

Policy Title: Management of Misconduct and/or Serious Misconduct

Policy Owner: Director, Human Resources Services Centre

Keywords: Discipline, Misconduct, Serious Misconduct, Termination

Policy Code: PL186 (hr153)

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1. Intent

The ECU Code of Conduct defines required employee behaviour and this policy details the processes that are to be followed where alleged breaches of conduct occur.

2. Organisational Scope

All ECU Employees excluding casuals or probationary employees.

3. DEFINITIONS

TERM	DEFINITION
Industrial Instrument	Means the Edith Cowan University (ECU) Enterprise Agreement.
Line manager	Means the person with managerial responsibility for the employee.

4. Policy Content

4.1 Principles applicable to misconduct processes

- 4.1.1 Confidentiality must be observed by all parties involved in a misconduct process. Discussions with support persons(s), employee representative(s) or other nominated ECU senior officers are permitted.
- 4.1.2 Information or written material provided to parties during the process cannot be circulated or transmitted to other people including social media or other media platforms without appropriate prior permission. Breach of confidentiality at Clauses 4.1.1 and 4.1.2 may result in disciplinary action.
- 4.1.3 Conduct that could give rise to an allegation of harassment or victimisation of a person as a result of their involvement in this process may result in disciplinary action.

4.2 Informal Management

- 4.2.1 Allegations of misconduct and/or serious misconduct will be considered, in the first instance, by the employee's Line Manager.
- 4.2.2 Where appropriate, the Line Manager may decide to resolve the matter through guidance, counselling or other appropriate action to assist the employee improve their conduct. If the matter is resolved, no further action is required.
- 4.2.3 If the Line Manager considers the alleged conduct is:
 - (a) misconduct that cannot be resolved or addressed through guidance or other appropriate mechanisms; or
 - (b) serious misconduct,then as soon as practicable, they will inform the relevant Line Executive and the provisions within the Industrial Instrument will commence.
- 4.2.4 Should information indicate allegations of a criminal nature the Director Human Resources Services Centre is to be notified.

4.3 Formal Management

- 4.3.1 The employee will be notified in writing of the alleged misconduct and/or serious misconduct. The allegations will be in sufficient detail to enable the employee to understand the nature of the allegations and to properly consider and respond to them.
- 4.3.2 If during a process the employee is suspended they must not attend any campus of the University without the prior approval of the Line Manager, or Director, Human Resources Services Centre.
- 4.3.3 Where an investigation is commissioned it will normally be carried out by the employee's Line Manager. Where a conflict of interest may exist, the relevant Line Executive may investigate, or if reasonable another employee may be nominated, or an external investigation may be commissioned.
- 4.3.4 The investigation process will be supported by an employee of the Human Resources Services Centre.
- 4.3.5 The employee may have a support person or request to have an employee representative at any time during the process.
- 4.3.6 Investigations may proceed concurrently with criminal investigations.

4.4 Summary Dismissal for Serious Misconduct

Regardless of the provisions of this policy, nothing precludes the University from terminating the employment of an employee without notice for serious misconduct. A statement of reasons for the dismissal will be provided within 24 hours of dismissal.

4.5 Employee Record

Details of disciplinary action determined will be placed on the employee's personal file. Other documentation relating to the matter will be placed on a formal restricted access file. Such documentation may include records of meetings, discussions with witnesses, responses, emails and considerations relevant to the alleged misconduct.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

In relation to this policy, the following positions are responsible for the following:

The Director, Human Resources Services Centre has overall responsibility for the content of this policy and its operation in ECU.

All staff are required to comply with the content of this policy and seek guidance in the event of uncertainty into its application.

6. RELATED DOCUMENTS:

6.1 Other documents which are relevant to the operation of this policy are as follows:

- [ECU Enterprise Agreement](#)
- [ECU Code of Conduct](#)
- [Access to Personal Files Policy](#)
- [Research Misconduct Policy](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director, Human Resources Services Centre
All Enquiries Contact:	Manager Safety and Employment Relations
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8. APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor
Date Policy First Approved:	18 August 2006
Date last modified:	30 May 2018
Revision History:	July 2009 – Amended to comply with University Guidelines re: drafting of policy documents. May 2018 – Amended to reflect the agreed enterprise bargaining outcomes. Policy was previously titled <i>Misconduct and Serious Misconduct – General Staff</i> .
Next Revision Due:	31 May 2021
TRIM File Reference	SUB/365 SUB/69581