

General Misconduct Policy

Policy number	39	Version	5
Approved by ABG on	10 June 2021	Scheduled review date	June 2024

1. Purpose

The National Institute of Organisation Dynamics Australia (NIODA) is committed to developing and maintaining an atmosphere in which all individuals are free from any form of harassment or discrimination.

2. Scope

An allegation of general misconduct may be brought against any student or staff member of NIODA. An allegation may be made by NIODA staff, students or an external person.

3. Policy Statement

General misconduct means misconduct other than academic misconduct and includes, but is not limited to, conduct which:

- breaches any NIODA policy as published
- brings NIODA into disrepute
- constitutes unlawful or criminal activity on NIODA premises
- interferes with, causes damages, or loss of any NIODA property
- unreasonably prevents or disrupts students or staff from undertaking their normal activities such as speaking in any class, tutorial, seminar or other program activity
- constitutes sexual harassment, harassment or discrimination
- constitutes:
 - an attack or threat to attack another
 - intimidation or threat to intimidate another
 - physical or verbal abuse towards another
 - offensive language
 - physical injury or is intended to cause physical injury to another
- involves the use of forged, falsified or altered documentation
- involves concealing, misrepresenting or withholding the whole or part of a student record in order to gain or maintain enrolment
- encourages or incites any other person to engage in conduct or behaviour that constitutes general misconduct
- divulges confidential or personal information relating to any student or staff member
- constitutes a failure to comply with any reasonable request, direction or order given by a person authorised by NIODA to ensure the safety of any person, the preservation of any property, and the maintenance of good order.

General misconduct may be either in person, digital or online.

4. Procedure

Complaints about non-academic misconduct should be made to the Director of Academic Programs.

The Director has discretionary authority to determine what type of procedure should occur on receipt of the complaint. This decision will be based on the type and severity of the issue.

- 4.1. Some complaints may be a matter of miscommunication or misunderstanding that may be able to be resolved through a telephone or face-to-face meeting with the people involved. The Director or nominee will ensure that this takes place within five working days on receipt of the complaint.
- 4.2. Other complaints of non-academic misconduct may be more severe. In these instances, the Director will invite the Education Committee to convene a General Misconduct sub-committee, bringing together the most appropriate personnel from across the organisation, and/or externally, depending on the type of issue presented to determine a response. The subcommittee is responsible for determining whether misconduct has occurred on the basis of the evidence presented. The subcommittee will act with reference to the following;
 - the issue must be handled in a timely, efficient, fair and equitable way
 - the person/s about whom the complaint/s have been made must have the opportunity to present their case to the subcommittee
 - the person/s about whom the complaint/s have been made may invite another person to support them when presenting their case to the subcommittee
 - the person/s about whom the complaint/s have been made must receive a written report of outcomes within 10 working days of a resolution being determined by the subcommittee
 - the subcommittee must record decisions and actions taken by the subcommittee and the reasoning behind them for record-keeping and to be used (in a non-identifiable form) in institutional and/or course review processes.
- 4.3. There may also be complaints that trigger external intervention from statutory or legal authorities. In this instance, the Director of Academic Programs will contact the appropriate authority as soon as possible.

5. **Record Keeping and Confidentiality**

Records of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records, upon written request to the NIODA Administrator. These records will be maintained in a locked filing cabinet.

All records relating to complaints will be treated as confidential.

6. **Publication**

This Policy is published on NIODA's website (www.nioda.org.au/policies).

7. **Grievances**

Further and final appeal about decisions made about general misconduct issues is to be made to the NIODA Academic Board of Governance as per the Student Grievance Policy. The policy is published on the NIODA website (www.nioda.org.au/policies).

8. **Related Documents**

Student Grievance Policy
Academic Integrity and Honesty Policy