

POLICY DOCUMENT

STAFF CODE OF CONDUCT

1 Purpose and Scope

Purpose:

- 1.1 The Australian College of Physical Education affirms its commitment to maintaining and developing the traditions which have evolved within the College together with the values that have guided the College and its predecessor institution since 1917.
- 1.2 By clarifying the values which guide the College, and the conduct expected of College staff and affiliates in the performance of their duties, the College aims to promote public trust and confidence in the integrity and professionalism of the services provided by the College.

Scope:

This Policy applies to all College full time, part-time, casual staff members, and extends to affiliates of the College including contractors, visitors, and honorary staff.

2. ACPE Values

The ACPE Code of Conduct is predicated on the ACPE values.

2.1 ACPE Values in Action

ACPE staff are committed to the following values and behaviours that demonstrate them:

- **Academic Freedom**

We demonstrate that we value academic freedom when we:

- Listen respectfully to opposing views
- Are open with each other and in our thinking
- Nurture scholarly enquiry and independent thinking with an awareness and acceptance of our responsibilities regarding the standards of academic integrity
- Disagree respectfully and professionally
- Create and welcome open dialogue with others

- **Community**

We demonstrate that we value a sense of community when we

- Treat others with respect, dignity, courtesy, honesty and fairness.
- Do not tolerate harassment, bullying, or discrimination.
- Work collaboratively as a team, harnessing our strengths in pursuit of our goals.
- Trust and support our colleagues
- Say what we do and do what we say
- We realize and accept we are jointly responsible for achieving the College's vision.
- Engage with the community and industry for mutual advantage.

- **Innovation**

We demonstrate that we value innovation when we:

- We think and act in new and different ways and make better choices and decisions for ourselves, for our students, for the college and the community.
- Identify opportunities to advance the college's goals and ultimate success based on rigorous analysis
- Find novel solutions to existing problems
- Don't stifle lateral thinking and new perspectives
- Challenge and encourage each other to challenge the status quo and set stretch goals for performance
- Embrace and champion new technologies and ways of thinking.
- Think creatively to improve and refine processes, systems and existing practices.

- **Empowerment**

We demonstrate that we value empowerment when we:

- Lead with humility, responsibility and understanding.
- Lead change, are action oriented and lead by example.
- Encourage others to grow and step outside their comfort zones.
- Recognize potential and create an environment for it to develop.
- Trust colleagues to perform tasks without micro-management.
- Allow others to carry responsibility and appropriate authority.
- Accept that responsibility also requires accountability.
- Acknowledge and support effort and progress.

- **Integrity**

We demonstrate integrity when we

- Only make promises we can keep and keep them consistently.
- Call out problems and address them, rather than burying them.
- Are honest and open in our dealings with others

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- Have the courage to speak up when others behave in ways that compromise our values
- Make evidence-based decisions, balancing rewards and risks.
- Do what is right, rather than what's easy or expedient.
- Are loyal to each other and the college.

2.2 Personal and Professional Behaviour

In performing their duties staff members and affiliates must:

- a) Maintain and develop knowledge and understanding of their areas of expertise;
- b) Exercise their best professional and ethical judgement, making decisions without bias using the factual information available, and adequately documenting those decisions;
- c) Treat students, members of the public, and other staff members with respect, impartiality, courtesy and sensitivity;
- d) Maintain a cooperative and collaborative approach to working relationships;
- e) Perform their duties diligently and conscientiously and in accordance with supervisory directions;
- f) Act fairly and reasonably;
- g) Respect the confidentiality of information entrusted to them in the course of their employment;
- h) Ensure efficient and effective use of College resources, making improvements wherever possible and reducing waste;
- i) Comply with, and act within the spirit of the policies and procedures adopted from time to time for the operation of the College, including this Code of conduct, and
- j) Comply with any legislative, industrial or administrative requirements applying to the operation of the College.

3. Conflict of Interest

3.1 All staff members must inform the Chief Executive Officer immediately a conflict of interest arises in relation to the performance of their duties.

Examples of conflict of interest include situations where staff members' private interests, personal or family relationships or personal circumstances could:

- a) influence the selection, appointment, or promotion of staff; or
- b) impinge on employment related decisions, particularly where one staff member is in a supervisory relationship to another; or
- c) compromise the objectivity and impartiality of teaching, supervision and assessment of students.

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3.2 Staff should avoid situations in which private interests, whether pecuniary or otherwise, conflict or might reasonably be thought to conflict with their duties to the College. Where such situations occur, the individual must inform the Chief Executive Officer without delay.

3.3 Similarly, staff members should avoid situations in which a personal, sexual or family relationship between a staff member and a student has, or could be perceived to have, the potential to compromise the fundamental duties inherent in academic or other types of student–staff interaction.

In particular, academic staff have a responsibility to each student to teach and assess their work fairly, impartially and objectively. Staff should not be involved in teaching, supervision or assessment of any students with whom they have such a close personal, sexual or family relationship. Where such relationships exist or emerge the individual must notify the Executive Officer without delay.

3.4 Where a relationship has created, or has the potential to create, a conflict of interest in the supervision, teaching and/or assessment of a student, in addition to notifying the Dean (for academic matters) or the Chief Executive Officer (for other matters), staff must formally terminate any supervisory and/or evaluative role and make alternative arrangements for the supervision and/or evaluation of the student's work.

3.5 Staff shall disclose immediately to the Dean or Chief Executive Officer, as appropriate, any matter relating to personal circumstances which could directly or indirectly compromise the performance of the staff members' duties, or conflict with the College's interests.

3.6 Where staff are unsure as to whether a conflict of interest exists, has occurred or may occur, advice should be sought from the Chief Executive Officer without delay.

3.7 In addition, staff members should declare any actual or potential interest in any matter under discussion by a College committee or body of which he or she is a member prior to the Committee or body discussing that matter. The staff member should withdraw from the meeting unless given leave to remain and must abstain from voting on the particular matter.

4. Outside employment and private practice

4.1 Full-time and part-time staff are required to seek the approval of the Chief Executive Officer prior to engaging in outside employment.

- 4.2 Staff must not accept outside employment where it may cause a direct or indirect conflict with the staff member's duties to the College, or otherwise adversely impact the conduct of the College's work.
- 4.3 Staff should refer to the College's Policy on Outside Employment.

5. Acceptance of Gifts or Benefits

- 5.1 Gifts of nominal value, generally used for promotional purposes by the donor, or moderate acts of hospitality, may be accepted by staff members and must be declared to the relevant supervisor.
- 5.2 Gifts of significant value must be sent to the Chief Executive Officer, so that they may be acknowledged and formally accepted on behalf of the College.
- 5.3 Accepting gifts or hospitality offered as an inducement is unethical and, therefore, prohibited.

6. Use and Security of Confidential Information

- 6.1 Confidential information means all information obtained by the College's staff members or affiliates relating to the College, in any form, that:
- a) is marked confidential;
 - b) is notified (in writing or otherwise) as being confidential;
 - c) the staff member or affiliate knows or ought to reasonably be expected to know, is confidential;
 - d) if disclosed, could reasonably be expected to place the College at risk of criminal or civil liability, or damage the College's financial standing or reputation; or
 - e) is personal information;
 - f) but excludes information which is available to the public (other than in breach of an obligation to keep that information confidential).
- 6.2 Staff members must take care to maintain the integrity and confidentiality of information concerning other staff members or students to which they have access.
- 6.3 Staff members must not disclose College or Company information except when required to do so by law, when the need arises as part of their normal duties, when they are called upon to give evidence in court, or when the Chief Executive Officer has approved the information for release.
- 6.4 Staff members and affiliates must not misuse confidential information. Misuse includes, but is not limited to, intentionally, negligently, or inadvertently:

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- a) accessing confidential information that is not directly relevant to the staff member's or affiliate's duties;
 - b) disclosing, discussing, and/or providing confidential information to any individual not authorised to view or access that information, including but not limited to third parties, volunteers, media, vendors and other College staff members or affiliates;
 - c) reckless, careless, negligent, or improper handling, storage, or disposal of confidential information, including electronically stored and/or transmitted information, printed documents and reports containing confidential information;
 - d) deleting or altering confidential information without authorisation; and
 - e) using confidential information viewed or retrieved from College systems for personal or any other unauthorised or unlawful use.
- 6.5 Staff members must not disclose information which is the intellectual property of the College.
- 6.6 Staff may access information, including that on information systems and files, only for the purposes for which authorisation has been given; staff must not allow unauthorised persons access to College information. All reasonable precautions must be taken, including password and file protection measures, to prevent unauthorised access or misuse of College and Company information.
- 6.7 Confidential information is solely and exclusively the property of the College and misuse of such confidential information and/or the systems in which the information is stored may result in disciplinary action for misconduct.

7. Use of College Facilities and Equipment

- 7.1 Staff members and affiliates must use all College resources in an efficient manner and only for College purposes.
- 7.2 Unless express permission has been granted, College resources are not to be used for private purposes.
- 7.3 The College's mail, telephone, mobile phones, facsimile machines, email and internet are provided for College use. Excessive and/or unauthorised personal use of any of these facilities can lead to the College taking disciplinary action against a staff

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member. Emails, including personal emails, remain the property of the College and may be access in accordance with relevant legislation or the College's

- 7.4 Accessing and/or transferring of inappropriate material such as racist or pornographic material through College communication resources is forbidden and may lead to disciplinary action being taken, including dismissal.

8. Health, Safety and Welfare

8.1 Every staff member shall, while on duty:

- a) aim to ensure that their actions and the action of those for whom they are responsible, comply with relevant OH&S legislation;
- b) take reasonable care for the health and safety of themselves and of other persons who are at their place of work and who may be affected by their action or inaction; and
- c) co-operate with any person so far as is necessary to enable compliance under occupational health and safety legislation.

8.2 Staff members must not reduce their ability to maintain safety in their place of work or to carry out their duties through the use of alcohol or drugs.

8.3 Staff members must not associate the College with any activity which could be regarded as likely to compromise the health, safety or welfare of students of the College through unnecessary physical risk, the consumption of alcohol or the use of drugs.

9. Harassment and Discrimination

9.1 The College strives to provide an environment, which is free from all forms of harassment and discrimination.

College employees have an obligation to:

- a) treat each other and each student with respect and, in particular, to respect the beliefs and cultural mores of others, and
- b) refrain from any form of harassment and discrimination based on the grounds of sex, race, age, marital status, physical or intellectual ability, sexual preference, political conviction or religious belief.

9.2 In particular staff must not engage in:

- a) unwelcome sexual advances to another person, or unwelcome conduct of a sexual nature;
- b) offensive behaviour, actions and or comments towards a person on the basis of their sex, race, disability, medical condition, age, sexual

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preference or any other grounds covered by the Sex Discrimination Act 1984 (Commonwealth) or the Anti-Discrimination Act (NSW) 1977, and

- c) behaviour towards students, employees, applicants for enrolment or applicants for employment, which unlawfully discriminate on the basis of sex, race, age, marital status, physical or intellectual ability, sexual preference, political conviction or religious belief.

- 9.3 A staff member observing such behaviour by another staff member or by a student must immediately notify the Chief Executive Officer.

10. Responsibilities of Managers, Coordinators and Supervisors

- 10.1 Managers, coordinators and supervisors have responsibility for the implementation of College policies and the smooth functioning of the workplace in their area of responsibility. In appropriate circumstances this responsibility may be effectively undertaken through successful delegation and regular reporting.
- 13.2 In discharging their responsibilities, managers, coordinators and supervisors must observe the standards of personal and professional behaviour set out in Clause 2 of this Code and must implement procedurally fair practices in their dealings with sub-ordinate staff.
- 10.3 Occasionally, conflict may arise between two or more staff members or between a staff member and a student. Managers, coordinators and supervisors should accept that situations of this nature can be serious and must deal with them carefully and conscientiously.
- 10.4 It is the responsibility of the particular managers, coordinators or supervisors to ensure that such conflicts are resolved to the satisfaction of all parties so that the effective functioning of their area of responsibility is not impaired.

11. The Supervisory Relationship

- 11.1 Staff members are required to co-operate and collaborate with their managers, coordinators or supervisors (as appropriate) to achieve the smooth functioning of the work of the College and the effective implementation of the policies adopted for the operation of the College.
- 11.2 In their relationships with their managers, coordinators or supervisors (as appropriate), staff must observe the standards of personal and professional behaviour set out in Clause 2 of this Code.

- 11.3 Fundamental to the supervisory relationship is the expectation that duties will be performed in accordance with supervisory directions. Where the nature of such a direction causes a staff member concern, those concerns must first be raised with the person who gave the direction. Where this initial step does not resolve the concern, the staff member may thereafter raise the concern of the Dean if the concern relates to a teaching or professional issue, or otherwise, with the Chief Executive Officer.

12. Breach of Code

- 12.1 Breaches of this Code will be dealt with may lead to disciplinary action in accordance with the Performance Counselling and Discipline Policy and procedures.

13 Definitions

- **Discrimination**

Discrimination can be either direct or indirect. Under NSW and federal legislation, discrimination on the basis of certain characteristics or grounds is unlawful (see Grounds below):

- **Direct discrimination**

Direct discrimination occurs when, in the same or similar circumstances, a person treats, or proposes to treat, someone less favourably because they have certain characteristics or belong to a particular group of people, than they would treat someone who doesn't belong to that group, or who belongs to a different group of people.

In relation to a person with a disability, direct discrimination also occurs if the College does not make, or proposes not to make, reasonable adjustments for that person, and where the failure to make a reasonable adjustment has the effect, because of the disability, of that person being treated less favourably than a person without the disability in the same or similar circumstances.

- **Indirect discrimination**

Indirect discrimination occurs when a rule, practice or policy appears to be neutral but in effect has a disproportionate impact on a particular group of people.

Indirect discrimination occurs when a person imposes (or proposes to impose) a requirement, condition or practice:

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- a. that someone from a particular group does not or cannot comply with, and
- b. that has or is likely to have the effect of disadvantaging the person from that particular group, and
- c. that is not reasonable in the relevant circumstances.

In relation to persons with a disability, indirect discrimination also occurs if:

- a. the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the impairment or disability.

This provision does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case.

14 Related Documents

College policies and procedures:

- ACPE Governance Charter
- ACPE Values Statement
- Performance Counselling and Discipline Policy and procedures.
- Policy on Outside Earnings
- Occupational Health and Safety Policy
- Privacy Policy
- Student Code of Conduct
- Intellectual Property Policy
- Information /IT Equipment Policy

Legislation:

- [Racial Discrimination Act 1975 \(Cwlth\)](#)
- [Sex Discrimination Act 1984 \(Cwlth\)](#)
- [Discrimination Act \(NSW\) 1977](#)
- [Disability Discrimination Act 1992 \(Cwlth\)](#)
- [Age Discrimination Act 2004 \(Cwlth\)](#)
- [Privacy Act 1988 \(Cwlth\)](#)

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15 Document Administration

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| Policy Name & Code: | | | Staff Code of Conduct (POL-35) |
| Policy Owner: | | | HR / CEO and Dean |
| Approval Authority: | | | ACPE Board of Directors |
| Next Review: | | | September 2023 |
| Approval Date | Effective Date | Version | Summary of changes |
| 30.09.10 | 01.10.10 | 2 | Policy reviewed and approved by the CEO and Board of Directors. |
| 15.06.20 | 16.06.20 | 3 | 04.05.20 - Policy format to reflect current ACPE policy template. 18.05.20 – Content revised. Job titles updated. |

* Unless otherwise indicated, this policy will still apply beyond the review date.