



## **Pol-024 Staff Code of Conduct**

### **Purpose of the policy:**

Canberra Valley Institute ensures that staff conduct themselves in an appropriate manner that is respectful and lawful. The document outlines behaviours that may constitute serious misconduct and potential consequences for staff found to have breached these behavioural standards.

### **Scope**

This policy applies to:

- Canberra Valley Institute Campuses
- Management Staff

### **Definitions**

**Bullying:** is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety.

**Discrimination:** is any distinction, exclusion or preference made on the basis of race, colour, age, medical or criminal record, sex, religion, marital status, sexual preference, impairment, mental or physical disability, political opinion, parental status, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment.

**Harassment:** is repeated behaviour directed at an individual or group of students or staff, which is offensive, humiliating, intimidating, or threatening. Harassment occurs in circumstances where a reasonable person would have expected that the behaviour is going to be offensive, humiliating or intimidating and is sexual in nature or is based on gender, race, disability, sexual orientation.

**Sexual Harassment:** is any unwelcome conduct of a sexual nature. If a reasonable person would anticipate this behaviour might make a person feel offended, humiliated, or intimidated, it may be sexual harassment.

### **Responsibilities**

- Human Resource manager
- Chief Executive officer (CEO)

### **Policy Statement:**

Canberra Valley Institute aspires to develop an environment that is supportive and safe with clear expectations of its staff. All staff and students have a right to be always treated with dignity and respect. Staff must take reasonable care regarding the health, safety and welfare of themselves and others at Canberra Valley Institute. Individually and collectively, staff have workplace health and safety responsibilities. Canberra Valley Institute will take all reasonable steps to inform and educate staff and persons representing or acting on behalf of Canberra Valley Institute about their rights and responsibilities under this code of conduct through information communicated on the Canberra Valley Institute website, staff induction, and in information for contractors, consultants, volunteers, and visitors. All staff are expected to conduct their work at Canberra Valley Institute, including

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scholarly activity, with integrity. Breaches of academic integrity include, but are not limited to, misappropriation of others' work, misrepresentation of performance and fraud, improper access to scholarly resources and obstructing others in pursuit of their academic endeavours. All intellectual property which is produced in the course of employment by Canberra Valley Institute Staff belongs to Canberra Valley Institute unless specifically stated otherwise in the staff's Contract of Employment. All confidential information held by Canberra Valley Institute including that of staff and students, must remain as such. All confidential documents and information are to be clearly marked CONFIDENTIAL.

Canberra Valley Institute staff are expected to adhere to the Financial Management Procedure when handling any finances of Canberra Valley Institute, including petty cash, credit cards, and when conducting any financial activities of Canberra Valley Institute. Any theft, fraud, and/or corrupt practice on Canberra Valley Institute assets by any stakeholder of Canberra Valley Institute must be reported in confidence (if necessary) immediately to Canberra Valley Institute senior management. This includes receipt of gifts over \$100 which has the appearance of unduly influencing the Canberra Valley Institute staff recipient. There is to be no retribution to the staff member who reported this fraud.

#### **Procedure:**

##### **Suspected Breach of the Staff Code of Conduct**

1. If the Complainant and Respondent are both CANBERRA VALLEY INSTITUTE staff, both the Complainant and Respondent will access this Staff Code of Conduct.
  2. If the Complainant is a CANBERRA VALLEY INSTITUTE staff, and the Respondent is a CANBERRA VALLEY INSTITUTE student, the Student Code of Conduct applies.
  3. If the Complainant is a CANBERRA VALLEY INSTITUTE student, and the Respondent is a CANBERRA VALLEY INSTITUTE staff member, the student should refer to the Student Grievance, Complaint and Appeal Procedure. This Staff Code of Conduct applies to the staff Respondent.
  4. If the Complainant is a CANBERRA VALLEY INSTITUTE student, and the Respondent is a CANBERRA VALLEY INSTITUTE student, the Student Code of Conduct applies.
  5. Only in exceptional circumstances, based on the judgment of CANBERRA VALLEY INSTITUTE Senior Staff members dealing with claims of inappropriate behaviour, and if the situation warrants immediate action, necessary action is taken to remove the Respondent CANBERRA VALLEY INSTITUTE staff from the area.
  6. In all cases, the below are Steps for dealing with a Respondent CANBERRA VALLEY INSTITUTE staff who is suspected of breaching the Staff Code of Conduct. The CANBERRA VALLEY INSTITUTE Senior Staff member can take an Informal or Formal Action against the Respondent concerning a suspected Breach of the Code.
  7. Informal Action against a Suspected Breach of the Code
  8. Informal Action is where CANBERRA VALLEY INSTITUTE will not undertake Formal Action to determine whether there has been a breach of the Staff Code of Conduct, but action is taken on the Respondent. Formal Action may be taken in Step 5 after the Breach has been attended to.
- Step: 1 A complaint against a CANBERRA VALLEY INSTITUTE staff (Respondent) has been lodged by a staff Complainant or a CANBERRA VALLEY INSTITUTE student, or the Respondent was observed by other CANBERRA VALLEY INSTITUTE staff breaching this CANBERRA

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VALLEY INSTITUTE Staff Code of Conduct. As far as possible, any complaints should be reported within 5 days of the breach occurring.

- Step: 2 The Respondent will be asked by a CANBERRA VALLEY INSTITUTE Senior Staff to cease the breach.
- Step: 3 Where the Respondent does not cease the breach, the Respondent will be asked to leave that environment. Where the Respondent does not leave, the CANBERRA VALLEY INSTITUTE Senior Staff may call security to remove the **Respondent from the environment where the breach is occurring.**
- Step: 4 In all cases of breaches, the CEO / Dean will be notified in writing by CANBERRA VALLEY INSTITUTE Senior Staff.
- Step: 5 Further action may be taken, including counselling of or a warning to the Respondent, and / or Formal Action. A record of the Informal Action taken is kept in the Respondent's record.

#### Formal Action against a Suspected Breach of the Code for a Determination

- Step: 1 A suspected breach by a Respondent has been identified by a CANBERRA VALLEY INSTITUTE staff, or a complaint lodged by a Complainant. If the Complainant is a CANBERRA VALLEY INSTITUTE student, proceed to Section 2 of the Student Grievance, Complaint and Appeal Procedure. All other complaints or allegations are to proceed to Step 2 below.
- Step: 2 As soon as practicable, a CANBERRA VALLEY INSTITUTE Senior Staff member will be appointed as a breach investigator by the CEO / Dean. The breach investigator must not have been involved with any prior investigation or with the Respondent's suspected breach.
- Step: 3 The breach investigator will write to the Respondent and Complainant within five (5) working days of being appointed concerning the suspected breach, asking for separate formal meetings with each of them, within five (5) working days. The Respondent and / or the Complainant may bring along one support person to each of their meeting if that support person's name has been notified to the breach investigator at least one (1) day prior to the meeting.
- Step: 4 During the meeting, the breach investigator will ask the Respondent to make a statement. Not making a statement does not mean the Respondent member is admitting to the breach. A support person cannot speak during the meeting except to inform the Respondent or Complainant about the Respondent and Complainant's process under this Formal Action.
- Step: 5 After the meeting has been conducted, the breach investigator will provide the Respondent with a draft determination in relation to the suspected breach within five (5) working days. The Respondent is invited to reply within seven (7) days.
- Step: 6 A final determination will be made by the CEO after the seven (7) day right-of-reply by the Respondent.

#### Action items

The CEO / Dean will take the necessary action(s) below on the Respondent if a breach of this Code has been established:

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- A verbal warning and counselling regarding the incident of inappropriate behaviour.
- Provision of information, additional support and/or training to the Respondent.
- A written warning to cease the breach.
- Regular monitoring for a reasonable period of the Respondent's workplace behaviour and attitude for compliance with the Staff Code of Conduct and resumption of normal working conditions
- A written warning that clearly states that the behaviour is inappropriate and outlines/identifies possible consequences including disciplinary action, up to and including a suspension of work or termination of employment in the event of continuation of the inappropriate behaviour.
- Where the breach is deemed serious based on a "reasonable person" standard, immediate disciplinary action up to and including termination of employment.
- Take no further action.
- Take other appropriate action including notifying external authorities such as the police.

**Support and disclosure for the Complainant and Respondent:**

1. Senior Staff will ensure that the Complainant is supported during and after each Step, including the resumption of a safe and normal working relationship, and that natural justice is afforded to both the Respondent and Complainant at every Step.
2. In every circumstance, CANBERRA VALLEY INSTITUTE will act in accordance with the Educational Services (Post Secondary Education) Award 2015
3. All communication concerning any allegations, investigations and decision are kept confidential always between the Complainant, Respondent, breach investigator and decision maker and if relevant, the support person.
4. Any legal proceedings taken will be done as required under the law. All records of the Informal and Formal Action will be kept in the Respondent and Complainant's employment record and each person has access to information in his/her staff record upon written request.

Where an allegation by the Complainant is deemed vexatious or groundless, the Complainant will receive written notification as to why that decision has been made. Constant vexatious allegations against a Respondent may be deemed as harassing the Respondent.

1. Conflict of Interest
  - 1.1 The potential for a conflict of interest arises when a staff member has private interests that could influence or appear to influence judgements made during their professional duty. Where any actual, potential or perceived conflict of interest exists for a staff member, the staff member must disclose it to their supervisor as soon as becoming aware of it. If the staff member's supervisor has a conflict of interest in the matter, then the staff member must disclose the conflict of interest to the next level of authority.
  - 1.2 Conflict of interest disclosures will be recorded and managed by the supervisor. Supervisors, when notified of a conflict of interest, will deal promptly with the conflict and will implement an appropriate procedure to manage the conflict of interest to mitigate impact and protect the integrity of CANBERRA VALLEY INSTITUTE processes and decision-making.

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- 1.3 Conflict of interests will be stored in the staff members personal file and updated when relevant to do so. Any staff member who is unsure if a conflict of interest exists must seek advice from their supervisor or Human Resources.

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