made with reasonable grounds to believe it is true.

## **7.2 The Recipient**

Often a person will more content to approach a person within the organisation they trust and feel comfortable discussing the disclosure with. The recipient is to:

- I. Determine whether they are comfortable and equipped to investigate the disclosure.
- II. If the officer is not comfortable then they shall suggest referring the matter to the WBO or another person within Worldview to investigate the matter. This is to be done with the approval of the whistleblower.
- III. If the matter involves the WBO or members of the Leadership Team the recipient is to refer the disclosure to members of the WEC Australia Leadership Team or other external entities.

## **8. Assessment of the Disclosure**

### **8.1 Integrity**

The WBO or other person handling the disclosure is to assess the seriousness of the allegation. The officer is to determine whether or not the misconduct conforms to the definitions of misconduct listed under point 4 above and warrants further investigation.

If the Whistleblower is implicated, by their own admission, in the disclosure they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

A person's liability for their own conduct is not affected by their report of misconduct under this policy. However, active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

### **8.2 Investigation**

Except where the disclosure is thought to be of an extremely serious or taxation nature, investigation of such disclosures are encouraged to be conducted initially by eligible recipients from within the Worldview organisation.

Where the disclosure warrants investigation, the investigating officer shall:

- I. Investigate the disclosure with respect to the parties involved without judgment or bias;
- II. Involve only those who have the authority and capacity to investigate the allegation of misconduct;
- III. Be given access to all relevant documents relating to the allegation so as to establish the credibility of the allegation.
- IV. If not granted access to such documents mentioned in point 3, refer the matter to an independent eligible recipient who has the legal authority to access the documents;
- V. Give fair and reasonable opportunity for the accused party(s) to explain their alleged misconduct; and

- VI. Where both parties agree, involve the whistleblower in the process of interviewing the accused parties.

### **8.3 When the Allegation is Established**

Where the investigator establishes that some form of misconduct has taken place:

- I. The guilty party(s) is to be immediately suspended from their position(s) until disciplinary and/or legal action has taken place;
- II. The investigator shall report the matter to Worldview Leadership Team, the WEC Leadership Team and the Worldview Board. The Worldview Leadership team may take the responsibility of reporting the matter to the Board.
- III. The Board is to make and retain a record of all proceedings and actions taken in response to the allegation.
- IV. The Worldview Leadership Team is responsible for reporting breaches or law or regulations to the relevant Government authorities and, if appropriate, the police.
- V. The Worldview Leadership Team shall, in consultation with the WEC Australia Leadership Team and the Worldview Board determine what action it will take relative to the person who committed the misconduct. Such action may include (but not be limited to):
  - Immediate dismissal
  - Reassignment of duties
  - Legal action to recover damages incurred from the misconduct
  - Counselling to deal with any underlying issues and bring the person back to restoration

### **8.4 False, Trivial or Vexatious Allegations**

Allegations that are trivial, vexatious or genuine (but proven to be false), shall not be investigated further. The whistleblower shall be advised in writing of the reasons contributing to the investigating officer's decision. The investigating officer shall advise the Worldview Leadership Team and Worldview Board of the nature of the allegation and the reasons for their decision not to proceed further.

The accused party shall be immediately reinstated in their role with the same level of responsibility and privileges they had before the allegation was made.

In cases where the unsubstantiated or false allegations are found to have been made maliciously or with intent to cause harm to the accused party, the whistleblower may face disciplinary action similar to those listed in 8.3 V above. Such decisions shall be made by the Worldview Leadership Team and the reasons for that decision shall be communicated to the whistleblower in writing.

### **8.5 Rights of Appeal**

Both the whistleblower and the party accused of misconduct may ask for a review of decisions that are not made in their favour. In such cases the investigator shall refer the matter to another eligible recipient who has the authority to review the decision. That party shall review the facts recorded in the case and, if deemed necessary conduct further interviews and gather further evidence that will assist them in reviewing the original

decision. Where the accused is asking for a review they shall remain suspended from their duties until the final decision is made.

The reviewer shall inform the whistleblower, the accused and the Worldview Leadership Team of their decision in writing.

## **9. Availability of this Policy**

Worldview shall make available a copy of this policy to all employees, volunteers, Board members, committee members, students and other residents.