



Staff Code of Conduct

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1. Purpose

This Code of Conduct articulates and supports the expectation of the Australian Institute of Higher Education Pty Ltd ('the Institute') that all staff will adhere to the highest standards in their conduct and behaviour in relation to both their work practices and the Institute. All Institute employees are expected to perform their work with respect to the minimum standards and obligations outlined in this document, and carry out their duties ethically, efficiently and fairly.

2. Principles

The key principles informing this Code are:

- that compliance with this Code will foster and maintain staff, student, and public trust and confidence in the integrity and professionalism of the Institute; and
- that staff are expected to at all times protect and promote the interests of, and maintain and enhance the reputation of, the Institute.

3. Context

This Policy has been developed to provide a clear statement of the Institutes expectations of students in respect of academic matters and personal behaviour.

4. Scope

This Code applies to all staff at the Institute.

5. Definitions

See the *AIH Glossary of Terms* for definitions.

6. Policy details

This Code should be read in conjunction with the approved policies of the Institute, in particular the Related Documents listed above. Note that failure to abide by the provisions of this Code or the relevant policies may result in disciplinary action.

This Code requires the following:

6.1 **Respect for Law and Governance**

All Institute staff are required to comply with relevant Commonwealth and State legislation as well as the policies and rules of the Institute.

6.2 **Respect for Individuals**

The Institute expects that all staff will treat other members of staff and students, as well as visitors and members of the community, with respect, fairness, courtesy and equity. This involves, but is not limited to, the following:

- Fairness in supervising and dealing with students and staff;
- Carrying out work with integrity and objectivity;
- Making decisions that are procedurally fair;
- A client-centered approach to work;
- Avoiding unlawful discrimination, for example on grounds such as: gender, sexual orientation, race, cultural background, religion, or political conviction;
- Avoiding behaviour which might reasonably be perceived as corrupt, harassment, bullying or intimidation;
- Carrying out work in a safe manner and taking precautions to protect the health, safety and welfare of oneself and others;
- Complying with any legislative, industrial or administrative requirements;
- Avoiding behaviour which might reasonably be perceived as creating an unsafe or unhealthy environment, or constraining the legitimate rights of others;
- Respecting an individual's right to privacy and undertaking to keep personal information in confidence; and
- Respecting privacy laws and confidential information given to them in the course of their employment.

6.3 **Company Property**

All employees should treat the Institutes property, whether material or intangible, with respect and care. Employees:

- Shouldn't misuse company equipment or use it frivolously.
- Should respect all kinds of property. This includes trademarks, copyright and other property (information, reports etc.) Employees should use them only to complete their job duties.

Employees should protect company facilities and other material property (e.g. company laptops) from damage and vandalism, whenever possible.

6.4 Professional Conduct

The professional conduct required by the Institute includes, but is not limited to:

- a commitment to professional standards in teaching and learning, research, administration and industry involvement;
- observance and promotion of the rights of staff and students;
- conduct which is professional at all times and which has regard to the interests of the Institute;
- awareness of relevant legislation and adherence to policies and procedures developed by the Institute. This in particular includes the legislation and policy relating to the following:

Discrimination and Harassment

Staff of the Institute must not harass or discriminate against their colleagues, students, members of the public or other persons with whom they may interact with.

Such behaviour may constitute an offence under several Federal Anti-Discrimination laws and the Anti-Discrimination Act 1977 (NSW) and will be considered a serious breach of the Institute's policies. All managers must make every effort to ensure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that the staff they supervise are informed of these principles.

Duty of Care and Safety

Institute staff must take every precaution, as reasonable in the circumstances to protect the health, safety and welfare of all those in the workplace. In particular, they must comply with the relevant Workplace, Health and Safety legislation that applies in their jurisdiction such as the NSW Work Health Safety Act 2011 and relevant Codes of Practice as well as specific Work Health Safety policies and procedures of the Institute.

Institute staff should also actively promote safe working practices and environments for everyone using Institute facilities. Staff should ensure that the personal use of alcohol or other drugs does not affect work performance or the health, safety and welfare of others, especially students in their care.

Additional requirements concern the following:

Conflict of Interest

- Staff of the Institute should be sensitive to the potential for conflicts of interest to arise between their personal interests and their duties, obligations and responsibilities to the Institute, and shall take care to ensure that no actual conflict of interest arises.
- Institute staff should avoid situations in which their private interests (whether involving personal financial or pecuniary interests, external associations, personal and family relationships) conflict with or might reasonably be thought to conflict with or influence judgements made during the course of their professional duties, and perceptions that an unfair benefit may have been attained. Potential conflicts of interest should be assessed in terms of the likelihood that staff possessing a particular interest could be improperly influenced, or might appear to be improperly influenced, in the performance of their duties on a particular matter.
- Should any real or potential conflicts of interest arise, the staff member should advise their supervisor as soon as possible.

- Academic staff have a particular responsibility to their students to assess their work fairly, objectively and consistently across the candidature for their particular unit or course. Because personal relationships between students and staff may involve serious difficulties arising from the unequal power of the parties concerned, as well as the difficulties in maintaining appropriate boundaries between professional and personal life, academic staff have a responsibility to declare such potential or actual conflicts of interest to their supervisor or the Executive Dean.

Outside Work

Full-time staff wishing to engage in any outside work must seek approval to do so from the Dean or the delegated nominee, who may approve or not approve such requests. All staff, including those employed for less than full-time, must not accept outside work where it may cause a direct or indirect conflict with their duties or otherwise adversely impact the conduct of Institute operations. If there is any doubt whatsoever, the potential direct or indirect conflict should be reported to the Dean.

Confidential Information

Official information must only be used for the work-related purpose intended and not for other reasons or personal benefit. Staff must make sure that they do not disclose, disseminate or make use of any information marked confidential without prior authorisation or unless specifically authorised by legislation. All staff must take reasonable steps to ensure that any information marked confidential in any form (e.g. computer files), cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it.

Unauthorised access to, disclosure or use of confidential information may result in disciplinary proceedings for misconduct.

Ethical Conduct

Current standards for ethical conduct in human research are prescribed in the *National Statement on Ethical Conduct in Human Research* (National Health and Medical Research Council (NHMRC), 2007¹).

The Institute does not engage in research involving animals or research involving medical interventions on participants.

Ethical conduct in Human Research applies to involvement in human beings when conducting research such as observation, surveys, interviews, access to personal documents, or any information that can be personally identifiable. Research broadly includes work that is of relevance to industry, public and not-for-profits sectors, and scholarship. It does not include non-original teaching materials, such as the obtaining of secondary information.

Responsible conduct of research and scholarship should include:

- Observation of prescribed guidelines (NHMRC, 2007) of:
 - Research merit and integrity
 - Justice
 - Beneficence
 - Respect
 - Academic honesty and integrity
- Appropriate acknowledgement of the role of others in the scholarship activity, and
- Responsible communication of the outcome of the scholarship activity.

Whenever staff conduct research on an external stakeholder that involves:

- analysis or communication of an actual organisation's information, such as when visiting an organisation,
- communication with an individual concerning their actual organisation or work,
- undertaking an analysis of a company, or,

- guest speakers divulging organisational information, a signed Institute Ethics Agreement containing the appropriate information and consent must be signed by the academic staff member and the relevant external person or organisational representative. This Ethics Agreement should include:
 - identifying the relevant unit of study and nature of assessment (where applicable),
 - the scope, nature and timeframe of the academic activity,
 - confidentiality by staff and students of the organisation or individual's information imparted to the staff and students of the Institute,
 - protection of intellectual property (where applicable) by staff and students,
 - professional and ethical behaviour by all by staff and students at all times when involved in that teaching activity, including adherence to the Institute's Student Code of Conduct,
 - adherence to policies and procedures of the organisation or individual's site, including occupational health and safety,
 - Institute contact details, in the event that the participant(s) are not satisfied with the conduct of Institute staff or students, or wish to lodge a complaint,
 - opportunity for participants to indicate their consent, and
 - appropriate insurance and indemnity by the Institute if students and staff are to be present at external premises.

Upon receipt of the Ethics Agreement, the Dean table the Ethics Agreement to an external Human Research Ethics Committee appointed by the Institute to receive approval for the research.

In the case of any breaches of the above clauses or the occurrence of any incidents by any party has to be reported immediately to the Dean or delegated nominee.

6.5 Breach of Code of Conduct

A substantiated breach of any part of this code of conduct will result in disciplinary action. The appropriate procedure will depend on the severity of the breach, but the following constitutes a guide:

6.5.1 The manager will arrange a meeting with the employee.

6.5.2 The manager will communicate with the employee about the behaviours or actions which breach the Code of Conduct. The line manager will advise the employee in clear terms that the conduct is unacceptable.

6.5.3 The manager will allow the employee reasonable time and opportunity to respond before considering the response and making a decision on appropriate action. The employee may have a support person present at such meetings.

6.5.4 Once the employee has responded, the line manager will consider their response and decide whether disciplinary measures should be taken and, if so, determine an appropriate form of disciplinary action. Depending on the nature and severity of the breach, disciplinary action may include the following:

- a verbal warning,
- a written warning,
- counselling,
- a period of probation,
- termination of employment,
- referral to appropriate law enforcement/government agencies.

- 6.5.5** If the employee is given a verbal warning, the manager will make a note of it, date it and sign it.
- 6.5.6** If a written warning is to follow, the manager is to document and sign it, and give the opportunity to the employee (and their support person) to sign the warning. Then, the manager is to give a copy of the signed warning to the employee and keep the original copy on file.
- 6.5.7** The warning must clearly define the nature and extent of the breach, any timeframes mooted for redress of behaviour, any support, if appropriate, that the Institute and the manager can provide, the consequences of further breaches, and the date of the next meeting.
- 6.5.8** The manager will keep a record of all meetings and a summary of all discussions, and keep all relevant documents on the employee's personnel file.
- 6.5.9** If appropriate, the Institute and the manager will continue to monitor and keep adequate records of the employee's behaviour.
- 6.5.10** If the employee's performance or conduct does not improve after the second meeting, the manager may give the employee a final written warning to terminate employment.
- 6.5.11** A staff member has the right to appeal any disciplinary procedures or outcomes instituted under this procedure. Appeals must be made according to the process outlined in the Institute's Staff Grievance Procedure.

7. Legislation

Legislation pertaining to this Policy includes:

- Federal Anti-Discrimination laws and the Anti-Discrimination Act 1977 (NSW)
The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them:
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Disability Discrimination Act 1992
Racial Discrimination Act 1975
Sex Discrimination Act 1984.
- Workplace, Health and Safety legislation that applies in their jurisdiction such as the NSW Work Health Safety Act 2011 (updated regularly).
- National Statement on Ethical Conduct in Human Research (National Health and Medical Research Council (NHMRC), July 2018).

8. Version Control

This Code has been endorsed by the Australia Institute of Higher Education Academic Board as at September 2020 and is reviewed every 3 years. It is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2017-1	Ms. McCoy	Drafted document	22 February 2017	6 March 2017
2020.1	Dean	Updated titles and legislation	24 September 2020	25 September 2020