

Workplace Investigations Policy and Procedure HEPP10

PURPOSE	
The purpose of this policy and procedure is to outline Southern Cross Education Institute (Higher Education)'s position on investigating workplace misconduct to ensure procedural fairness.	
SCOPE	
This policy applies to all the Institute employees, managers, Board members and contractors.	
DEFINITIONS	
Complainant	A person who wishes to make or attempts to make a report in relation to matters of misconduct and would like to avail them of protection for making the report.
Investigation	A search of evidence connecting or tending to connect a person with conduct that infringes criminal law or the policies and standards set by the Institute.
Investigation Officer	A designated representative of the organisation tasked with conducting a thorough investigation of reported breaches of misconduct.
Misconduct	Refers to matters that are in breach of the Institute's code of conduct, policies and procedures. Matters of misconduct may include but are not limited to: <ul style="list-style-type: none"> dishonest, fraudulent, corrupt or unlawful conduct or practices; misleading or deceptive conduct; coercion, bullying, harassment or discrimination by or affecting any members of the Institute employees, managers, Board members, or contractors; or breaches of the Institute policies, procedures and code of conduct.
Respondent	The person about whom a complaint is made.
SCEI-HE	Southern Cross Education Institute (Higher Education)
POLICY	
<ol style="list-style-type: none"> SCEI-HE is committed to fostering an open working environment where all employees, managers, Board members and contractors are able to raise concerns regarding actual or suspected undesirable, unethical or unlawful behaviour without fear of reprisal or intimidation. SCEI-HE takes misconduct seriously and any reports of this nature will become the subject of a thorough investigation. 	
PROCEDURE	
<ol style="list-style-type: none"> Reporting Any suspected misconduct should be reported in the first instance to the complainant's direct line manager or Human Resources (HR) to determine if an incident has occurred. This will allow for questions to be asked and the incident to be clarified, at all times discussions will remain confidential. Investigation Process <ol style="list-style-type: none"> An Investigation Officer (IO) will be appointed by the HR Manager, or CEO, to investigate and report on the matter of concern. The HR Manager will appoint the best person they see fit to conduct the investigation and may be appointed from either an internal or external source. The HR Manager will base their appointment of the investigative officer on: <ol style="list-style-type: none"> The level of seriousness of the matter under investigation; The impartiality of the investigator to the matter under investigation and/or the complainant; and The skill, experience and availability of the investigator. Once the IO is appointed the following investigation process will take place in a timely manner. 	

3. Preparation and Information Collection

- 3.1 Review any reports made and determine the most appropriate manner of investigation.
- 3.2 The IO may seek further information from the complainant or other persons during the course of the investigation ensuring at all times that the complainant's identity remains protected.
- 3.3 Obtain relevant background information including:
 - 3.3.1 Relevant policies and procedures;
 - 3.3.2 Codes of conduct;
 - 3.3.3 Relevant legislation;
 - 3.3.4 Complaint documents and records;
 - 3.3.5 Employment contracts, awards and position descriptions;
 - 3.3.6 Performance reviews and outcomes;
 - 3.3.7 Interviewing the relevant parties including complainant and respondent; and
 - 3.3.8 The IO may liaise with external organisations such as the Police, regulatory bodies or accreditation bodies depending on the exact nature of the investigation.

4. Making a Finding

- 4.1 The IO will assess all the evidence collected and consider:
 - 4.1.1 The strength and reliability of the evidence;
 - 4.1.2 Impact on the complainant and SCEI-HE;
 - 4.1.3 Wishes of the complainant;
 - 4.1.4 Policies and procedures of SCEI-HE; and
 - 4.1.5 Legal and professional considerations.
- 4.2 The IO will make a finding on the facts and evidence(s) gathered and considered.

5. Resolution Activities

The resolution activities will be appropriate to the matter under investigation. Resolution actions may include:

- 5.1 Counselling;
- 5.2 Training;
- 5.3 Mediation;
- 5.4 Disciplinary action e.g., warning;
- 5.5 Workplace supervision or mentoring;
- 5.6 Dismissal from employment;
- 5.7 Re-allocation of work duties or department; or
- 5.8 Organisation communication and training to employees on relevant policies and procedures.

6. Reporting

Upon finalising a detailed investigation the IO will be responsible for compiling a report outlining the following:

- 6.1 The allegation;
- 6.2 Account of relevant information received as well as information rejected as well as why rejected;
- 6.3 Conclusions reached and reasons why;
- 6.4 Recommendations arising from conclusions;
- 6.5 Remedial action to be taken; and
- 6.6 The report should also include any transcripts, statements and/or evidence(s) obtained in the course of the investigation.

7. Protection of Complainant

SCEI-HE is committed to encouraging the reporting of unacceptable conduct and will ensure that any person making a report in good faith will not be penalised or personally disadvantaged as a result of their disclosure by:

- 7.1 Dismissal;
- 7.2 Demotion;
- 7.3 Any form of harassment;
- 7.4 Discrimination; or
- 7.5 Current or future bias.

8. Confidentiality

All parties involved will maintain the strictest confidentiality regarding the complainant; they will treat the disclosure

with objectiveness, be trustworthy and handle the matter **with diplomacy and tact.**

9. False Misconduct Reports

SCEI-HE relies on the good faith and high ethical standards of its employees and stakeholders to ensure the effectiveness of this policy and procedure. Any person deemed to be making a false disclosure with the intent to deliberate, malicious harm of another person or organisation will be subject to **disciplinary action** in accordance with the unsatisfactory performance and workplace behaviour policy as a breach of the organisations Code of Conduct.

RELATED DOCUMENTS

Fraud and Corruption Control Policy and Procedure HEPP13
Fraud and Corruption Prevention Policy and Procedure HEPP14
Staff Code of Conduct HEPP27
Staff Complaint and Grievance Policy and Procedure HEPP11
Student Complaint and Grievance Policy and Procedure HEPP03

LEGISLATIVE CONTEXT

Age Discrimination Act 2004
Charter of Human Rights and Responsibilities Act 2006 (Vic)
Disability Discrimination Act 1992
Equal Opportunity Act 2010 (Vic)
Occupational Health and Safety Act 2004 (Vic)
Privacy and Data Protection Act 2014 (Vic)
Protected Disclosure Act 2012 (Vic)
Racial Discrimination Act 1975
Sex Discrimination Act 1984

RESPONSIBILITIES

Employees

- Reporting incidents of misconduct;
- Abiding by the Code of Conduct.

Investigations Officer

- Conducting a thorough investigation into all disclosures received;
- Communicating to relevant parties;
- Ensuring confidentiality.

Management

- Promoting a culture that encourages reporting of misconduct;
- Ensuring education and training is available to employees with regard to corrupt practices;
- Publicising how and where complaints can be made;
- Ensuring confidentiality.

DOCUMENT AND RECORD CONTROL

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