



INTEGRITY AND RESPECT FRAMEWORK

HR-STA-03

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Objects of Excelsia College

Motivated by the Christian faith, as expressed by the Apostles' Creed and Nicene Creed, with fidelity to the Scriptures as the Word of God, the objects of the College are the advancement of the Christian faith and higher education.

1 Policy statement and principles

The purpose of this policy is to provide a framework for Excelsia College to ensure integrity and respect among our community and beyond. The following policy statements set the framework for behavioural expectations for the College's various activities.

1.1 No harassment and discrimination

- i. The College is committed to maintaining an environment free from harassment and discrimination whereby staff and students are expected to respect and follow procedures upholding the rights of others.

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- ii. Under principles and requirements of anti-discrimination laws, the College seeks to ensure all related matters are dealt with sensitively, equitably, confidentially and according to due processes.
- iii. The College recognises harassment and/or discrimination on the following grounds is unlawful:
 - race
 - sex
 - pregnancy/breastfeeding
 - disability
 - impairment
 - age
 - religion
 - sexual orientation
 - industrial, political or trade union activity
 - gender identity
 - nationality or social origin
 - intersex status
 - association with a child
 - marital/relationship status
 - carer/family responsibilities.
- iv. The College will take reasonable steps to prevent harassment and discrimination from occurring.
- v. Managers must take reasonable steps to maintain the confidentiality and privacy of all individuals concerned to prevent the possibility of victimisation of complainants.
- vi. Disciplinary consequences exist for those proven guilty of harassment or discrimination.

1.2 No bullying

- i. The College is committed to maintaining an environment free from bullying whereby staff and students are expected to respect and follow procedure upholding the wellbeing of others.
- ii. Bullying will not be tolerated, and complaints will be taken seriously.
- iii. Staff and students are expected to conduct themselves in a manner that upholds integrity and respect, discourages bullying, and in accordance with the applicable code of conduct.
- iv. Where instances of bullying are alleged or observed, managers must ensure complete privacy. The names of anyone involved in a complaint must not be discussed with anyone except those immediately involved in the complaint.
- v. Appropriate action will be taken against any staff member or student who participates in bullying, harassing or discriminatory behaviour towards another person or group. This may include disciplinary action and/or dismissal.
- vi. Under principles and requirements of anti-discrimination laws, Fair Work Australia and the *Work Health and Safety Act 2011*, the College seeks to ensure all related matters are dealt with sensitively, equitably, confidentially and according to due processes.

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- vii. Managers are responsible for training staff and students in this zero-tolerance policy.

1.3 Staff and student personal relationship

The College recognises facilitating meaningful relationships between students and staff can enhance experience of and engagement with the College community. However, these relationships hold an expectation of trust where staff hold an inherent position of power and relative to the student, regardless of the student's age or maturity.

The following principles provide guidance to relationships between students and staff:

- i. Relationships between staff and students must be respectful. The pursuit or establishment of intimate or personal relationships between staff and students is not acceptable.
- ii. A breach of boundaries exists when staff misunderstand or misuse the power differential, compromising a student's learning experience or welfare and the reputation of the College.
- iii. Staff must exercise their own judgement and common sense in navigating appropriate interactions with students; it is not the responsibility of the student to set appropriate boundaries.
- iv. The College seeks to establish and maintain professional boundaries between staff.

1.4 Equal employment opportunity

- i. The College is committed to ensuring equal opportunity in employment and education for all staff and students.
- ii. Employees will be treated fairly and equally.
- iii. Staff are selected or promoted according to merit.

1.5 Whistleblowing

The College is committed to the highest standards of legal, ethical and moral behaviour. Accordingly, provisions for whistleblowers enable reporting of suspected improper conduct and provide appropriate protection for those who report suspected improper conduct.

- i. The College is committed to protecting the whistleblower if a report has been provided in good faith. The investigator will take reasonable steps to ensure that the informant is treated fairly during and after the claim is investigated.
- ii. Retaliatory action or threats of retaliatory action against the informant will not be tolerated and will constitute serious misconduct.
- iii. If the informant is implicated in the improper conduct, while no retaliatory action may be taken or threatened, they may be held accountable for their involvement in the improper conduct; the fact that they have reported the improper conduct may be a mitigating factor when disciplinary or other action is considered.
- iv. The College recognises that each person against whom a claim of improper conduct is made (person being investigated) must also be supported and as a general principle, the investigator

must take reasonable steps to ensure that they are treated fairly during and after the claim is investigated.

- v. The College will provide support to such a person where an allegation contained in a report is not substantiated.
- vi. The primary internal investigator will report directly to the Audit and Risk Committee.

1.6 Staff misconduct and serious misconduct

- i. The College is committed to addressing instances of misconduct and serious misconduct as required.
- ii. Staff members must not engage in behaviour that amounts to misconduct, including serious misconduct, at the workplace. This includes where staff members are working on site or off-site, attending a work-related conference or function, or attending a client or other work-related event, including retreats and social events.
- iii. When proven, misconduct may provide a valid reason for termination of a staff member's employment without notice.
- iv. All steps taken in addressing the misconduct should provide clear procedural fairness.

1.7 Performance management

- i. The College is committed to cultivating an environment which upholds and values the work of all employees in the pursuit of shared goals.
- ii. The College seeks to provide guidance to managers to recognise indicators of poor performance and provide procedure to manage underperformance, upholding principles of consultation and procedural fairness as applicable.

1.8 Staff grievance

- i. The College is committed to providing a fair, safe and productive work environment where grievances are dealt with seriously, sensitively and in a timely manner.
- ii. The College seeks to provide due guidance in resolving workplace issues or problems as they develop, outlining possible outcomes of a grievance process, and ensuring staff and students are aware of their associated responsibilities.

Non-compliance with this policy framework may result in disciplinary action in accordance with Excelsia College by-laws.

2 Scope

- i. All members of the College community, including staff and students should adhere to:
 - a. No bullying policy and procedures

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- b. No harassment and discrimination policy and procedures
 - c. Staff and student personal relationship policy and procedures
- ii. All College staff should adhere to:
- a. Staff Code of Conduct
 - b. Equal employment opportunity policy and procedures
 - c. Whistleblowing policy and procedures
 - d. Staff misconduct and serious misconduct policy and procedures
 - e. Performance management policy and procedures
 - f. Staff grievance policy and procedures

3 Roles and responsibilities

The following stakeholders have a responsibility in relation to this policy framework.

Role	Responsibility
Board of Directors	<ul style="list-style-type: none"> • Ensure appropriate policy framework is in place • Review and endorse policy framework to be implemented • Address and respond to breaches of policy • Provide accountability to Management Committee • Make recommendations to Management Committee
Chief Executive Officer	<ul style="list-style-type: none"> • Provides a safe environment for staff and students • Liaises with People and Culture and Board of Directors as required • Approves termination and suspension of employees as required
Chief Operating Officer	<ul style="list-style-type: none"> • Provides oversight of development and implementation of this policy framework • Ensures appropriate decisions are made in relation to this policy framework • Ensures staff and students work/study in an environment free of bullying, harassment and discrimination • Accountable for the timely management of instances of misconduct and grievances • Manages processes associated with items of this policy framework • Maintains confidential records as appropriate
Director of People and Culture	<ul style="list-style-type: none"> • Manages processes associated with items of this policy framework • Facilitates induction and regular training programs as required • Coordinates and facilitates Work Health and Safety Committee meetings • Manages complaints via the College's Staff Grievance policy and procedure • Monitors the effectiveness of these policies and procedures • Maintains confidential records as appropriate

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Managers	<ul style="list-style-type: none"> • Ensure respectful environment and safety of staff and students • Participate in induction and training programs for managers • Maintain familiarisation and comply with this policy framework • Address and report instances of bullying, grievances, etc. as required and prepare accurate documentations of such matters
Staff	<ul style="list-style-type: none"> • Participate in induction and training programs • Maintain familiarisation and comply with this policy framework • Report instances of bullying, misconduct, etc. as required • Respect the rights, safety and wellbeing of others

4 Definitions

For the purpose of this policy framework, the following definitions apply.

Term	Definition
bullying	Repeated unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety (physical and/or psychological harm). It may be one-to-one or by a group, carried out overtly subtly, privately or in front of others. It is where a 'reasonable person' would anticipate the possibility of the conduct offending, humiliating or intimidating the other person.
confidential information	Any information that relates to the commercial and financial activities of the College and all information that has been specifically designated as confidential by the College.
discrimination	Treating another person or persons less favourably because of a particular characteristic(s) such as race, religion, or other specified under antidiscrimination legislation.
grievance	Any type of concern or complaint related to work or the work environment. A grievance may be about any act, omission, situation or decision that a staff or student thinks is unfair, discriminatory or unjustified.
harassment	Any form of behaviour that causes offence, intimidation or humiliation because of a particular characteristic(s) such as race, sex, or other specified under antidiscrimination legislation.
misconduct	Wrongful, improper or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one's acts. Whether a particular course of conduct will be regarded as misconduct is to be determined from the nature of the conduct and not from its consequences.
performance gap	A shortfall in expected performance that can be precisely detailed, measured or quantified in some way, i.e. objective observations or measures such as conduct of an employee or key performance indicators (KPIs).
performance management	The process of providing feedback to employees regarding unsatisfactory achievement or behaviour.

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personal relationship	In the context of staff/student relationships, personal relationships refer to those of an intimate or sexual nature.
serious misconduct	Wilful or deliberate behaviour that is inconsistent with the continuation of the contract of employment. It is conduct that causes serious and imminent risk to: (i) the health or safety of a person; or (ii) the reputation, viability or profitability of the College.
staff	In this policy, a staff member is taken to include permanent, fixed-term, sessional and casual staff engaged by the College.
whistleblower	Someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation.
workplace issue	Incidents that are seen as inappropriate by the person experiencing or observing the issue. Workplace issues include a wide range of behavioural, environmental, cultural, relationship and performance issues, such as communication (staff attitudes, assumptions, rudeness, misunderstandings); information (inadequate or incorrect information); process (inadequate procedures, failure to provide sufficient information, or a failure to consult in decision-making); and professional conduct.

5 Procedures

5.1 Addressing harassment and discrimination

5.1.1 Reasonable steps to prevent harassment occurring

- i. These steps include but are not limited to:
 - ensuring staff awareness of their rights and responsibilities under legislation
 - distributing information and educating staff in relation to this policy framework
 - supporting managers to investigate complaints.

5.1.2 If a staff member feels they are being harassed or discriminated against

- i. The best action to take will depend on the nature and severity of the harassment and how long the incidents have been occurring. Some of the avenues available to the individual include:
 - letting the person responsible for the behaviour know the behaviour is offensive or unacceptable
 - seeking the advice and assistance of the Director of People and Culture, whistleblower or external body
 - lodging a formal complaint via the Staff Grievance procedure.

5.1.3 How the College will respond to instances of harassment and discrimination

- i. Regardless of whether behaviour is unlawful or not, any behaviour that creates an offensive, uncomfortable, or threatening work environment will not be tolerated.

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- ii. Disciplinary actions will be taken as necessary, which may include termination of employment, if appropriate.
- iii. Relevant procedures to follow may include Misconduct and Serious Misconduct, Performance Management, and/or Grievance.

5.2 Addressing bullying

5.2.1 Identifying bullying

- i. Bullying can occur when power is misused. This misuse of power may be related to differences of position, to culture, or as result of a majority/minority situation.
- ii. Bullying can occur between:
 - staff members, both with and without positions of senior authority
 - a staff member and a student
 - a staff member and an affiliate
 - an affiliate and a student
 - students
 - a staff member or student and another person on campus.
- iii. Some examples of bullying are:
 - yelling or verbal abuse
 - spreading misinformation or rumours
 - behaving aggressively, including physical abuse
 - setting unrealistic demands or impeding a person's capacity to fulfil their duties
 - displaying written or pictorial material which degrades or offends
 - excluding or isolating employees, including intrusive questions
 - behaviour or language that intends to, or has the impact of frightening, intimidating, humiliating, belittling or degrading another person.
- iv. Bullying is not:
 - constructive feedback (from colleagues or students)
 - counselling on workplace performance or behaviour
 - disciplinary, performance management or grievance processes
 - setting reasonable workplace or study goals and standards including deadlines
 - occasional differences of opinion, conflicts or problems in work or study relationships.

5.2.2 Educating staff and students

- i. It is expected that staff and students will:
 - a. remain abreast of the College policy regarding bullying
 - b. participate in orientation and training programs
 - c. take action to report, address or intervene if instances of bullying are suspected or observed.

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- ii. It is expected that managers will:
 - a. provide training on implementing the College's bullying policy to staff and students at point of induction and/or academic orientation.

5.2.3 If a student or staff member feels they are being bullied

- i. **Identify:** Determine if the behaviour constitutes bullying. If you need clarification refer to the Bullying Policy in this Framework or seek advice from the People and Culture Department.
- ii. **Address the issue with the person concerned:** If you can, tell the person(s) to stop. You should also tell them that you do not like what they are doing and that it is not acceptable to you or management.
- iii. **Seek advice:** If they do not stop, you should tell your manager or lecturer or Head of School if you can. Your manager or lecturer or Head of School should take action to prevent further harassment. You may also go to People and Culture who will help you with your complaint.
- iv. **Lodge a grievance** by completing either the STA-F85 Grievance Notification Form (People and Culture SharePoint > Staff Resources (staff) or the [Student Grievance Notification](#) (students), noting any harassment that happens with dates, times, witnesses if any, what happened and what you said, did or felt. Staff should follow the Staff Grievance Procedure in this Framework, and students should follow the Student Grievance Procedure in the Student Grievance Framework.
- v. **Appeal:** If still unresolved, seek advice from any relevant external agency.

5.2.4 External staff support available

- i. Stopline provides trained and experienced consultants available to receive staff complaints via telephone call, letter, email or website form submission. Stopline takes information about illegal, corrupt or unfair behaviour on campus and staff can remain anonymous. There is no caller ID on the telephone calls to Stopline and any electronic form of communication is also confidential.
- ii. Stopline will handle information in a secure and confidential way.
- iii. Staff can email Stopline at excelsia@stopline.com.au or telephone 1300 30 45 50 between the hours of 8am and 9pm or write to Stopline at PO Box 403, Diamond Creek, Victoria 3089, Australia.
- iv. Staff can also use the confidential website at www.excelsia.stoplinereport.com to find out more information or report an incident.
- v. Staff can also download the free smartphone app and make a confidential disclosure.

5.3 Staff and student personal relationships

5.3.1 Prevent development of personal staff-student relationships

- i. Staff should:
 - a. formally declare to their manager or the Director of People and Culture any existing personal relationship that may be viewed as an actual or perceived conflict of interest
 - b. arrange meetings on campus or other authorised locations such as a performance venue
 - c. only communicate with students via College email and telephone, and official social media channels
 - d. only ask for personal information from a student when it is relevant to a College process, i.e. admission/registration
 - e. refrain from contacting students after hours. If involved in activities after hours, staff should avoid interactions that are unrelated to the College activity
 - f. not accompany students to personal appointments
 - g. not share or exchange with a student their personal contact or other personal details unrelated to the work/learning environment
 - h. not engage in any conduct towards a student which is unreasonable and unwelcome and could reasonably be expected to make the student feel uncomfortable, confused about boundaries, unsafe, offended, humiliated or intimidated.

5.3.2 Accessing support services

- i. Staff are expected to remain within the professional scope of their role. Staff who are not in a student-facing role are not expected to manage the health and wellbeing of students. Refer students to First Aid Officers, Support Officers, Student Support, Chaplaincy, or Counselling as appropriate. This may include assisting a student to access these services.
- ii. Where immediate danger is suspected or apparent, contact emergency services by calling 000.

5.3.3 Responding to breaches of this policy

- i. Behaviours that breach the directives provided above may constitute misconduct or serious misconduct. In such cases the Staff Misconduct and Serious Misconduct Procedure is followed.

5.4 Whistleblowing

This procedure does not replace other policies and procedures on conduct and grievance but is intended to complement and offer an alternative channel for reports of suspected improper conduct. This procedure forms part of the wider fraud and corruption control strategy.

5.4.1 Reporting improper conduct

- i. If a staff member has reasonable grounds to suspect that any College staff member has or is engaging in improper conduct they may report their claims. Table A outlines to whom they should make the report, and who will investigate the claims. Generally, the Chief Operating Officer or the Director of People and Culture are primary internal investigators for all reports under this policy.
- ii. In reporting their claims, the staff member or student (as the informant) must be prepared to cooperate with the investigator and act in good faith. This means that the informant:

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- a. must provide all relevant information that they have which in their view supports their claims
 - b. should have reasonable grounds to believe that the improper conduct has occurred
 - c. may not make a report for trivial or vexatious purposes or knowingly make a false report. This is serious misconduct, and if it is discovered that the informant has not acted in good faith or has used this policy inappropriately they may then be subject to disciplinary action which may include dismissal.
- iii. The informant need not disclose their name but doing so may significantly assist in the investigation process and in determining the veracity of their claims.

Table A: To whom an informant should make their report and who will investigate their claims

If the informant is a Board member and they are:	then the claim should be reported to:	and the claim will be investigated by:
confident that the matter can be resolved by the College's processes	the Chair of the Board	the Chair of the Board or a person appointed by them
of the view that the matter is of the most serious nature and cannot be resolved by the College's processes	Stopline Phone: 1300 30 45 50 overseas (reverse charges): +61 3 9811 3275 Fax: +61 3 9882 4480 Email: excelsia@stipline.com.au Post: PO Box 403, Diamond Creek, Victoria 3089, Australia	an external person appointed by the Board

If the informant is an employee, volunteer or agency staff and they are:	then the claim should be reported to:	and the claim will be investigated by:
confident that reporting to their supervisor/manager is appropriate and that they will handle the report appropriately	their supervisor/manager	Chief Operating Officer and/or Director of People and Culture
not confident that reporting to their supervisor/manager is appropriate and that they will handle the report appropriately	Chief Operating Officer and/or Director of People and Culture	Chief Operating Officer and/or Director of People and Culture
of the view that the matter is of the most serious nature and cannot be resolved by the College's processes	Stopline Phone: 1300 30 45 50 overseas (reverse charges): +61 3 9811 3275 Fax: +61 3 9882 4480 E-mail: excelsia@stipline.com.au Post: PO Box 403, Diamond Creek, Victoria 3089, Australia	Chief Operating Officer

If the informant is a consultant/contractor or a service provider and they are:	then the claim should be reported to:	and the claim will be investigated by:
confident that reporting to the manager of their contract is appropriate and that they will handle the report appropriately	the manager of their contract	Chief Operating Officer and/or Director of People and Culture
not confident that reporting to the manager of their contract is appropriate and that they will handle the report appropriately	Chief Operating Officer and/or Director of People and Culture	Chief Operating Officer and/or Director of People and Culture

5.4.2 Standards and guidelines of investigations and reports

- i. The claims investigator is responsible for properly investigating all the claims with the objective of locating and verifying evidence of the claims made.
- ii. During the investigation, the investigator must:
 - a. ensure their decisions and actions are independent from all management and each team concerned, the informant, each person being investigated and any other person participating in the investigation (for example, a witness)
 - b. utilise an investigation method which is flexible and fit for purpose, taking into account the claims and the information available
 - c. determine the resources to be allocated to the investigation and may seek independent financial, legal or operational advice as necessary
 - d. communicate clearly and unambiguously with the informant, each person being investigated and any other person participating in the investigation
 - e. take all appropriate procedural steps and maintain an audit trail relating to investigation activities and document evidence found and critical decisions made during the course of the investigation
 - f. where relevant and appropriate, keep the Chief Operating Officer and/or the Director of People and Culture informed of the progress of the investigation
 - g. take reasonable steps to safeguard the confidentiality and privacy of the informant, each person being investigated and any other person participating in the investigation
 - h. take reasonable steps to safeguard the confidentiality of the information comprised in the report made and which they have gathered in the course of the investigation
 - i. keep confidential and only disclose on a need-to-know basis (particularly where the investigation results in a claim not being substantiated):
 - the fact that the investigation is being or has been carried out

- the findings of the investigation
 - any information which may identify the informant, each person being investigated or who participates in the investigation (including ensuring that the investigator's report does not contain such information).
- j. ensure that all documents and other media containing information provided by the informant and others will be stored, as the investigation progresses and after it concludes, in a confidential electronic or paper filing system (clearly marked as containing confidential 'protected disclosure' information) which is appropriately secured and which has restricted access
- k. take legal advice if the suspected improper conduct relates to a breach of laws.
- iii. Where and to the extent it is relevant and appropriate (taking into account confidentiality and also privacy considerations), the Chief Operating Officer and/or the Director of People and Culture will keep the informant and each person being investigated informed of the outcomes of the investigation.

5.5 Staff misconduct and serious misconduct

5.5.1 Behaviour that could amount to misconduct and serious misconduct

- i. Misconduct includes, but is not limited to, the following:
- a. failing to obey lawful and reasonable instructions of the College
 - b. failing to follow defined policies, procedures and rules
 - c. failing to share relevant information with the College
 - d. unacceptable disruptive behaviour
 - e. unauthorised absence from the workplace
 - f. repeatedly being late for work without lawful excuse.
- ii. Serious misconduct includes, but is not limited to, the following:
- a. seriously breaching or persistently breaching any of the provisions of an employment agreement
 - b. seriously breaching College policies and/or procedures
 - c. being subject to a bar from engaging in child-related work from the Office of the NSW Guardian or any other child-related employment screening agency. This includes:
 - being a 'disqualified person' under the *Child Protection (Working with Children) Act 2012* (NSW)
 - being refused a working with children check clearance
 - having a working with children check clearance cancelled
 - being subject to an interim bar
 - d. significantly neglecting duties
 - e. ceasing to hold an appropriate visa or work permit or status that allows lawful work in Australia
 - f. dishonesty
 - g. disobeying any lawful and reasonable direction issued by the College
 - h. deceiving or misleading the College or other members of the College community

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- i. forging or deliberately falsifying any record or transaction including records of attendance or work performed
- j. working while intoxicated or under the influence of an unlawful substance to the extent it results in being unfit to be entrusted with employment duties
- k. sexual misconduct, including sexual harassment
- l. conviction of any criminal offence
- m. conduct that causes serious and imminent risk to:
 - the health or safety of a person or
 - the reputation, viability or profitability of the College.
- n. theft, fraud or assault
- o. refusing to carry out a lawful and reasonable instruction that is consistent with a contract of employment
- p. academic misconduct
- q. research misconduct.

5.5.2 Procedure for managing or responding to misconduct

a. Categorisation

- i. When an employee commits an act of misconduct, the manager should refer to the definitions to assess how the particular act should be categorised, whether misconduct or serious misconduct.
- ii. Academic misconduct is managed under the College's Academic Integrity Framework.
- iii. Research misconduct is managed under the College's Research Framework.
- iv. Sexual assault, including sexual harassment, is managed under the College's Sexual Assault and Sexual Harassment Framework.
- v. Other forms of misconduct may be managed via the below.

b. Suspension

- i. If it is decided to suspend the employee while the matter is investigated, the manager and the Director of People and Culture should inform the employee that:
 - a. their future employment is at risk
 - b. an investigation will be conducted
 - c. they must cooperate fully and not interfere with the investigation in any way
 - d. they should not discuss the matter inappropriately with others
 - e. they should not report to work until contacted and their pay will be maintained
 - f. they will be contacted as soon as practicable to attend a meeting(s) to progress the investigation as required, and to discuss the outcomes of the investigation.

c. Investigation

- i. A thorough investigation of the incident should then be conducted to endeavour to determine all relevant facts before considering the disciplinary action.

- ii. The Director of People and Culture with the assistance of the Chief Operating Officer will decide who is best to conduct the investigation.
- iii. The investigator must have no preconceived notion or conflict of interest with people directly connected in the investigation.
- iv. When a senior person within the College is being investigated, or depending on the case being investigated, it may be decided that the investigation is done by a third party with a report prepared for the Chief Executive and Chief Operating Officer.

d. Meeting with employee

- i. Following the investigation, the employee will be requested to attend a formal meeting with their manager and additional management representative, usually the Chief Operating Officer. The letter will communicate the following:
 - a. The employee is entitled to be accompanied at the meeting by a support person.
 - b. Unless the employee can adequately explain their conduct/performance, then the College's intention is to terminate their employment.
- ii. At the meeting:
 - a. The additional management representative is to attend the meeting to support the process and document the meeting.
 - b. The manager is to outline the up-to-date concerns and history relating to the employee, and give the employee the opportunity to respond and provide reasons for their conduct/performance.
 - c. Any responses must be adequately considered and, if necessary, further investigated by the manager. If this is likely to take considerable time, the employee should be suspended on full pay while the manager is undertaking such considerations.

e. Notifying the employee of the decision to terminate employment

- i. If, following consideration of the employee's responses, the manager and the Chief Operating Officer decide (and obtain the appropriate authority, through the Chief Executive) to terminate the employment, the Chief Operating Officer with the manager should verbally advise the employee of the decision, and then follow up promptly with a letter of termination.
- ii. The termination letter should state the reasons for dismissal, including the unacceptable conduct/performance, and the history of any previous warnings.
- iii. The termination letter is signed by the Chief Executive. The Chief Executive will inform the Board of Directors of the termination based on misconduct.
- iv. The Chief Operating Officer will propose any recommended payments above the contractual notice period for approval by the Chief Executive.
- v. The Chief Operating Officer will ensure all meeting notes and the letter of termination are placed and retained on the employee's personnel file.

f. Alternative disciplinary measures (exceptional circumstances only)

- i. In mitigating circumstances surrounding serious misconduct, disciplinary action other than dismissal may be considered.
- ii. A final written warning may be considered appropriate, together with another form of appropriate disciplinary action such as the employee agreeing to accept:
 - a. leave without pay for an appropriate period (where allowed by any applicable industrial instrument), and
 - b. reclassification of employment status.
- iii. If a manager is considering alternative disciplinary measures for the employee, they must consult with the Chief Operating Officer before commencing any discussions with the employee. A final warning letter setting out the alternative arrangements is then to be prepared and provided to the employee who is required to sign an acceptance of the particular arrangements.

5.5.3 Procedural fairness

A process which demonstrates procedural fairness requires that:

- i. the manager and Chief Operating Officer with assistance of the Director of People and Culture (or other appropriate person) fully investigate the matter to determine the facts and identify any mitigating or compounding circumstances before deciding on a course of action
- ii. all relevant parties to the matter have an opportunity to provide information and/or respond to allegations
- iii. all parties are treated with respect and dignity at all times
- iv. decision-makers act fairly and provide clear reasons for decisions
- v. employees be provided with the opportunity to have a support person present during formal disciplinary meetings. The role of a support person is to be a witness to the process, to support the employee and not be an advocate who speaks for the employee
- vi. meetings are not recorded, however, in the instance that it is agreed that the conversation is recorded, both parties should have a record of the conversation.

5.5.4 Record keeping and documentation

- i. Accurate and appropriate records are an essential part of the misconduct processes. It is important that managers, the Chief Operating Officer, and the Director of People and Culture keep records of all incidents and matters which are, or may become, subject of disciplinary actions.
- ii. Records need to be specific and include dates, meeting attendees, evidence or facts provided, statements made, witness information and any other relevant information. For all formal discipline meetings, the Discipline Record Form must be used. Documents that record past counselling or warnings that are no longer active will remain on the employee's personnel file.

5.5.5 Confidentiality

- i. It is recognised that other parties may need to be involved during data-gathering and/or investigation processes relating to disciplinary procedures. It is the responsibility of all parties to maintain a level of confidentiality appropriate to the particular circumstances to ensure the integrity of the process.
- ii. The Chief Operating Officer or Director of People and Culture is responsible for explaining confidentiality obligations to the employee.

5.6 Performance management

5.6.1 Indicators of underperformance

- i. Examples of underperformance include but are not limited to:
 - a. absenteeism: multiple instances of unauthorised leave, excessive sick leave, frequent unscheduled short-term absences, and/or long breaks or time away from workstation
 - b. lack of punctuality: arriving late or leaving early
 - c. failure to meet targets: achievement consistently falls below set targets
 - d. difficulties in concentration: continually forgets instructions or takes too long to complete tasks.
 - e. lowered efficiency and/or productivity: missed deadlines, mistakes due to lacking attention to detail, failure to follow up on requested actions
 - f. poor relationships with management, colleagues, or students: i.e. high sensitivity or offense taken to real or perceived criticism, mood swings
 - g. failure to comply with regulations, policies, and procedures.

5.6.2 Steps to address underperformance

Where a staff member's performance is found to be lacking in terms of achievement or behaviour, the following steps should be followed.

a. Establish clear standards of performance and identify gaps

- i. Upon engagement, staff members will be provided with a position description, establishing clear expectations of duties and responsibilities for their role.
- ii. In addition, a manager should regularly communicate clear expectations with regards to delegated tasks and responsibilities as applicable.
- iii. For permanent staff, clear goals are established using the Annual Performance Review Procedure located within the Employee Lifecycle Framework.
- iv. In the instance clear expectations exist and have been communicated yet poor performance is found, proceed to addressing poor performance through a performance counselling interview.

- v. In the instance clear expectations were not provided, a training or communication gap may be identified whereby training and communication should be adjusted accordingly.

b. Address poor performance via a performance counselling interview

- i. **Prepare:** Gather information and evidence of the performance standard required and the employee's actual performance, i.e. ExLL Performance monthly progress notes.
- ii. **Open discussion:** Frame the conversation by advising what will be discussed in the meeting and what outcomes are expected from the discussion. Assure the staff member of assistance to improve performance and not intention to blame.
- iii. **Provide information:** Address the performance gap, providing details and specific examples where relevant.
- iv. **Listen actively:** Allow the person to respond and use the opportunity to gather information from their perspective, checking understanding by relaying back to them an understanding of what they share.
- v. **Facilitate discussion:** Repeat the steps of addressing the issue, providing information, and listening to their response.
- vi. **Focus on a solution:** If appropriate, allow the employee to suggest their own solution, and assist by providing suggestions and ideas.
- vii. **Agree to monitor:** It is important to communicate plans for follow-up to monitor improvements.
- viii. **Clearly communicate the consequences** of continued poor performance: i.e. a formal warning and/or termination may follow.
- ix. **Keep records:** Ensure a factual summary of the discussion is captured, including details of and dates of performance gaps, details of discussion, outcomes and follow up as well as the attendees present. File notes should be accurate, descriptive and not evaluative, consistent in format and level of detail. ExLL Performance module is a tool available to manage progress notes and record keeping.

c. Manage performance

- i. If improvements are made, provide positive feedback, encouragement, and continue to support the staff member as they work towards fulfilling the performance required of them.
- ii. If agreed performance improvements do not occur within the agreed time frame, formal warnings should commence. At all times through the formal warning procedure, staff have the option to bring a support person to the meeting. The support person is not to speak on behalf of the employee but rather support and scribe should the employee wish them to.

Formal warning procedure

The formal warning progression process is as follows.

1. Verbal warning

- i. Verbally inform the employee that an additional meeting will be conducted.
- ii. Complete a Formal Warning Letter.

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- iii. Hold an additional performance counselling interview.
 - a. This discussion may be serious in nature. The intent is to address performance that has not been actioned or has not improved, explore the reasons for it, and jointly arrive at a plan of corrective action.
 - b. The consequences of continued poor performance should be made very clear, i.e. communicating possible dismissal.
 - c. After the meeting, add the employee's responses to the Formal Warning Letter and add any additional action plans that may have been discussed in the meeting.
 - d. Read through the completed Formal Warning Letter with the employee. A copy of the document should be kept by each party. The employee should be asked to sign it, however, if they choose not to, this should also be noted on the document.

2. Written warning

If the agreed performance improvement does not occur within the agreed time frame, a second warning is required.

- i. Complete a Formal Warning Form.
- ii. Hold another additional performance counselling interview.
 - a. This discussion is serious in nature. The intent is to address performance that has not been actioned or has not improved.
 - b. The consequences of continued poor performance should be made very clear, i.e. dismissal.
 - c. Read through the Formal Warning Letter with the employee that has been prepared. A copy of the document should be kept by each party. The employee should be asked to sign it, however, if they choose not to, this should also be noted on the document.

3. Termination interview

If the agreed performance improvement does not occur within the agreed time frame, a termination interview may proceed as follows.

- i. Keep this brief as by this stage all issues should have been covered.
- ii. Advise the reasons for termination.
- iii. Escort the person back to their desk to ensure they do not access any systems.
- iv. Obtain any College property.
- v. Avoid further discussions about the termination where possible.

4. General notes

- i. At the discretion of the employee or manager, other verbal or written warnings can be inserted before the final termination interview if it is deemed necessary.

- ii. There are agreed provisions for instant dismissal in certain, very specific circumstances. These include stealing, falsifying results, and reporting for work incapacitated. Refer to the contract of employment for further details.

5.7 Staff grievance

5.7.1 Identifying a grievance

- i. A grievance may be about any act, omission, situation, or decision that a staff member feels is unfair, discriminatory, or unjustified. A grievance could arise in relation to:
 - a transfer or promotion
 - staff development or training availability
 - rosters or hours of work
 - wage or salary levels
 - leave allocation
 - the work environment
 - safety in the workplace
 - the nature of supervision
 - performance appraisal
 - discrimination or harassment.

5.7.2 Principles of grievance management

Principles underpinning grievance management at the College include:

- i. **Confidentiality:** Only the people directly involved in or managing the grievance may have access to information about the grievance. Information goes on an employee's personnel file only if they are disciplined as part of resolving the grievance.
- ii. **Impartiality:** All sides get a chance to express their concerns. Those involved are not to make any assumptions or take any action until all relevant information has been collected and considered. All sides have access to support or representation if they want or need it.
- iii. **Freedom from repercussions or victimisation:** Management takes necessary steps to make sure that people involved in a grievance are not victimised for coming forward or for managing the grievance. Instances of victimisation may lead to disciplinary action. However, if the grievance procedure is misused by an employee, e.g. to falsely accuse another, the employee involved may be disciplined. Fair and consistent disciplinary action may result for any breach in policy.
- iv. **Sensitivity:** Those who are involved to resolve grievances have been specially trained to treat all grievances sensitively.
- v. **Timeliness:** Management aims to deal with all grievances as quickly as possible and as per the time frames in the procedure.

5.7.3 How to manage or notify of a grievance

Grievance management aims to resolve problems that arise as close to the source as possible with graduated steps for further discussions and resolution at higher levels of authority as necessary.

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	What to do	When
Step 1	Where possible, seek to resolve the matter with the person or people involved.	As soon as possible.
Step 2	If dissatisfied or if the grievance remains unresolved, the staff member should seek advice and/or assistance from their supervisor, relevant senior managers, the Director of People and Culture, or the Chief Operating Officer.	As soon as possible.
Step 3	If dissatisfied or if the grievance remains unresolved, the supervisor should complete the Grievance Notification Form and provide to the Director of People and Culture.	Within 10 working days of the grievance arising.

5.7.4 How the College will respond to and manage a grievance notification

Note: if the Award provides for any grievance process which is different from the process outlined in the charts in this Framework, then the provisions in the Award should be followed, in conjunction with the instructions outlined in this Framework.

	What	When
Step 1	The Director of People and Culture receives a written grievance notification.	Within 10 working days of the grievance arising.
Step 2	<p>An investigation panel is formed, and an investigation begins.</p> <p>The responsibility of an investigation will vary based on the nature of the grievance. It may be conducted by the supervisor, People and Culture, or executive staff. In other circumstance an external expert may be required.</p> <p>The approach of the investigation will vary based on the nature of the Grievance. Methods of interviews,* reviewing policies, and reviewing emails may form part of the process.</p> <p>*Interviews should be attended by two representatives of the investigation panel.</p>	Within a reasonable working time frame.

<p>Step 3</p>	<p>The investigator or investigation panel prepares a grievance resolution.</p> <p>The resolution should be communicated to the complainant verbally with a summary provided to them in writing.*</p> <p>Note: The conclusion may vary from what the complainant expected.</p> <p>Note: Where a resolution cannot be reached, a mediator may be called in.</p> <p>*Resolution meetings should be attended by two representatives of the investigation panel.</p>	<p>Within a reasonable working time frame.</p>
<p>Step 4</p>	<p>If the complainant is dissatisfied with the resolution, they may appeal to the Chief Executive or delegate.</p> <p>If they remain dissatisfied after speaking to the Chief Executive or delegate, they may seek advice from any relevant external agency, for example:</p> <ul style="list-style-type: none"> • Anti-Discrimination NSW • the Australian Human Rights Commission • the NSW Industrial Relations Commission • the Fair Work Commission. 	<p>Within two days of receiving the grievance resolution.</p>

5.7.5 Some possible outcomes of a grievance

a. Joint agreement

Many grievances will be able to be settled by joint agreement between the people involved in the grievance. No records or notes will go on personnel files. The person who handled the grievance will write a confidential report.

b. Not enough proof to be able to act

If there is not enough proof to determine truth, no disciplinary action will be taken. Instead, outcomes may include monitoring and/or training. No records or notes will go on personnel files. The person who handled the grievance will write a confidential report.

c. Disciplinary action

If the panel handling the grievance decides that there has been a breach of policy, disciplinary action may result. The level of discipline will depend on such things as the seriousness of the breach, intentions found behind actions, decisions or behaviours, whether a warning of disciplinary action had been made, whether there are extenuating circumstances where disciplinary action may not be appropriate or may be reduced.

Disciplinary action could involve one or more of the following:

- a written apology
- counselling
- an official warning
- loss of promotion rights or wage/salary increases for a specified period
- transfer or demotion
- dismissal.

5.7.6 Records kept

All records, including allegations, investigation reports, interviews and file notes will be securely kept within the People and Culture Department to ensure privacy and confidentiality is maintained for all parties involved. Only the Chief Executive, the Chief Operating Officer and the Director of People and Culture will have access, and only when necessary.

5.7.7 Appeals

Appeals will generally involve the Chief Executive or delegate re-hearing the grievance, following the same steps as the person who handled the original grievance. However, the Chief Executive or delegate may decide to interview more witnesses if deemed helpful.

The Chief Executive or delegate may confirm the original decision or overturn it. In addition, if they believe the original grievance handler(s) mishandled the grievance in a way that breaches this grievance procedure, they may recommend disciplinary action.

6 Document status and governance

Responsible Officer	Chief Operating Officer	Date created: September 2023 Date of last review: September 2023
Endorsing Body	Management Committee	Meeting date: 13 October 2023 Agenda item number: 8.8
Approving Authority	Board of Directors	Meeting date: 2 December 2023 Agenda item number: 7E
Publication	Version 1 (Public)	December 2023
Related documents and references	External documents Age Discrimination Act 2004 (Cth) Anti-Discrimination Act 1977 (NSW) Anti-Discrimination NSW Australian Human Rights Commission Australian Human Rights Commission Act 1986 (Cth) Child Protection (Working with Children) Act 2012 (NSW) Disability (Access to Premises – Buildings) Standards 2010 Disability Discrimination Act 1992 (Cth)	

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	Disability Standards for Education 2005 Fair Work Act 2009 (Cth) Fair Work Commission Fair Work Ombudsman Racial Discrimination Act 1975 (Cth) Safe Work Australia Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2011 (NSW) Work Health and Safety Regulation 2011 (NSW) Internal documents ACA-STU-01 Academic Integrity Framework ACA-STU-02 Student Grievance Framework Discipline Record Form Formal Warning Form FRA-RES-02 Research Framework GOV-GS-STU-01 Code of Conduct for Students HAN-STA-01 Staff Handbook HAN-STU-01 Student Handbook STA-F85 Staff Grievance Notification Form Staff Grievance Resolution Form STU-AD-O18 Student Grievance Notification WHS-02 Sexual Assault and Sexual Harassment Prevention and Response Framework	
HESF	2.3, 6.1, 6.2	
Review date	Review of Version 1	December 2026

7 Document history

This policy framework has been amended as follows:

Version	Approved by and date	Sections amended

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