



# Staff Code of Conduct

(Version 2.0)

POLICY	STAFF CODE OF CONDUCT
<b>NVR Ref:</b>	<b>Standard 2</b>
<b>IBI Ref:</b>	<b>IBI-2-S1</b>
<b>Policy</b>	<p>This Code of Conduct is intended to guide the staff of the Institute to identify and resolve issues of ethical conduct that may arise in their employment. It is designed to guide staff in their dealings with the Institute, colleagues, students and the national and international community. The Code is written as a set of general principles rather than detailed prescriptions and stands beside but does not exclude or replace the rights and obligations of staff under common law.</p> <p>The Institute comprises a diversity of populations, which have different relationships to one another. It is essential in such a community that all members recognise and respect not only their own rights and responsibilities but also the rights and responsibilities of other members of the community and those of the Institute itself.</p> <p>The Institute recognises that many of its academic and other professional staff may also be bound by codes of conduct or ethics defined by professional societies or groups. It is recognised that these allegiances are not always in harmony. It is an obligation of a staff member to weigh the importance of these allegiances in each particular set of circumstances and notify the CEO where such conflict does or may arise.</p> <p>The Institute recognises and protects the concept and practice of academic freedom as essential to the proper conduct of teaching and research within the Institute. While academic freedom is a right, it carries with it the duty of academics to use the freedom in a manner consistent with a responsible and honest search for and dissemination of knowledge and truth.</p> <p>Within the ambit of academic freedom exists the traditional role of academics in making informed comment on societal morals and practice and in challenging held beliefs, policies and structures. Where such comments are offered by academics as members of the Institute, it is expected that those commentaries will exist within their expertise. That expectation is not intended to restrict the right of any academic to freely express their opinions in their private capacity as an individual member of society.</p>
<b>Implementation</b>	<p>Every Institute staff member has three primary obligations:</p> <ul style="list-style-type: none"> <li>• A duty of care to observe standards of equity and justice in dealing with every member of the Institute community.</li> <li>• An obligation to the Institute in terms of responsible stewardship of its resources and protection of its reputation in the wider community.</li> <li>• An obligation to act appropriately when a conflict arises between a staff member's own self-interest and their duty to the Institute. Where such</li> </ul>

	<p>conflict does or may arise, the issue should be disclosed to the CEO, and wherever feasible the staff member should play no role in decision-making that might be associated with that issue.</p> <p>When a staff member, whose position or role entails supervisory or management duties, is notified or becomes aware of a conflict or potential conflict of interest, his or her duty is to:</p> <ul style="list-style-type: none"> <li>• Inform the staff member involved of the provisions of the Staff Code of Conduct as a basis for deciding on an appropriate way to handle the issue.</li> <li>• Where appropriate, notify the matter to the CEO for further attention</li> </ul> <p>With respect to their duty of care, members of staff should:</p> <ul style="list-style-type: none"> <li>• Treat students and other staff with respect</li> <li>• Not allow personal relationships to affect professional relationships</li> <li>• Refrain from all forms of harassment</li> <li>• Give due credit to the contributions of other members of staff or students</li> <li>• Refrain from acting in any way that would unfairly harm the reputation and career prospects of other staff or students</li> <li>• Consider the desirability of intervening constructively where a colleague's behaviour is clearly in breach of this code, and be prepared to report any suspected fraud, corrupt, criminal or unethical conduct to the CEO.</li> <li>• Consider the impact of decisions on the well-being of others</li> <li>• Respect the rights of individuals to privacy and undertake to keep personal information in confidence, including information gained through case records from outside the Institute.</li> </ul> <p>With respect to their obligation to the Institute, members of staff should:</p> <ul style="list-style-type: none"> <li>• Refrain from representing themselves as spokespersons for the Institute unless authorised to do so</li> <li>• Refrain from representing themselves as acting for, or on behalf of the Institute when undertaking any outside work</li> <li>• Refrain from engaging in any outside work that would compromise their integrity and independence</li> <li>• Avoid improper use of the Institute's resources for private gain or the gain of a third party</li> <li>• Foster collegiality among members of the Institute's community.</li> </ul> <p>With respect to conflicts of interest, staff members:</p> <ul style="list-style-type: none"> <li>• Should take suitable measures to avoid, or appropriately deal with, any situation in which they may have, or be seen to have, a conflict of interest arising out of their relationship with another staff member or student - in particular, staff should avoid situations which may require them to supervise or assess a student with whom they have, or have had, a personal, commercial, familial or other significant relationship. Similar considerations generally apply to the supervision of other staff. Where both a supervisory role and significant other relationship between</li> </ul>
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	<p>staff members exists, supervision must be openly seen to be of the highest professional standard and neither unfairly advantage or disadvantage the supervisee.</p> <ul style="list-style-type: none"><li>• Must take care that their financial and other interests and actions do not conflict or seem to conflict with the obligations and requirements of their position with the Institute.</li></ul>
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PROCEDURE	STAFF CODE OF CONDUCT
<b>NVR Ref:</b>	<b>Standard 2</b>
<b>IBI Ref:</b>	<b>IBI-2-S1</b>
<b>Definitions</b>	<p>For the purposes of this procedure:</p> <p>a) "Supervisor" means the Officer to whom the employee, who is the subject of disciplinary action, is directly accountable.</p> <p>b) "Representative" means a person chosen by the employee other than a member of the legal profession acting or appearing for fee, reward or other consideration.</p> <p>c) "Disciplinary action" means action by IBI (the Institute) to discipline a member of staff for unsatisfactory performance, misconduct and serious misconduct and includes one or more of the following:</p> <ul style="list-style-type: none"> <li>(i) Counseling, formal warnings, or censure; and/or</li> <li>(ii) Demotion by one or more classifications or increments; and/or</li> <li>(iii) Withholding of increment/s; and/or</li> <li>(iv) Suspension with or without pay; and/or</li> <li>(v) Termination of employment.</li> </ul>
<b>Principles</b>	<p>(a) The processes outlined in this procedure apply the principles of natural justice, providing employees the opportunity to defend themselves against any allegations and ensuring that due process is followed before sanctions are applied.</p> <p>(b) The CEO or another senior officer of the Institute may refer a question of possible unsatisfactory performance, misconduct or serious misconduct to a senior manager for appropriate action.</p> <p>(c) The Institute may carry out other or further investigations relating to the consequences of conduct of a staff member or former staff member when required in the public interest.</p> <p>(d) The Institute will endeavor to deal with issues of unsatisfactory performance, misconduct or serious misconduct as expeditiously as possible. Where an employee without reasonable cause fails to participate in the disciplinary process, the process will continue without the employee's participation.</p> <p>(e) The Institute acknowledges the right of an employee to be accompanied by a representative during the processes outlined in these guidelines.</p> <p>(f) All intermediate steps and decisions taken in accordance with this clause are final.</p> <p>(g) If the matter is resolved satisfactorily any records kept shall not be used in any future disciplinary case against the employee.</p> <p>(h) At each step of the process, the supervisor will explain to the employee the</p>

	<p>process and possible consequences of further steps.</p> <p>(i) An employee has the right of appeal in accordance with the Complaints and Appeals Policy and Procedure.</p>
<p><b>Action/Method</b></p>	<p><b>1. Conditions leading to disciplinary action</b></p> <p>a) Demonstrated inefficiency or negligence in the performance of the specified duties of the position held; and/or</p> <p>b) Misconduct/Serious Misconduct, which includes the commission of acts which constitute an impediment to the carrying out of the employee's work or that of the employee's colleagues or which is detrimental to students, or the failure to comply with a reasonable instruction of a person in line control of the employee; and/or</p> <p>c) Action which is prejudicial to the health or safety of other employees or students; and/or</p> <p>d) Breach of Institute policies, regulations, procedures.</p> <p><b>2. Management of unsatisfactory performance</b></p> <p><u>Preliminary counselling procedures:</u></p> <p>a) A supervisor should first take reasonable steps to resolve instances of possible unsatisfactory performance through measures which may include guidance, counselling, staff development and/or appropriate work allocation.</p> <p>b) Preliminary counselling constitutes the commencement of formal discipline. At this point, the supervisor should ensure that the employee understands the discipline process, possible consequences and outcomes of the process, their rights and responsibilities in the process, and what will happen with records kept throughout the process.</p> <p>c) Records or times and dates of relevant events and preliminary counselling notes will be maintained in a file or diary kept by the supervisor. In the event that the matter is resolved satisfactorily within this phase, the records on file shall be destroyed after 12 months. Copies or relevant records shall be available to the employee upon reasonable notice.</p> <p>d) If the matter is resolved satisfactorily it shall not be used in any future disciplinary case against the employee.</p> <p>e) In the event that the matter is not resolved satisfactorily within this phase, the records shall be retained by the supervisor and shall subsequently be destroyed following conclusion of any further proceedings under these guidelines.</p> <p><u>Further disciplinary action for unsatisfactory performance:</u></p> <p>a) Where the supervisor believes that the employee's performance remains unsatisfactory following the steps set out above, the supervisor shall make a formal report to the CEO that the performance of the employee is unsatisfactory.</p>

Such a report shall state clearly the aspects of the performance seen as unsatisfactory and the attempts to remedy the problem.

b) The supervisor shall provide the employee with a copy of the report at the time it is submitted. The employee shall be entitled to 5 working days to submit to the CEO a written response to the supervisors' report.

c) Upon receipt of the supervisors' report and any written response from the employee, the CEO shall first satisfy himself/herself that:

(i) appropriate steps have been taken to bring the unsatisfactory nature of performance to the employee's attention;

(ii) an adequate opportunity to respond was given, and that any response was taken into account;

(iii) a reasonable opportunity has been afforded to remedy the performance problem.

d) The CEO may decide to:

(i) take no further action;

(ii) refer the matter back to the supervisor to ensure that the steps referred to above are complied with in substance and in a manner appropriate to the circumstances;

(iii) Commence disciplinary action proceedings.

#### Lapse of proceedings

In the event that an employee resigns, or, that the matters which are the subject of these procedures are resolved or withdrawn proceedings initiated under these guidelines shall lapse.

### **3. Management of allegations of misconduct or serious misconduct**

a) If appropriate, a supervisor will seek to resolve an allegation of misconduct through guidance, counselling or other appropriate action in the first instance. Where these steps have been unsuccessful or are inappropriate due to the nature of the allegation(s), a supervisor in shall refer the matter to the CEO.

c) Allegations of misconduct/serious misconduct referred to the CEO shall be considered in accordance with this section. If he/she believes such allegation(s) warrant further investigation the CEO shall:

(i) notify the employee in writing, and in sufficient detail to enable the employee to understand the precise nature of the allegation(s), and to properly consider and respond to them;

(ii) require the employee to submit a written response within 5 working days.

d) At the time of notifying the employee in accordance with section 3.(c) (i), the CEO may suspend the employee in accordance with section 4.

e) Following consideration of the employee's written response the CEO may then decide to:

	<p>(i) take no further action;</p> <p>(ii) to take disciplinary action, including suspension or dismissal.</p> <p><b>4. Provisions for summary suspension</b></p> <p>a) Nothing in these guidelines shall prevent the CEO from summarily suspending for a defined period of time an employee for behaviour which the CEO considers to be of sufficient seriousness to warrant summary action. Suspension may be with or without pay.</p> <p>b) During any period of suspension the employee shall be excluded from the Institute campuses. However, with prior approval of the supervisor, the employee shall be permitted reasonable access to the Institute for the preparation of his/her case and to collect personal property.</p> <p>c) In the event that an employee is suspended without pay, the employee may engage in paid employment or draw on any accrued annual leave or long service leave credits.</p> <p>d) Where an employee has been suspended without pay pending the decision of the CEO, then any lost income shall be reimbursed if there was no misconduct or serious misconduct. However, a decision taken by the CEO in his or her discretion not to dismiss or impose another penalty shall not be construed as an admission that there was no conduct justifying suspension without pay.</p> <p><b>5. Summary dismissal</b></p> <p>Nothing in this procedure shall limit the right of CEO to dismiss an employee in circumstances that warrant summary dismissal.</p>
<p><b>Related Documentation</b></p>	



# VERSION CONTROL

**Review/ amendment history**

**Policy Approved by:** Chief Executive Officer

**Responsible Officer:** Chief Executive Officer

**Next Policy Review Date:** April 2017

Version	Date	Details
1.0	July 2014	Policy issued
2.0	Dec 2014	Updated to reflect Standards for Registered Training Organisations (RTOs) 2015
3.0	April 2015	Updated to reflect NVR 2015 Standards
4.0	April 2016	No material changes