

Whistle-blower Policy

1. Purpose

The purpose of this policy is to outline the International Dzogchen Community of Namgyalgar's (IDCN) commitment to providing an environment which supports staff, volunteers, teachers, instructors, program participants and members of the public to raise issues of misconduct without concern of retribution, knowing that the IDCN have appropriate mechanisms in place to both respond to allegations and protect the Whistleblower.

The policy demonstrates the IDCNs commitment to the highest legal, moral and ethical behaviour.

When an individual reports misconduct identifying as a whistle-blower, the IDCN will ensure:

- Their identity remains confidential to the extent required by law;
- They will be protected from reprisal, harassment or victimisation for making the report; and
- They have access to support services.

2. Scope

This policy applies to current and former the IDCN employees, volunteers, teachers, instructors, contractors, program participants and members of the public.

3. Definitions

In this Policy:

It is important to distinguish a complaint from a matter which requires the utilisation of the Whistleblower process.

The complaints policy addresses dissatisfaction with the IDCN products, services or staff, whilst the Whistleblower policy addresses disclosures of conduct which has breached the IDCN policies or Code of Conduct, is illegal, or meets the misconduct behaviour defined within this policy.

Complaint

A complaint is an “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required” (as defined by the Australian/New Zealand Standard AS/NZS 10002:2014, Guidelines for complaint management in organisations).

Whistleblower

An individual within the scope of this policy who, whether anonymously or not, reports misconduct in accordance with this Whistleblower policy.

Whistleblowing

Is the disclosure by a Whistleblower of actual or suspected activities or behaviours in an organisation which are considered to be misconduct or an improper state of affairs or circumstances of the IDCN.

Whistleblowing Recipient

Is a person who is eligible to receive a report from a Whistleblower that qualifies for protection under this policy and applicable legislation. The Treasurer of the Gakyil of the IDCN has been appointed as the main recipient for receiving reports under the Corporations Act. The Treasurer of the Gakyil can be contacted at:

Email: namgyalgar.treasurer@dzogchen.org.au

If you feel uncomfortable reporting a matter to the Treasurer of the Gakyil, reports can be made to the IDCN through another Gakyil member

Misconduct

Includes behaviour that reveals:

- A wilful breach of the IDCN policies or Code of Conduct or the ACFID Code of Conduct;
- Fraudulent, corrupt or unlawful practices;
- Conduct which breaches the provisions of any Australian legislation (Commonwealth or State) or in countries the IDCN operates in;
- Any behaviour that is considered to be in breach of the IDCN Child Protection and Prevention of Sexual Exploitation Abuse and Harassment (PSEAH) and/or Equal opportunity and Discrimination Policy;
- Any inappropriate sexual relationships or behaviour, including harassment, bullying and exploitation;
- Gross mismanagement;
- Misleading or deceptive accounting or financial reporting practices;
- Malpractice or any other serious wrongdoing;
- Unethical practice, such as acting dishonestly; altering company records or wilfully making false entries in official records; and/ or
- Harm experienced by a person raising a report under this policy.

All actual or suspected incidences of misconduct, regardless of inclusion on the above list or not, should be reported.

4. Personal Work-Related Grievance

Is a matter which only concerns a grievance about a matter in relation to an individual's employment, or former employment, which has implications for the discloser personally, but does not concern a matter of Misconduct as defined in this policy.

The IDCN will endeavour to immediately address feedback and minor complaints which are made orally by telephone or in person; that is, during the initial phone call or meeting. If required, we will attempt direct resolution through face-to-face conversations with an internal facilitator.

If this is not possible, then the IDCN commits to engaging in formal dispute resolution, led by the President of the Gakyil and/or an appropriate person including the following steps:

- Initial consultation with the parties involved;
- Formal escalation to mediation if required;
- Mediation
- De-briefing
- Review of mediation process
- Formal the IDCN review of incident and recommendations for changes/actions.

5. How to report misconduct

All people within the scope of this policy have a responsibility to report any actual or suspected misconduct. All reports of actual or suspected misconduct are treated with the utmost seriousness, escalated to senior management and will be investigated appropriately.

All Whistleblowers who report actual or suspected misconduct in accordance with this policy will receive the protections for Whistleblowers in accordance with this policy and Australian legislation even if the information reported turns out to be incorrect, provided the Whistleblower had reasonable grounds to suspect the information reported. Deliberate false reports will not qualify for the protections in this policy or applicable legislation.

Reports of a Personal Work-Related Grievance (for example, a complaint of an interpersonal conflict with the IDCN) do not qualify for the protections in this policy, unless the report also includes information which alleges Misconduct, such as a detriment or a threat made to the Whistleblower. Personal Work-Related Grievances may still be protected under other legislation, such as the *Fair Work Act 2009* (Cth).

There are two avenues through which to raise actual or suspected misconduct:

The **first avenue** is through an informal discussion with a Whistleblowing Recipient. You may wish to utilise this avenue if you have questions, are unclear whether the incident constitutes

misconduct or wish to better familiarise yourself with the Complaints and Dispute Resolution Policy process.

If it is not appropriate, or you do not feel comfortable raising the misconduct with this person, the **second avenue** is to lodge a report through the IDCN portal, accessed via the IDCN Website which guides the Whistleblower through the reporting process. These reports are directed to the safeguarding focal point who will bring this to the attention of the Treasurer of the IDCN Gakyil, unless requested otherwise. This can be completed anonymously. If the report cannot be raised to either party, there is the option to direct the matter to another IDCN representative within the form.

We encourage reports to be made to the IDCN in the first instance so that we can investigate and manage the report. However, if you do not feel comfortable reporting, whether anonymously or not, through either of the above options, you may make a report to an appropriate regulator, including ASIC or APRA (Australian Prudential Regulation Authority), and still be eligible for protections under the Whistle-blower legislation.

The IDCN will commence investigations of matters under this policy within two (2) business days of receiving the report and aim to complete the investigations with 14 days of an internal investigation and 30 days of an external investigation, as per the [Dispute and Complaints Handling Policy and Procedure](#). The process of investigation will be determined by the Gakyil.

A Whistleblower may seek additional information about the operation of this policy and applicable legislation before making a disclosure by contacting a Whistleblowing Recipient or speaking to an independent legal advisor. Reports made to a legal practitioner for the purpose of seeking legal advice or representation in relation to the operation of the Whistle-blower legislation qualify for protection, even if the report is not about misconduct as defined in this policy.

In some circumstances, a report of misconduct can be made to a journalist or a parliamentarian as a Public Interest Disclosure or Emergency Disclosure. A Whistleblower should ensure that they understand the strict requirements of these two types of disclosures.

More information can be found on [ASIC's website](#) (<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>) or by seeking independent legal advice.

6. Investigating a report

The IDCN treats all reports seriously and will investigate reports in accordance with the [Disputes and Complaints Handling Policy](#).

When a report is received, the IDCN will endeavour to provide a response to the report within a reasonable time frame. If required, the complaint will be escalated for investigation. The Whistleblower may be kept up to date on the progress by the identified manager, if the

Whistleblower is able to be contacted. This procedure may vary based on the nature and complexity of the information reported, and whether the Whistleblower is able to be contacted.

Once a report has been received, the person contacted will determine and direct the report to the Gakyil or appropriate person, who will be responsible for following up the report.

The person leading the resolution of the report is responsible for ensuring the confidentiality of the identity of the Whistleblower and protecting the Whistleblower from detrimental action. The IDCN will ensure that a person implicated in a report is not involved in any way with the handling of that report. Any concerns or questions regarding this can be raised to the person handling the report or the Gakyil.

The IDCN will make every reasonable effort to investigate all the relevant circumstances and information surrounding a report. The level of investigation will be commensurate with the information and evidence provided, and the seriousness and the frequency of the conduct the subject of the report.

Once a report is received, the IDCN will undertake an initial assessment of the severity and urgency of the report and determine whether investigation is required. If the Whistleblower disputes an assessment that a report should not be investigated, the person handling the report will refer it to another colleague for review. If such a dispute is unresolvable the Whistleblower may report to an external regulator such as ASIC or APRA.

7. Information storage

The IDCN operates in line with the principles of [The Privacy Act 1988](#) and as per our [Privacy Policy](#)

Throughout the process of reporting and investigation of a claim, all information will be handled and stored confidentially. Information will be collected and stored in a restricted online folder. Information will be destroyed after 7 years.

The reporting register is confidential and can only be accessed by Recipients and the Whistleblowing Investigation Officer responsible for conducting an investigation, the information is used to determine the appropriate response to disclosures made and to inform any investigation that has commenced.

All information, documents, records and reports relating to the investigation of reported conduct will be confidentially stored and retained in an appropriate and secure manner.

Unauthorised release of information to someone not involved in the investigation without your consent as a Whistleblower will be a breach of this policy.

8. Anonymity and identity protection

If the Whistleblower wishes to make their report anonymously, this shall be honoured except insofar as it may be overridden by due process of the law.

The Whistleblower should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the individual is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

In all circumstances, the IDCN will work to ensure the confidentiality of a Whistleblower's identity. the IDCN will protect a Whistleblower's identity by storing all documents securely (as outlined in section 7 above), limiting access to materials to authorised individuals and referring to the Whistleblower in a gender-neutral manner.

Whistleblowing Recipients and any person involved in the investigation or management of a report cannot reveal information about the identity of a Whistleblower or information that is likely to lead to their identification, except in certain circumstances and as required by law.

If a Whistleblower has concerns about a breach of confidentiality, they can lodge a complaint with the IDCN or with a regulator, including ASIC, APRA, or the ATO.

9. Support and protection

The IDCN will work to support Whistleblowers and protect them from detrimental actions as a result of making a report.

The IDCN offers support to Whistleblowers through a number of ways, the IDCN have engaged an Employee Assistance Program to all staff, including those in overseas offices. These calls are completely confidential.

Further examples of how the IDCN will protect disclosers from retaliation include:

- protecting the confidentiality of Whistleblowers in accordance with this policy;
- conducting investigations into protected reports in a manner which is fair in all of the circumstances and will have regard to the legal protections afforded to the Whistleblower and the privacy and fair treatment of persons referred to in the report, including those to whom the report relates; and
- where a report is made, reiterating the requirements of this policy and the Corporations Act to any person concerned in the investigation.

Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report

under this policy. A Whistleblower is also protected from civil, criminal, and administrative (including disciplinary) liability as retaliation for making a report.

It is important to note that making a report may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

A Whistleblower may seek compensation and other remedies through the courts if they suffer loss, damage, injury, or other detriment because of the fact that they had made or may have made a report.

10. Interactions with other policies and documents

- [Complaints & Dispute Resolution Policy](#)
- [Complaints & Dispute Resolution Procedure](#)
- [Reporting Form](#)
- [Privacy Policy](#)
- [Code of Conduct](#)
- [Prevention of Sexual Exploitation and Harassment Policy \(PSEAH\)](#)
- [Child Protection Policy](#)
- [Equal Opportunity and Anti-Discrimination Policy](#)

11. Access to this policy

This policy is accessible in the following ways:

- the IDCN website
- Contacting the Focal point (Treasurer): treasurer@dzogchen.org.au

Review and updates

The **IDCN** will review and update this policy every three years, unless changes are required earlier, to ensure relevance and applicability.

We may change or update parts of this Whistleblower Policy to maintain our compliance with applicable law and regulation or following an update to our internal practices. We will do this by updating this Policy on our website. You may obtain a copy of our current Whistleblower Policy from our website or by contacting us.

	Written By:	Approved By:	Review Date:
Person:	Eleanor Loudon	Gakyil meeting	3/9/2026

Date	21/7/2023	3/9/2023	
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