

Appropriate Workplace Behaviour Policy (MPF1328)

1. Objectives

1.1. The objectives of this policy are to:

- a) set out the standards, values and expectations for appropriate behaviour in the workplace, and the consequences for not doing so, reinforcing the obligations on individuals to act in good faith, with trust, ethically, and with integrity in the best interests of the University; and
- b) demonstrate the University's commitment to a diverse and inclusive workplace.

2. Scope

2.1. This policy applies to all employees, leadership, other workers (such as volunteers, honoraries and independent contractors).

3. Authority

3.1. This policy is made under the [University of Melbourne Act 2009](#) (Vic) and the [Vice-Chancellor Regulation](#) and supports compliance with the following legislation as amended:

- a) *Age Discrimination Act 2004* (Cth);
- b) *Australian Human Rights Commission Act 1986* (Cth);
- c) *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- d) *Crimes Act 1958* (Vic);
- e) *Child Wellbeing and Safety Act 2005* (Vic);
- f) *Disability Discrimination Act 1992* (Cth);
- g) *Disability Standards for Education 2005* (Cth);
- h) *Equal Opportunity Act 2010* (Vic);
- i) *Fair Work Act 2009* (Cth);
- j) *Financial Management Act 1994* (Vic);
- k) *Fringe Benefits Tax Assessment Act 1986* (Cth);
- l) *Independent Broad-based Anti-corruption Commission Act 2011* (Vic);
- m) *Occupational Health and Safety Act 2004* (Vic);
- n) *Privacy and Data Protection Act 2014* (Vic);
- o) *Racial and Religious Tolerance Act 2001* (Vic);
- p) *Racial Discrimination Act 1975* (Cth);
- q) *Sex Discrimination Act 1984* (Cth);
- r) *Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025* (Cth) and *National Higher Education Code to Prevent and Respond to Gender-based Violence 2025*
- s) *Working with Children Act 2005* (Vic); and
- t) *Workplace Gender Equality Act 2012* (Cth).

4. Policy

Standards

4.1. The standards set out in this policy are consistent with the values of the University.

4.2. The University's core values are at the heart of how we work and are a key aspect of delivering the University's vision and priorities. If applied consistently, our values help us maintain the trust of our stakeholders. The University's values are:

- a) maintaining the highest international standards of ethics and quality in research, teaching and administration;
- b) advancing the intellectual, cultural, economic and social welfare of communities, and recognising the particular needs and aspirations of Indigenous Australians;
- c) working with other organisations to extend educational opportunity and enrich intellectual discourse, educational quality and research activity around the world;
- d) advocating and upholding fundamental human rights — for example, freedoms of thought, expression, and assembly and the right to be free of discrimination and harassment;
- e) to preserve, defend and promote the traditional principles of academic freedom in the conduct of its affairs, as set out in the Academic Freedom of Expression Policy ([MPF1224](#)), so that all scholars at the University are free to engage in critical enquiry, scholarly endeavour and public discourse without fear or favour;
- f) to preserve, defend and promote the principles of freedom of speech in accordance with the Freedom of Speech Policy ([MPF1342](#));
- g) sustaining a diverse, inclusive and harmonious scholarly community committed to supporting employees and students to realise their full potential; and
- h) maintaining a respectful, safe, rewarding and environmentally sustainable learning and working environment.

4.3. Employees and other workers are expected to take all reasonable steps to protect University resources and demonstrate respect for others. The behaviours set out in clause 4.18 are unacceptable.

4.4. Where safe for them to do so, employees and other workers must take all reasonable steps to bring to the attention of the University at the first available opportunity and, where appropriate and safe, take action to prevent any:

- a) apparent instances of non-compliance with this policy;
- b) behaviour that breaches any law;
- c) behaviour that breaches any University statute, regulation or policy; or
- d) possible instances of fraud, corrupt conduct or improper conduct.

4.5. Employees and other workers must comply with all relevant:

- a) Commonwealth and state legislation, regulations, codes and agreements derived from legislation;
- b) University statutes, regulations, policies and processes (including this policy); and
- c) terms and conditions of their employment or engagement.

4.6. Contravention of this policy and related policies and processes is inappropriate behaviour, and may be considered to be misconduct or serious misconduct. An employee in breach of this policy may be subject to disciplinary action, including termination. Other workers may also be subject to management action, including termination of engagement.

4.7. Failure to comply with section 4.5 may result in the employee or other worker being held legally responsible, and in some circumstances the University may also be held responsible. Serious penalties may apply to breaches of legislation.

Personal and professional behaviour

4.8. Employees and other workers must:

- a) act in good faith and use skill, care and diligence in the performance of their duties and responsibilities, and not intentionally cause serious risk to the reputation or viability of the University, consistent with their employment obligations or terms of engagement;
- b) uphold the values of the University set out at section 4.2;
- c) maintain a standard of conduct and work performance required by the University and demonstrate professionalism and courtesy in dealing with other employees, other workers, students, visitors and members of the public;
- d) apply authority only in accordance with University standards, expectations and delegations;
- e) lawfully respect the opinions and beliefs of others and their right to practise their beliefs;
- f) comply with applicable University policies and processes and reasonable directions by the University;
- g) take reasonable care that their actions and decisions do not harm the health and safety of themselves or others, and that personal use of alcohol or any other substance does not adversely affect their work performance or the health and safety of others; and
- h) comply with the conditions of their employment or engagement.

4.9. Employees and other workers are expected to protect the interests of students of the University and to:

- a) ensure that relationships with all students are professional, trusting and respectful;
- b) be mindful at all times of the power imbalance that may exist between employees and students;
- c) pay proper regard to protecting the welfare and wellbeing of the student;
- d) not initiate, cultivate or encourage relationships nor engage in sexual activity with a student inconsistent with the standards set out broadly in this policy and specifically set out above at (a), (b) and (c); and
- e) remain impartial and take all reasonable steps to avoid and resolve any possible, perceived or actual bias in dealing with students.

4.10. To meet the standards set by the University, employees and other workers are expected to actively participate in performance development, training and development activities as and when determined and requested by the University.

4.11. To address conflicts of interest, employees must comply with the Managing Conflicts of Interest Policy.

4.12. Employees must take all reasonable steps not to:

- a) directly or indirectly through any party use the University's intellectual property (as set out in the Intellectual Property Policy ([MPF1320](#))) or resources to benefit a third party without prior written authority of the University;
- b) induce or attempt to induce an employee, other worker or student to perform work in competition with the University or to act in a manner contrary to an employee's or other worker's employment obligations or terms of engagement.

External employment

4.13. Employees must not engage in external employment where the University has determined that a conflict of interest may arise and the conflict is not able to be managed.

4.14. Employees who wish to engage in external employment must declare this activity to the University.

4.15. Employees engaged in external employment must not:

- a) use the intellectual property of the University without prior written consent of the University;
- b) use the resources of the University for the benefit of their other employer or their consultancy activities;
- c) take any action or make any statement as part of their external employment which may serve to bring the University into disrepute by association (except for action or statements that accord with the Academic Freedom of Expression Policy ([MPF1224](#));
- d) undertake any activity that does not accord with compliance with the Foreign Interference Transparency Scheme, and the [Guidelines to Counter Foreign Interference in the Australian University Sector](#); or
- e) undertake any activity for which the University might be held legally liable. Employees when engaging in outside work must not hold themselves out as representing the University or take any steps that might expose the University to reputational damage, or a claim for breach of contract or breach of any law.

Promoting a respectful, diverse and inclusive workplace

4.16. The University:

- a) continually reviews and improves its practices and structure for an inclusive and diverse workplace;
- b) makes decisions on employment, promotion and reward on the basis of merit;
- c) regularly reviews its policies, processes, practices, official documentation and publications to accord with equal opportunity and health and safety principles;
- d) supports and encourages managers, supervisors and heads of departments to exercise their leadership and authority to ensure a supportive, flexible, safe and inclusive work environment;
- e) provides continued information and support to employees, other workers and students through awareness, training and development programs; and
- f) requires employees and other workers to participate in and complete any programs or training to promote a diverse and inclusive workplace.

4.17. The authorised officer is responsible for developing and implementing reasonable adjustments to any requirement, condition or practice in order to avoid direct or indirect discrimination which may disadvantage a person with a protected attribute or be unreasonable in the circumstances.

4.18. Employees and other workers must not directly or indirectly, or incite or assist others to, engage in any of the following behaviours (the actions in (c)-(f) are defined in the Definitions at section 7):

- a) acts of violence, assault or aggression in any form or manifestation;
- b) acts of racism, including but not limited to racial discrimination, racial harassment, racial vilification, and offensive behaviour because of race, colour or national or ethnic origin;
- c) unlawful discrimination against other individuals based on a protected attribute defined in this policy or at law;
- d) harassment;
- e) gender-based violence or sexual misconduct (including sexual harassment or conduct which could amount to a criminal offence, such as sexual assault, if proven in a court exercising criminal jurisdiction);
- f) physical or verbal assault;

- g) bullying;
- h) stalking;
- i) victimisation or detrimental action;
- j) vilification of an individual or group of individuals;
- k) child abuse or any form of unlawful dealing with a child; or
- l) wilful or deliberate breach of the positive obligation to protect the interests of students of the University as described at section 4.9 of this policy.

University Finances

4.19. Employees must observe the highest standards of integrity in financial matters in accordance with relevant financial management legislation and the University's Financial Code of Conduct Policy and processes.

Fraud, Corruption and Improper Conduct

4.20. Fraudulent, dishonest, corrupt or improper activity or behaviour by employees or other workers is not acceptable and may be unlawful. These matters are dealt with separately to this policy through the Fraud and Corruption Management Policy ([MPF1351](#)).

University resources

4.21. Employees must reasonably endeavour to:

- a) use and manage University equipment and resources economically, efficiently and for legitimate University purposes;
- b) secure University equipment and resources against theft or misuse; and
- c) minimise their environmental impact by complying with the University's sustainability plan and environmentally sustainable practices.

4.22. Employees, other workers, and students assisting employees and other workers, are provided access to the University's computing, email, intranet and networking facilities (Information Technology) for work, research and study purposes, and are required to observe this policy and associated policies and processes when using the Information Technology.

Political contributions and political donations

4.23. The University maintains a position of political impartiality.

4.24. The University does not make political contributions or donations to any political party, politician, politically affiliated entity, elected official or candidate for public office. The University does, however, contribute to public policy debate on issues that affect the University, the higher education sector and the work of our partners.

4.25. Employees may, in their private capacity, make political contributions or donations or attend political fundraisers, in their own time, using their personal funds or personal assets.

4.26. Employees:

- a) are not to directly or indirectly use University funds, resources or assets to make any political contributions or donations or attend any political fundraisers as a representative of the University; and
- b) must take reasonable steps to ensure that their employment with the University, or work with the University, is not associated with making any political contributions or donations or attending any political fundraisers.

5. Procedural principles

Raising a disclosure or formal report concerning an employee or other worker

5.1. The University has a positive duty to prevent and eliminate unlawful discrimination, sexual harassment, bullying and victimisation from the workplace.

5.2. Disclosures and formal reports (including anonymous disclosures and reports) concerning the conduct of an employee or other worker, or inquiries about this policy and associated processes, may be made:

- a) **online** via the Inappropriate Workplace Behaviour Reporting Line www.mustaffcontactline.com.au;
- b) **on the phone** via the Inappropriate Workplace Behaviour Reporting Line (1800 685 463);
- c) for staff and students, **in person**, over the phone or in writing to any representative of the University's Human Resources teams; or
- d) for staff and students, **in person**, via support services provided through the Safer Communities Program (such as the Speak Safely portal).

5.3. Disclosures, formal reports and inquiries will be dealt with, so far as practicable, in a confidential manner and handled with sensitivity, and in accordance with this policy (except as provided in 5.4).

5.4. Disclosures and formal reports of sexual misconduct or gender-based violence will be managed in accordance with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy (MPF1359), which also provides further avenues for making a disclosure or formal report, and supports available to people who make a disclosure or formal report.

5.5. Disclosures and formal reports pertaining to research misconduct and the Australian Code for the Responsible Conduct of Research will be managed in accordance with the Research Integrity and Misconduct Policy ([MPF1318](#))

5.6. Certain conduct prohibited by this policy could, if proven by a court exercising criminal jurisdiction, amount to criminal conduct, including:

- a) sexual assault;
- b) physical assault;
- c) stalking; and
- d) child abuse and unlawful dealing with a child.

5.7. The University urges a victim of, or a witness to, any apparent physical, sexual or other assault (as dealt with in section 5.5 above) by an employee or other worker to bring the matter to the immediate attention of the University through an appropriate authorised officer (or an avenue described in the Sexual Misconduct and Gender-based Violence Prevention and Response Policy (MPF1359)). The University deals with these matters confidentially, sensitively and in conjunction with external government authorities.

5.8. The University does not have jurisdiction to determine criminal responsibility and does not make findings in terms of criminal responsibility. However, the University can determine whether alleged conduct breaches the University's policies and procedures.

5.9. If preferred, an individual may anonymously disclose or report such conduct. This may impact the action the University is able to take in response to the disclosure or formal report, however the University considers that any form of disclosure is better than silence on these important matters.

Case management procedure for disclosures or formal reports concerning an employee or other worker

5.10. The following describes the University's usual practice in managing disclosures and formal reports about employees, and may also be applicable to other workers, but does not in any way limit the University's discretion to set out an alternative process on occasions where it is considered appropriate to address the particular circumstance of the case. Further, where the University elects not to follow all and every step described below, this does not in itself constitute a procedurally unfair process or a breach of this policy.

5.11. On all occasions processes for managing disclosures and formal reports will be based on:

- a) principles of procedural fairness and natural justice; and
- b) in the case of reported sexual misconduct, a trauma-informed approach as defined and described in the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)); and
- c) what is necessary to keep the University community safe.

5.12. For disclosures or formal reports pertaining to sexual misconduct, this policy shall be read in conjunction with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)), which will prevail to the extent of any inconsistency.

5.13. Actions:

- a) Disclosers may seek to have their disclosure or formal report addressed through informal assistance as set out below at section 5.14. Notwithstanding a discloser's desire to have their disclosure or formal report addressed through informal assistance, the University may determine it necessary and appropriate to address the disclosure or formal report via the process set out at section 5.15.
- b) With exception to the above, formal reports received by any individual concerning an employee will be addressed through the process set out at section 5.15. This process may also be applied to formal reports concerning other workers, where appropriate (for example, in the context of formal reports of sexual misconduct concerning other workers).
- c) The University may use findings of facts arising from the relevant processes set out in these procedural principles to inform (in part or in full) the particulars, its deliberations and its decisions pertaining to misconduct, serious misconduct, or unsatisfactory work.
- d) Separate to the workplace matters set out in this policy, individuals may also be personally liable for actions the subject of external complaints, including criminal complaints. In such circumstances, the University may not provide support where the employee has not complied with this policy.
- e) While individuals are encouraged to use the options set out in this policy (and to report criminal behaviours to the proper authority), they have a right to seek assistance from and/or lodge a complaint with external bodies, including Victoria Police, the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, the Fair Work Ombudsman, the Fair Work Commission and WorkSafe Victoria.
- f) Making a complaint to an external body does not preclude the University from investigating a matter as set out in this policy, although the University will be mindful of the need to ensure co-operation with external agencies.

5.14. Informal assistance:

- a) An employee or other worker who considers they may have experienced inappropriate workplace behaviour and seeks to have the matter addressed informally may seek assistance from either their manager or a member of the Human Resources team.

b) Informal assistance may include, but is not limited to:

- i. providing information about what is meant by discrimination, sexual harassment, harassment, bullying or victimisation;
- ii. providing information about this policy, including this section 5.14;
- iii. providing information about the options available to address the matter, including making a complaint to an external body;
- iv. assisting the person to seek any support that they feel they need;
- v. exploring strategies to informally resolve the matter on a mutually agreed and confidential basis between the parties; and
- vi. facilitate a discussion between the parties.

5.15. Formal process:

a) A formal report made by anyone about an employee or other worker who has engaged in behaviours and/or conduct described in this Policy and/or the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)) will be referred to the Director - Workplace Integrity (in the Workplace Relations department), or as otherwise delegated by the Director - Workplace Integrity (Case Manager).

b) The case manager will respond appropriately and in a timely manner to formal reports made by individuals. Upon receiving a formal report, the Case Manager will:

- i. provide a copy of relevant policies to the discloser;
- ii. where the discloser is experiencing difficulties arising from incident-related trauma or other related difficulties, assist the discloser in detailing the particulars of their experience;
- iii. arrange ongoing support for all parties during the investigation process;
- iv. take any steps necessary to protect the safety of any party to the matter before, during and after the investigation; and
- v. actively work to address victimisation before, during and after the investigation.

c) If the discloser withdraws the formal report, the case manager in consultation with the Executive Director Workplace Relations & Integrity (or delegate) will consider and refer to the Chief People Officer for decision whether to proceed with the matter. This may be required:

- i. to afford the respondent the opportunity to address the formal report in accordance with the principle of procedural fairness and fair treatment; and/or
- ii. where the alleged behaviour is sufficiently serious or presents a risk to the health and safety of the University community.

d) The case manager, in consultation with the Executive Director - Workplace Relations & Integrity (or delegate) may continue with, and conclude, the formal report process where the discloser or respondent repeatedly refuses to participate in the processes set out below.

e) Employees of the University and other workers are obliged to make themselves available to participate in any process or proceedings contemplated in the policy as directed by the case manager.

f) Managing formal reports must be balanced with protecting a vulnerable discloser from being required to participate in proceedings without their agreement.

5.16. Preliminary assessment by the case manager:

a) Upon receipt of a formal report, the case manager will conduct a preliminary assessment for the purpose of determining whether or not the formal report has sufficient basis to warrant action under the processes set out

below at sections 5.15 and 5.16 and, if so, to consider appropriate action to address the formal report. Accordingly, the case manager may do one or more of the following:

- i. seek any additional information necessary to inform the preliminary assessment (including a fact-finding inquiry);
- ii. seek advice and consult with any person the case manager considers appropriate, with the requirement of confidentiality for any person so consulted.

b) At conclusion of the preliminary assessment, the complaint manager will provide the Executive Director – Workplace Relations & Integrity for approval their recommended action such as, but not limited to, one or more of the following:

- i. propose that the formal report be addressed informally as described in these procedural principles;
- ii. propose that the formal report be addressed through mediation between the discloser and respondent (as set out at section 5.17);
- iii. propose that the formal report be addressed through an alternative conflict or dispute resolution process;
- iv. refer the formal report for formal impartial investigation (as set out at section 5.18);
- v. reject the formal report if it is shown to be malicious, vexatious, misconceived or lacking in substance; and
- vi. recommend interim actions as necessary to address any immediate concerns regarding any person's health, wellbeing and safety and participation in work or study.

c) In accordance with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)), the University will investigate all formal reports of sexual misconduct where the respondent is an employee or other worker, regardless of the context in which sexual misconduct occurs. If the formal report has no connection to the University other than the status of the respondent, the University will consider the safety and wellbeing of students, employees and other workers when determining the scope of the investigation.

5.17. Mediation:

- a) To facilitate effective mediation, a mediation can only take place if the discloser is willing to be identified to the respondent and both parties agree to attend mediation voluntarily.
- b) Mediation is conducted either internally or via an external provider (as recommended by the case manager and approved by the Chief People Officer), without prejudice to any other actions relating to or that might arise from the formal report. Nothing in this Policy prevents the case manager from conducting the mediation.
- c) The respondent and mediator may be provided with a summary of the formal report (except in the case of matters involving alleged sexual misconduct, including gender-based violence, where the summary of the formal report will only be shared with the respondent with the consent of the discloser)
- d) If the parties agree to participate in mediation, they will be asked to accept a mediation agreement provided by the mediator which sets out the terms of reference for the mediation, the way the mediation will be conducted, and the expectations of the parties during the mediation.
- e) The respondent may submit to the case manager a written response to the formal report within a timeframe determined by the case manager. A copy of the respondent's response will be provided to the mediator and the discloser.
- f) The mediator will invite the discloser and the respondent to meet with the mediator either together or separately or both. The role of the mediator is to assist the parties to reach a mutually agreed resolution. It is not the role of the mediator to make a formal finding. The mediator will advise the case manager of the outcome of the mediation.

g) The discloser and respondent may both have a support person attend the mediation.

If the formal report is not resolved through mediation, the case manager may initiate formal investigation contemplated at section 5.18.

5.18. Formal investigation and findings of fact:

The case manager may refer a disclosure or formal report to formal impartial investigation (as authorised by the Chief People Officer (or delegate)) where the alleged behaviours are such that, if proven, they may constitute breaches of this Policy and/or the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#)).

a) If the disclosure or formal report is referred for investigation under this policy, the case manager will:

- i. engage an investigator who may be a University employee (including the case manager where deemed appropriate), or an external party appointed by the University (and where the matter relates to sexual misconduct, the case manager will ensure that the investigator has the necessary expertise required by the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#))); and
- ii. notify the discloser and the respondent that the matter has been referred for investigation (and where the matter relates to sexual misconduct the discloser and respondent will be notified in accordance with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#))).

b) The investigator will make findings of fact in relation to each allegation, on the balance of probabilities and based on established legal principles, having collected and assessed available evidence determined to be relevant by the investigator such as, but not limited to:

- i. written submissions and material provided by the parties;
- ii. material provided by the University;
- iii. interview(s) with the parties;
- iv. interview(s) with witnesses who are deemed relevant by the investigator; and
- v. written submissions and material provided by relevant witnesses.

c) For the avoidance of doubt, the University cannot require any person to provide physical evidence relating to a disclosure or formal report.

d) The investigator will:

- i. provide the respondent with a copy of the allegations developed in consultation with the case manager and with input from the discloser;
- ii. give the respondent reasonable opportunity to seek advice, respond to the allegations, produce relevant information, have relevant individuals interviewed and make written submissions in relation to the allegations;
- iii. conduct the investigation with regard for procedural fairness, timeliness, privacy and all involved persons' health and safety; and
- iv. determine whether the facts pertaining to the allegations are substantiated (in part or in full) based on an assessment of the information arising from the investigation and the balance of probabilities.

e) Any person to be interviewed under this policy may have a support person attend the interview. For reasons including maintenance of confidentiality, a support person who is also an employee of the University or who has an association with the University may sometimes not be permitted by the University to act as a support person. The support person acts solely as a passive observer and must not actively participate in any aspect of

the investigation of a formal report. In particular, the support person does not advocate on behalf of the discloser, respondent or other investigation participant, or play an active role in representing and advancing the views and positions of the person they are supporting.

f) The discloser and respondent may seek the advice of a representative. In providing their client/member with assistance, the representative must not act to directly or indirectly interfere with or displace direct interaction between the parties and the investigator.

g) Strict confidentiality is to be maintained at all times to preserve the integrity of the investigation processes and to ensure the process does not unduly prejudice the interests of the investigation, and all parties involved in the investigation are required not to discuss any aspect of the Investigation with anyone, except:

i. if approved by the University;

ii. in accordance with the Sexual Misconduct and Gender-based Violence Prevention and Response Policy (MPF1359) in the case of investigations involving sexual misconduct; or

iii. with their:

- support person;
- nominated representative;
- immediate family members; and
- registered treating health practitioner (if and where required).

h) At the conclusion of the investigation, the investigator will provide the University via the case manager with an investigation report.

i) The University, separately to this policy, may apply findings of facts arising from the investigation to inform the particulars, deliberations and decisions pertaining to misconduct, and/or serious misconduct, and/or unsatisfactory work performance in accordance with the employee's particular terms and conditions of employment, or other worker's terms of engagement.

j) The discloser, respondent and, if appropriate, any witnesses to a formal report will be notified that an investigation is concluded. The case manager will provide the discloser and respondent with the investigation findings and, where appropriate under the University's obligations of privacy and confidentiality to the parties, any relevant outcomes that may be disclosed. Additional disclosure obligations may apply in cases involving sexual misconduct, as set out in the Sexual Misconduct and Gender-based Violence Prevention and Response Policy (MPF1359).

k) Employees who receive any material or advice about the Investigation must not disclose this sensitive and confidential information to anyone without prior written consent from the University (unless permitted by the Sexual Misconduct and Gender-based Violence Prevention and Response Policy ([MPF1359](#))).

l) The University may rely on assessments, the investigation report, findings, determinations and other actions pursuant to this policy in any subsequent action the University may take.

m) Statements, material and other forms of information arising from an assessment, inquiry or investigation under this policy is obtained for the primary purpose of this policy and remains highly sensitive and confidential University records and internal working documents.

5.19. Direct action by the University

The University may, at its discretion, determine that suspected or alleged non-compliance with this policy may warrant a fact-finding inquiry or investigation of the matter without the necessity of a disclosure or formal report being raised.

5.20. Resolving workplace conflict:

Following an investigation, where it is evident that there is residual conflict remaining in the workplace, the Director – Workplace Integrity will co-ordinate a cross-functional case management group to endeavour to resolve the conflict in collaboration with the:

- a) head of division (or delegate);
- b) Human Resources Director (or delegate);
- c) Director, Health and Safety (or delegate); or
- d) for matters involving students, Principal Advisor, Student Grievances and Complaints.

Whistleblower disclosure

5.21. Whistleblower disclosures are dealt with separately to this policy through the Whistleblower Protection Policy ([MPF1346](#)).

Notification of offences

5.22. An employee must notify their Human Resource Director at the first available opportunity if they have been charged with a criminal offence or have received an adverse finding following the hearing of a criminal offence. The employee must cooperate with any reasonable request of the University to provide information to ascertain whether the matter could reasonably affect the employee's ability to meet the inherent requirements of their employment.

5.23. Other workers must also notify the University of matters where they have been charged or convicted with:

- a) a criminal offence relating to gender-based violence; and/or
- b) any indictable offence(s) which is relevant to their engagement.

This is in addition to any other disclosures as required by the terms and conditions of their engagement.

Notifications by other workers must be made to a University Human Resource Director.

Fit and Proper Checks

5.24. Where the University determines a position requires an individual to work or have direct contact with a child, that employee must cooperate with any reasonable request of the University for relevant probity disclosures and verification processes necessary to ascertain that the employee or other worker is a fit and proper person to work with a child.

5.25. For the purpose of this policy, direct contact includes verbal, written or electronic communication as well as face-to-face and physical contact.

Gifts

5.26. Unless authorised by the University, employees are not permitted to offer or solicit gifts or benefits or to offer or provide benefits to others in exchange for gifts.

5.27. The University maintains a register of reportable gifts.

5.28. An employee or other worker may, in the course of or in connection with their work for the University, accept a gift of nominal value less than \$100 and retain that gift for their own use without reporting it.

5.29. An employee or other worker who receives a reportable gift of nominal value of \$100 or more, in the course of or in connection with their work for the University, must report the gift to their manager or supervisor within 14 days of receiving the gift.

5.30. A gift with a value of \$500 or more must also be reported to the Chief Financial Officer or delegate.

5.31. If the value of a gift is not apparent or the gift is of cultural or historical value, the University determines the appropriateness of accepting and reporting the gift.

5.32. The University funds gifts to employees only in accordance with policy.

6. Roles and responsibilities

6.1. All individuals who have responsibilities for making decisions or supporting decision-makers under this policy must be free from conflict of interest or bias in exercising these responsibilities, both for or against disclosers or respondents generally or a particular discloser or respondent.

6.2. The following table describes the University's usual practice in managing key decisions regarding a case, but does not in any way limit the University's discretion to set out an alternative process on occasion where it is considered appropriate to address the particular circumstance of the case.

Role/Decision/Action	Responsibility	Conditions and limitations
DISCLOSURES AND FORMAL REPORTS ABOUT EMPLOYEES AND OTHER WORKERS		
Decisions about whether a case should be referred for formal investigation, addressed through alternative means (e.g. mediation), or not proceed. Decisions about the nomination of an Investigator.	Chief People Officer or delegate.	Decision will be in consultation with the relevant Dean or Executive. <i>See also Note 1 below.</i>
DISCLOSURES AND FORMAL REPORTS ABOUT VICE-CHANCELLOR OR MEMBER OF COUNCIL		
Decisions whether a case should be referred for formal investigation, addressed through alternative means (e.g. mediation), or not proceed. Decisions about the nomination of an investigator.	University Council	
DISCIPLINARY ACTION AGAINST EMPLOYEES COVERED BY THE ENTERPRISE AGREEMENT		
<i>Provided as information only – process governed by the University of Melbourne Enterprise Agreement 2024 (as amended) and delegations of responsibilities may change from time to time at the absolute discretion of the University.</i>		

Determine preliminary view on whether the findings of the investigation constitute serious misconduct (at clause 1.39.3 of the EA). Decisions about the nomination of an impartial Reviewer if and when an employee requests a Review (at clause 1.39.3.5 of the EA)	Chief People Officer or delegate.	
Following a Review (if any); final decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action (at clauses 1.39.6 and 1.39.7 of the EA).	Provost (or delegate) for serious misconduct (Academic Division) Vice-President, Strategy and Culture, or Vice-President, Administration & Finance and Chief Operating Officer for serious misconduct (Chancellery and Chief Operating Officer portfolio).	Must be guided but not bound by the recommendation of the relevant Dean (or delegate) and the Chief People Officer (or delegate). Must be guided but not bound by the recommendation of the relevant Manager (or delegate) and the Chief People Officer (or delegate). <i>See also Note 2 below.</i>
DISCIPLINARY ACTION AGAINST EMPLOYEES COVERED BY COMMON LAW CONTRACTS <i>Provided as information only – process governed by the employee’s contractual terms of employment and delegations of responsibilities may change from time to time at the absolute discretion of the University.</i>		
Decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action (excluding members of the University Executive).	Vice-President (Strategy and Culture) or Vice-President (Administration & Finance) and Chief Operating Officer	Must be guided but not bound by the recommendation of the relevant Executive line manager (or delegate) and the Chief People Officer (or delegate). <i>See also note 2 below.</i>
Decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action where the employee	Vice-Chancellor	Must be guided but not bound by the recommendation of the Chief People Officer (or delegate).

is a member of University Executive.		
Decisions that serious misconduct has taken place and subsequent determination of proportionate disciplinary action where the employee is the Vice-Chancellor or a member of University Council or its committees	University Council	Must be guided but not bound by the recommendation of the Chief People Officer (or delegate).
DISCLOSURES AND FORMAL REPORTS CONCERNING 'OTHER WORKERS' Provided as information only – process governed by the relevant contractual terms and delegations of responsibilities may change from time to time at the absolute discretion of the University.		
Decisions that serious misconduct has taken place and subsequent determination of proportionate action.	Relevant Executive manager (or delegate) with input from Workplace Relations & Integrity.	Must be guided but not bound by the recommendation of the Chief Human Resources Officer and Occupational, Health & Safety (or delegate).
NOTES: 1. For formal reports about employees, the Vice-Chancellor will be informed of all decisions. 2. Where disciplinary action is to be taken against an employee of the Chancellery (Strategy and Culture), the Vice-President (Administration & Finance) and Chief Operating Officer will make the decision. Where disciplinary action is to be taken against an employee of the Chief Operating Officer Portfolio, the decision will be made by the Vice-President (Strategy and Culture). In the case of other Chancellery portfolios either of these officers may be charged with determining disciplinary action in consultation with the relevant portfolio Executive.		

6.3. Unless otherwise specified, roles and responsibilities are performed as required by the nominated authorised officer as per the University's delegations of authority.

6.4. Complete, accurate and reliable records must be kept in accordance with the University's Records Management Policy ([MPF1106](#)).

7. Definitions

A term defined in this Definitions section importing the singular includes the plural.

The following provides general explanations of terms to assist the reader, noting that some terms might also have more specific technical definitions under particular legislation referenced at section 3 of this policy.

Authorised officer is an employee who has been delegated authority and responsibility by the University to perform a particular role or action, or make a decision.

Protected Attribute means, as defined in the *Equal Opportunity Act 2010* (Vic) and relevant Commonwealth legislation:

- a) age or age group;
- b) breastfeeding;
- c) employment activity;
- d) family or carer's responsibilities; parental status or status as a carer
- e) impairment or disability, whether short term, long term or permanent, including behaviour that is a symptom or manifestation of a disability or a genetic predisposition to that disability;
- f) industrial activity;
- g) lawful sexual activity;
- h) marital status;
- i) national extraction or social origin;
- j) physical features;
- k) political opinion, belief or activity;
- l) pregnancy or potential pregnancy;
- m) race or colour, descent or ancestry, nationality or national origin, ethnicity or ethnic origin, national extraction or social origin;
- n) religious belief or activity;
- o) sex, gender identity or intersex status;
- p) sexual orientation; and
- q) personal association with a person who is identified by reference to any of the above attributes.

Bullying means repeated unreasonable behaviour that creates a risk to health and safety. Bullying does not include reasonable management action.

Child means a person who is under the age of 18 years.

Child abuse means any act committed against a child involving:

- a) physical violence (including threats of physical violence)
- b) sexual abuse
- c) serious emotional or psychological abuse; or
- d) serious neglect.

Case manager means the person responsible for managing a formal report as assigned by the University.

Corrupt conduct means conduct that:

- a) adversely affects a public officer or public body in the honest performance of their functions;
- b) constitutes or involves the dishonest performance of a public body or public officer's functions as a public officer or public body;
- c) constitutes or involves knowingly or recklessly breaching public trust;
- d) involves the misuse of information or material acquired in the course of the performance of public duties, whether or not this is done for the benefit of the public body or officer, or for any other purpose; or
- e) constitutes a conspiracy or an attempt to engage in any of the above conduct

where such conduct, if proven, would constitute an indictable offence or a common law offence (perverting, or attempting to pervert, the course of justice, bribery of a public official).

Detrimental action means action taken against a whistleblower in reprisal for making a disclosure. Detrimental action can include:

- a) action causing injury, loss or damage;
- b) intimidation or harassment;
- c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d) other action that causes detriment as defined by the Whistleblower Protection Policy ([MPF1346](#)).

Discloser means any person who makes a disclosure or formal report under this policy or the Sexual Misconduct Prevention and Response Policy (MPF1359).

Disclosure means an individual telling anyone who is part of the University about a person's experience of behaviour described at 4.18 or any other conduct which may contravene this Policy, or any other University policy.

Discrimination means unfavourable treatment of a person due to that person's Protected Attribute, including an attribute that a person has, has had in the past, is presumed to have, or may have in future, and includes direct and indirect discrimination.

Direct discrimination is when a person treats, or proposes to treat, another person unfavourably because of that person's attribute. In relation to a person with an impairment or disability, direct discrimination also occurs if a person does not make, or proposes not to make, reasonable adjustments for that person, and a failure to make a reasonable adjustment has the effect, because of the impairment or disability, of that person being treated unfavourably.

Indirect discrimination is when a person imposes, or proposes to impose, a requirement, condition or practice:

- a) that has, or is likely to have, the effect of disadvantaging a person with an attribute; and
- b) that is not reasonable.

Employee means an individual employed by the University, or a wholly owned subsidiary of the University, and who is a national system employee within the meaning of the *Fair Work Act 2009* (Cth). Employee is also commonly referred to as staff member, academic staff member or professional staff member.

External employment means work undertaken not for the University or as part of the normal duties of the employee's role, and includes external employment, paid work external to the University (including proprietorship), directorships or consultancy.

Formal report means the provision to the University through formal reporting channels of information about an experience of behaviour described at 4.18 or any other conduct which may contravene this Policy, or any other University Policy.

Fraud means dishonest activity causing actual or potential financial loss to any individual or entity including theft of moneys or other property by employees or individuals external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment,

destruction or use of falsified documentation used or intended for use for a non-business purpose or the improper use of information or position for financial benefit.

Gender-based violence has the same meaning for this policy as set out in the *Sexual Misconduct Prevention and Response Policy* (MPF1359).

Gifts means a gift or series of gifts of entertainment, hospitality, travel or other benefit; or a gift of an item of property, whether of a personal nature or otherwise; excluding farewell gifts and gifts to which employees have contributed.

Harassment means any conduct of an individual towards another individual on the basis of a Protected Attribute of that other individual that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the other individual.

Hospitality means any expenditure given or received of an entertainment nature including but not limited to meals, beverages, theatrical performances, cinema, sporting events, ceremonies or public relations events.

Improper conduct means conduct that:

- a) adversely affects the honest performance by a public officer or public body of his or her, or its, functions;
- b) constitutes or involves the dishonest performance of a public body or public officer's functions as a public officer or public body;
- c) constitutes, or involves, knowingly or recklessly breaching public trust;
- d) involves the misuse of information or material acquired in the course of the performance of public duties, whether or not this is done for the benefit of the public body or officer, or for any other purpose;
- e) constitutes a conspiracy or an attempt to engage in any of the above conduct; or
- f) conduct of a public officer or public body that involves substantial:
 - i. mismanagement of public resources;
 - ii. risk to public health or safety; or
 - iii. risk to the environment

where such conduct, if proven, would be either 'corrupt conduct' as defined under the *Independent Broad-based Anti-corruption Commission Act 2011* (Vic) which includes conduct listed in (a) to (e) above, where such conduct would constitute an indictable offence or a common law offence (perverting, or attempting to pervert, the course of justice, bribery of a public official); a criminal offence; or reasonable grounds for dismissing or dispensing with, or otherwise terminating the services of the officer who was, or is, engaged in that conduct.

Inappropriate behaviour means behaviour or conduct that does not comply either with this policy or the standards of the University.

Leadership means the Chancellor, Vice-Chancellor, and all members of the University Council.

Offensive behaviour because of race, colour or national or ethnic origin means an act, otherwise than in private, where:

- a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
- b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

Other worker means any person who carries out work in any capacity for the University (other than as an employee), including an officer; leadership; a contractor or subcontractor; an employee of a contractor or subcontractor, an employee of a labour hire company who has been assigned to work in the University, an outworker, an apprentice or trainee, a student gaining work experience, or a volunteer.

Physical assault means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person, which is either intended to cause harm or the person is reckless of the possibility that harm will be inflicted.

Reasonable management action includes, among other actions by the University:

- a) requesting an employee to perform reasonable duties in keeping with their position and responsibility;
- b) maintaining reasonable workplace expectations and standards;
- c) performance management processes;
- d) disciplinary action;
- e) informing an employee about unsatisfactory work performance or inappropriate workplace behaviour.

Reportable gift means:

- a) a gift with a value of more than \$100;
- b) a series of gifts from a single provider within a 12 month period with an aggregate value of more than \$200.

Respondent means a person about whom a disclosure or formal report is made.

Sexual assault has the same meaning for this policy as set out in the *Sexual Misconduct Prevention and Response Policy* (MPF1359).

Sexual harassment has the same meaning for this policy as set out in the *Sexual Misconduct Prevention and Response Policy* (MPF1359).

Sexual misconduct has the same meaning for this policy as set out in the *Sexual Misconduct Prevention and Response Policy* (MPF1359).

Stalking is the wilful and repeated following, watching and/or harassing of another person, which usually involves a series of actions that occur over a period of time. Stalking is not limited to the workplace and may include actions through electronic communication and virtual environments such as social media.

Student means a student of the University and has the meaning given to it in Part 1 of the Vice-Chancellor Regulation. Without limitation, it includes students undertaking higher degrees by research, non-award study, enabling or bridging courses, foundation programs and vocational education and training courses, and higher education coursework students.

Support person means an observer who does not actively participate in any aspect of the investigation of a formal report beyond the role of passive observer. In particular, the support person does not advocate on behalf of the discloser or respondent or play an active role in representing and advancing the views and positions of the discloser or respondent.

University means the University of Melbourne which is a national system employer within the meaning of the *Fair Work Act 2009* (Cth). In this policy University has the same meaning as employer or organisation.

Unlawful dealing with a child is where a person who has a duty of care takes, or fails to take, action that has either resulted in harm to the child, or has the potential to cause harm. This includes subjecting a child to any activity deemed inappropriate for a minor.

Victimisation means when a person is treated, or threatened to be treated, in a detrimental manner as a result of seeking assistance, making or threatening to make a disclosure or formal report, or considering whether to raise a disclosure or formal report, or participating in an investigation or proceedings about a matter under this policy.

Vilification means an act to incite hatred, serious contempt, or severe ridicule towards an individual or group of individuals on the grounds of the race, religion, sex, gender identity, or intersex status of the individual or group through:

- a) any form of communication throughout the University or to the public, such as speaking, writing, printing, displaying notices and messages on the University intranet, internet and social media; or
- b) any conduct observable within the University or by the public, including actions, gestures, wearing or display of clothing, signs, flags, emblems or insignia.

POLICY APPROVER

Deputy Vice-Chancellor (People & Community)

POLICY STEWARD

Chief People Officer

REVIEW

This policy is to be reviewed by xx Feb 2026.