

## General Misconduct Procedure

<b>Owner</b>	PIC	<b>Approval Date</b>	December 2019
<b>Approved by</b>	Board	<b>Review Date</b>	June 2020

### 1. Purpose

The General Misconduct Procedure outlines how allegations of misconduct should be reported and how and investigation and arbitration process must occur to ensure a fair and consistent outcome for all involved.

No action should be taken under this procedure that is inconsistent with the Misconduct Policy

This procedure helps ensure each incident of misconduct should be resolved in such a way that the mental and physical health and safety of all attendees, especially children, are protected and the organisation is disrupted by the minimum necessary to remedy the breach and advance UN Youth's welfare commitment.

### 2. Reporting or Disclosing Misconduct

When a person discovers misconduct or potential misconduct in the day-to-day operations of UN Youth, they should do what they can to prevent that misconduct from continuing and then report it to the relevant Regional Welfare Officer, National Executive Officer, Board Volunteer's Representative or Board Chair.

### 3. Investigation Process

The investigation process must uphold the values outlined in the Misconduct Policy determined in this policy and the values of UN Youth New Zealand. The investigation and arbitration processes should not place undue or unreasonable strain on the resources and welfare of UN Youth volunteers, particularly Welfare Officers.

**Investigator:** If the breach was initially reported to the Regional Welfare Officer, they shall refer the case to the National Welfare Officer who will appoint a member of the Welfare Committee as the investigator. If the breach was initially reported to a National Executive Officer, Board Volunteer's Representative or Board Chair, they may refer the case to the Welfare Committee Member or National Welfare Officer, or the Board Chair to investigate the allegations.. The Board Chair may appoint an investigator at any stage.

**Genuine:** Upon notification of misconduct or potential misconduct, an investigation shall only commence where the investigator is satisfied that the allegation is not vexatious or utterly without basis.

**Investigation Process:** The investigator must follow the process outlined below for all investigations

1. **Assess Immediate Risk:** In consultation with the Welfare Officers, the investigator must ensure that the behaviour, protocol or circumstances which give rise to the misconduct or potential misconduct no longer pose an immediate risk to the health or safety of any attendee;
2. **Receive Information:** receive from the individual making the notification, in as much detail as is possible, the details of the behaviour, protocol or circumstances which give rise to the misconduct or potential misconduct;
3. **Advise:** The Regional President, National President, Nation Executive Liaison, or Board, as appropriate, of any information that may affect the operation of UN Youth;
4. **Gather Information:** seek out and interview any witnesses to the misconduct or potential misconduct if practicable, with particular consideration of the principle of harm minimisation; and
5. **Seek response:** interview the individual alleged to have committed the misconduct, ensuring they are provided with at minimum:

- a. The substance of the allegations made against them; and
  - b. An opportunity to respond to the allegations made against them;
6. **Recommendations:** make a recommendation to the Disciplinary Panel in respect of the misconduct, including whether the behaviour constitutes serious misconduct. This recommendation should also recommend appropriate sanctions in accordance with the Misconduct Policy.

## 4. Breach and Disciplinary Measures

The Disciplinary Panel is responsible for making a determination on any matter referred to them. They may make a decision on the basis of the recommendation from the investigator, or request further information from any party.

The Disciplinary Panel body has the responsibility and discretionary power to determine what, if any, sanctions shall be imposed or action taken in accordance with the Misconduct Policy. No sanction may be issued or person sanctioned in violation of the principles of due process and natural justice.

Following a decision of the Disciplinary Panel the investigator shall:

1. **Inform:** share the decision with:
  - a. The individual against whom the allegation was made; and
  - b. The Regional President, National President, Nation Executive Liaison, or Board, as appropriate, of any information that may affect the operation of UN Youth;
2. **Reporting:** complete the Welfare Incident Report Form for submission to the Welfare Committee, National Executive, and then the Board. At this point all information gathered should be securely stored in accordance with the Privacy Policy.