

INFORMATION SHEET

INVESTIGATION PROCESS



This document provides further information in respect of the steps in an investigation process into a whistleblower disclosure, that is being undertaken in accordance with KU's *Whistleblower Policy and Procedures*.

PURPOSE OF INVESTIGATION

- The aim of the investigation is to make reasonable inquiries to establish if the alleged conduct occurred. This is to occur in a timely, fair and confidential manner.
- The investigation considers firstly if the alleged conduct itself occurred, and if so, whether that conduct amounts to serious wrongdoing as defined under the policy.

CONDUCT OF AN INVESTIGATION

- All whistleblower investigations are conducted by an external investigator, and a qualified investigator is appointed by the person managing the process.
- The usual steps in the investigation are as follows:
 - i. The investigator plans the inquiry process, and this commonly includes conducting interviews, obtaining statements, reviewing relevant material and access to external professionals such as accountants, lawyers, operational experts.
 - ii. The whistleblower may be interviewed, or invited to provide a written statement, as part of the process, and to clarify the nature and details of the alleged conduct. They may have a suitable support person present.
 - iii. Persons involved in the process receive the offer of appropriate support and relevant information, giving respect to the confidentiality of the matter, about the purpose of their interview or other engagement in the process.
 - iv. The allegations, and as much detail as is reasonable, is presented to the person subject of the alleged conduct and they are invited to provide a response to the investigator. The person is provided reasonable time to provide a response. The response may be by way of interview or provided in writing. They may have a suitable support person present if they attend an interview.
 - v. The investigator will assess all information obtained to determine the appropriate finding/s.
 - vi. The investigator delivers to the CEO and/or Chair of the KU Board, an investigation report which outlines the disclosure, the inquiries undertaken, the assessment of the evidence obtained and recommended finding/s.

COMMON FINDINGS

The following are common findings that may be expected from a whistleblower investigation.

- i. Sustained – serious wrongdoing: That the alleged conduct is proven to have occurred and constitutes a serious wrongdoing as defined under KU's *Whistleblower Policy and Procedures*; or
- ii. Not sustained – serious wrongdoing: That the alleged conduct is proven to have occurred but does not reach a threshold of a serious wrongdoing as defined under KU's *Whistleblower Policy*

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and Procedures. In this case, the conduct may be referred to an applicable KU policy to be addressed; or

- iii. That the alleged conduct is proven not to have occurred and no inappropriate conduct is found; or
- iv. That the alleged conduct is not proven because there is insufficient evidence to make a conclusive finding; or
- v. That the alleged conduct is proven not to have occurred and was found to be vexatious (that is knowingly making a false allegation to cause harm).

SUPPORT PERSONS

All persons attending an interview/meeting may have a suitable support person present. The support person is not a legal adviser or an advocate for the interviewee and must not be a person involved in the investigation process or another employee of KU.

CONFIDENTIALITY AND PROTECTIONS

The identity of a complainant (whistleblower) is not released unless they consent to such occurring, or it is required by law.

The identity of witnesses involved in an investigation is not disclosed unless they consent to such occurring, or it is required by law.

REPORTING TO EXTERNAL AUTHORITIES

If the alleged conduct requires a report to external authorities, for example the police or ASIC, KU obtains clearance from those authorities before it can commence any inquiries under its own policy and procedures.