



Informal Discussions with the Division of People and Culture – Fact Sheet

This fact sheet provides guidance about conversations with members of the Division of People and Culture (DPC).

About Informal Discussions

1. We understand that from time-to-time CSU staff need to seek advice or assistance from DPC about concerns or difficult matters. DPC is here to help. Staff are encouraged to reach out to a member of DPC for support or advice regarding issues or concerns that might arise.
2. All conversations with members of DPC are treated with the highest degree of sensitivity, keeping in mind the Universities obligations of privacy and confidentiality. However, it is important to remember that conversations with DPC are not 'off-the-record'.
3. The University will be transparent about obligations in the first instance or as early as possible. This means members of DPC will be clear and will communicate about having conversations 'on-the-record'. DPC staff will use discretion on who sensitive information is communicated to and will only communicate sensitive information to other staff members where required.

What is 'off-the-record'?

4. An 'off the record' discussion is an exchange where there is an express or implied understanding that what is communicated between the parties will not form part of official records, documents or be passed on to anyone else under any circumstances.
5. To share something off the record, both the source and receiver must agree that the information is being provided on an off the record basis. Both parties must mutually agree that what is shared can't be recorded or used for any other purpose.

Why can't it be 'off-the-record'?

6. An 'off the record' conversation can't be guaranteed by a member of DPC. Mutual agreement to go 'off the record', would require the DPC staff member to keep information completely private and confidential. This can't be assured as the University (and therefore DPC):
 - a. Have a non-delegable duty of care to its staff, students and other stakeholders
 - b. Has legal obligations to report and inform external government and regulatory bodies
 - c. Needs to take a proactive approach and manage issues at the earliest possible stage
7. Some specific situations where DPC is required to act or share specific information includes:
 - a) a disclosure is necessary to prevent a serious or imminent risk of harm to one or more individuals.
 - b) there is a threat to public health or public safety.
 - c) there is suspected illegal activity including theft, violence, harassment, intimidation, or serious crime.
 - d) there is suspected conduct that is misconduct, fraud, corruption or an improper state of affairs in relation to the University.
 - e) there are breaches of Commonwealth or NSW legislation.
 - f) there are serious breaches of Code of Conduct or University policies.

- g) a staff member (or someone with legal authority) has given consent for information to be shared.
- h) there are mandatory reporting obligations such as under child safety laws, Corruption legislation or mandatory reporting obligations by professionals at the University.
- i) there are obligations imposed on the University to report to professional/licensing bodies I.e., AHPRA for medical professionals, Teachers Board for staff members who are dual qualified as teachers and lecturers and other professions.

Limitations of ‘off-the-record’ discussions

- 8. By law, the University is regarded as being notified or having knowledge of information provided to a member of DPC, even if it is provided on a ‘off-the-record’ basis. Therefore, in the event of a dispute or escalation of a concern, the DPC staff members knowledge of a fact may be regarded as an official notification or broader awareness of the fact by the University.

Confidentiality

- 9. DPC staff members will always act sensitively with information provided and will not disclose personal information except where given consent, if required to by law or in the above circumstances.

Further Information

- 10. At the time of drafting, there was no specific University Policy or procedure which dealt with off-the-record conversations. Further guidance about this issue can be attained from the Employee Relations team. Further information can also be found at the following links.

<i>Document</i>	<i>Link</i>
Charles Sturt University Enterprise Agreement	Enterprise Agreement
Code of Conduct	Code of Conduct
Complaints Management Policy	Complaints Management Policy
Complaints Procedure – Workplace	Complaints Procedure - Workplace
Bullying, Discrimination and Harassment Prevention Policy	Bullying, Discrimination and Harassment Prevention Policy
Bullying, Discrimination and Harassment Prevention Procedure	Bullying, Discrimination and Harassment Prevention Procedure

Where can I get support?

- 11. The University encourages complainants to reach out to the University’s Employee Assistance Provider (EAP) for support by calling 1300 687 327. The Employee Assistance Program can provide support, counselling and specialist helplines. More information about the EAP services can be found at [Employee Assistance Program](#).

What if I have further questions?

- 12. If you have further questions or would like to speak to someone then you should reach out to a Division of People and Culture (DPC) staff member at dpccompliance@csu.edu.au.

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