

## 2. Human Resources

### 2a.5 Disciplinary Policy

*This policy must be read in conjunction with Riverina Conservatorium of Music (RCM) Human Resources Policies General Outline, Definitions and Relevant Legislations.*

#### 1. Purpose

- a. The purpose of this policy is to outline the actions the RCM may take to discipline an employee because of their poor performance or inappropriate conduct in any circumstances that can be connected to, or impact upon, the RCM.
- b. This policy does not form part of any employee's contract of employment.

#### 2. Additional Definitions

- a. **Serious Misconduct:** is wilful and deliberate behaviour that is inconsistent with the continuation of employment or causes serious and imminent risk to the reputation, viability or profitability of the RCM, or health and safety of a person.
- b. **Summary Dismissal:** is the immediate termination of an employee's employment contract without notice or payment in lieu of notice.
- c. **Work-Related Function:** is any function that is connected to work and includes events such as work lunches, dinners, conferences, festive celebrations, parties and client/customer functions.

#### 3. Application of Policy

- a. This policy applies to all employees of the RCM. Employees can face disciplinary action if they are found to have:
  - i. engaged in unacceptable or inappropriate behaviour; and/or
  - ii. engaged in wilful or serious misconduct.
  - iii. failed to perform their job to the expected standard;
- b. Employees need to ensure that they exhibit appropriate out-of-work conduct where the circumstances or event can be connected to the RCM, such as a work-related function.
- c. This policy also applies when employees go to other workplaces in connection with work, for example, when visiting a supplier, client or customer.

## **4. Details**

The RCM will determine on a case by case basis the appropriate process, as listed below.

A process may include:

**a. Investigation**

- i. Depending on the circumstances, the RCM may at its discretion conduct an investigation into certain incidents and/or allegations that have been raised. This may involve collecting relevant data/information and interviewing the relevant employee as well as any material witnesses (such as the employee's co-workers or supervisors, or even customers and suppliers with whom the employee has had contact).
- ii. In extreme circumstances, an employee may be suspended from duty on ordinary pay pending the completion of an investigation.

**b. Disciplinary interview**

- i. If on the basis of the investigation, the RCM is satisfied that there is a case to be answered by the employee, the employee may be asked to attend a formal interview meeting to address the area(s) of concern.
- ii. An example of a procedure that may be adopted by the RCM in these circumstances may involve:
  - 1. the employee being given notice of the meeting and an outline of what will be discussed at the meeting;
  - 2. the employee being given a reasonable opportunity to have a support person present at the meeting.
  - 3. putting the issue(s) of concern or allegations to the employee;
  - 4. giving the employee an opportunity to respond to the concerns or allegations;
  - 5. the RCM considering the employee's response and making any further enquires or investigations (if necessary);
  - 6. the RCM determining whether the concern(s) or allegations have been substantiated on the balance of probabilities; and
  - 7. if it is determined that all or some of the concerns or allegations are substantiated, the RCM will make a decision about any disciplinary action, as listed in subsection 4.1, which may be appropriate in the circumstances.

## **4.1 Disciplinary Action**

- a. Prior disciplinary action may be taken into account.
- b. Examples of disciplinary action which may be taken by the RCM include, but are not limited to, the following:
  - i. training;
  - ii. counselling;
  - iii. verbal warning;
  - iv. written warning;
  - v. demotion; and
  - vi. dismissal, including summary dismissal in circumstances of serious or wilful misconduct.
- c. If an employee's conduct involves a potential breach of any Australian law, the RCM may notify the police or other relevant government authority.

## **5. Variations**

- a. If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the Executive Team Member(s).
- b. *The RCM reserves the right to vary, replace or terminate this policy from time to time.*

### **Policy version and revision information**

***Policy drafted by: Amanda Gibson***  
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