



Factors that your organisation may consider in determining a consequence

Can include (but are not limited to):

People:

- impact of the conduct on people
- the individual context surrounding the situation
- genuine, unintended, or honest mistake/ first-time and self-reported
- willful, negligent or repeated conduct
- sentiment and cooperation of the person
- involvement and level of participation in the matter
- the person's position including leadership accountabilities and functional accountabilities
- apparent motivation (e.g. personal financial gain) or explanation for conduct
- employment history including any previous instances of misconduct, inappropriate behaviour, or poor performance.

Organisation, client, shareholder and community:

- the organisational context surrounding the situation
- message to the business as a result of an outcome that is applied
- impact of the conduct on clients, shareholders or business partners
- financial or reputational impact
- whether any mitigating/compensatory controls or actions were in place that countered the conduct or issue.

Factors that should not be considered in determining a consequence can include:

- seniority and leadership capacity of the offender
- business criticality of the offender
- positive performance of the offender
- the importance of the offender regarding stakeholder relationships.



Example:

A senior leader is found to have engaged in sexual harassment. That leader is also a high performer and their continued engagement is critical to the success of an important and high-profile project. The Decision Maker is concerned that if a formal warning is issued, it will cause the leader to become disengaged, which will then have a cascading effect on the team and delivery of the project.

The Decision Maker acknowledges that the misconduct was serious and unacceptable, and that a formal warning would ordinarily be warranted, but they wish to conclude the matter with a coaching and counseling conversation because of the anticipated negative impact on the team and business.

The Decision Maker has made the wrong decision. The Decision Maker must not consider these impacts as mitigating factors in determining the appropriate consequence.