



## **Staff Code of Conduct**

This Staff Code of Conduct was developed by Batchelor Institute of Indigenous Tertiary Education Council pursuant to section 52 of the Batchelor Institute of Indigenous Tertiary Education Act 2012

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## STAFF CODE OF CONDUCT 2014

### 1. Introduction

- (1) As employees of Batchelor Institute of Indigenous Tertiary Education, we will acknowledge and respect the culture, the land and waters, the knowledge systems and the traditions of Aboriginal and Torres Strait Islander people and communities.
- (2) Batchelor Institute of Indigenous Tertiary Education is a specialist, dual sector tertiary education provider that services the education and training needs of Aboriginal and Torres Strait Islander peoples.
- (3) Learning and operations follow a both-ways philosophy which brings together Indigenous Australian traditions of knowledge and Western academic disciplinary positions and cultural contexts and embraces values of respect, understanding and diversity.
- (4) Batchelor Institute has complex and diverse obligations arising from its status and role as a community based Indigenous tertiary education institution; and these must be accommodated alongside the need to protect the academic freedom which is essential to the proper conduct of teaching, research and scholarship, and the responsibilities associated with funding from public moneys.
- (5) Batchelor Institute is committed to exemplary standards of integrity in all aspects of its affairs and, therefore, to supporting staff in achieving those standards.
- (6) Staff have a role in maintaining public trust and confidence in the integrity and professionalism of Batchelor Institute of Indigenous Tertiary Education and Council has made the Staff Code of Conduct as a public statement of the standards of conduct and integrity expected of all Batchelor Institute staff.
- (7) By accepting employment with Batchelor Institute, all staff are bound by Batchelor Institute's regulations and other lawful directions, including this Staff Code of Conduct.
- (8) All staff are required to become familiar with the Staff Code of Conduct and Batchelor Institute will take reasonable steps to ensure they have the opportunity to do so.

### 2. Purpose

- (1) The Staff Code of Conduct complements Batchelor Institute's Strategic Plan and facilitates the achievement of the values identified in the 2012 – 2014 Strategic Plan and all subsequent plans. Currently:
 

“In endeavouring to achieve our vision the core values identified by Batchelor Institute staff as the core values that should underpin how the Institute conducts every aspect of what it does are – Aboriginal and Torres Strait Islander Knowledges and Cultures, Integrity, Leadership, Quality, Relevance, Respect and Sustainability”
- (2) This Staff Code of Conduct also aims to foster and maintain public trust and confidence in the integrity, cultural awareness and professionalism of Batchelor Institute staff by ensuring that staff:
  - (a) maintain and exercise cultural protocols and awareness where appropriate.

- (b) maintain appropriate standards of conduct;
- (c) develop, where necessary, those skills necessary for the efficient performance of their duties;
- (d) maintain fairness and equity in decision making; and
- (e) maintain and enhance the reputation of the Institute.

(3) The Staff Code of Conduct is not intended to replace other Batchelor Institute policies covering specific situations or to cover all situations that may arise; but provides staff with a framework for culturally appropriate conduct and ethical behavior in their Batchelor Institute roles and assists them to identify and resolve issues of ethical and cultural conduct which may arise in the course of their duties.

### 3. Application

- (1) The Staff Code of Conduct applies to all Batchelor Institute staff while they are in their official capacity, regardless of location.
- (2) Visiting, adjunct staff and volunteer staff are also expected to comply with the Staff Code of Conduct while participating in the activity of the Batchelor Institute community.
- (3) Contractors or consultants engaged under a contract of service and their employees are expected to comply with the Staff Code of Conduct while undertaking work for Batchelor Institute, and appropriate requirements will be included in their conditions of contract.
- (4) Unless the Act provides another process appropriate to the specific instance, any report of a breach of this Staff Code of Conduct brought against staff will be dealt with in accordance with the provisions of the current Enterprise Bargaining Agreement (EBA).

### 4. Definitions and Interpretations

Unless otherwise specified, for the purposes of this Staff Code of Conduct:

**“academic freedom”** means the right to examine, criticise and challenge ideas, methods and structures in the spirit of a responsible and honest search for knowledge, but does not include a protected privilege to speak out on matters about Batchelor Institute which are not in the individual staff member’s area of expertise or where they may reasonably be expected to not have all pertinent facts, to deride or defame individuals, groups or Batchelor Institute or to ignore the policies or decisions that have been formally made by Batchelor institute, or those which Batchelor Institute is required by law to observe;

**“academic misconduct”** refers to conduct associated with assignments, essays, tests and other forms of assessment, conduct associated with examinations or conduct associated with thesis and other work presented as part of postgraduate courses, and includes:

- (a) cheating associated with tests, examinations or other form of assessment;
- (b) presenting another person's work as if it were one's own, or other forms of plagiarism;
- (c) fabrication or falsification of data or research results; and
- (d) falsification of an academic record.

**“Conflict of interest”:**

an *apparent conflict of interest* is when it seems or looks like a Batchelor Institute staff member’s personal interests could interfere with the proper performance of their official duties, or lead them to take advantage of their position or to favour relatives (nepotism) or

people they know (patronage) in decision making and the provision of services;  
 an *actual conflict of interest* is when a reasonable person who had the relevant facts would conclude that a staff member's personal interests are likely to interfere with the proper performance of their official duties, or lead them to take advantage of their position, or to favour relatives (nepotism) or people they know (patronage) in decision making and provision of services;

**“Council”** is the Council of Batchelor Institute constituted under Division 1 of Part 3 of the Batchelor Institute of Indigenous Tertiary Education Act (the Act);

**“Council Member”** is a person who holds office under Section 14 or Section 15 of the Batchelor Institute of Indigenous Tertiary Education Act 2012 of one of the positions created under Section 11 Composition of Council of that Act;

**“Cultural awareness”** means being aware and respectful of cultural differences as identified in the Institutes cross cultural awareness course

**“Institute”** is the Batchelor Institute of Indigenous Tertiary Education established under Section 4 of the Act and includes the members of the Council, the staff of the Institute, and currently enrolled students of the Institute.

**“Institute activity”** is any activity in which staff and/or students participate in under the Institute's name regardless of whether or not the activity takes place on an Institute campus or facility;

**“Institute facility”** includes any real or personal property owned, leased or otherwise, at the time, within the Institute's care and control;

**“Institute regulations”** include any and all of the by-laws made under section 49 of the Act or rules made under section 51 of the Act or codes of conduct made under section 52 of the Act;

**“misuse of information”** includes, but is not restricted to attempts to get financial or other personal gain using confidential information, and gossiping or spreading rumours on the basis of information from the Institute.

**“misuse of position”** by staff means using their position or status to try to obtain extra benefits for themselves or for others, for which they would otherwise be ineligible;

**“professional misconduct”** means unsatisfactory professional conduct which involves a substantial or consistent failure to reach reasonable standards of competence and diligence and can include conduct other than directly in connection with a staff member's role at the Institute;

**“public comment”** is any comment which might reasonably be expected to circulate outside the Institute, and includes public speaking engagements, external correspondence or comments on or in books, journals or notices;

**“reportable gifts”** are all gifts or benefits, including gifts of cultural value and gifts attributing social or personal status, which would not be considered by any reasonable person as normal entertainment, hospitality, or minor presentations of no significant or lasting real value. No monetary values have been set on “reportable gifts”, and staff are required to exercise responsible judgment in this matter and, if necessary, to seek the advice of their supervisor;

**“staff”** means the Director, academic and other salaried staff of the Institute or any other personnel employed by Batchelor Institute, and can mean one or more people, depending on the context;

**“student”** means a person enrolled as a student of Batchelor Institute;

**“teaching-learning activity”** means any lecture, workshop, tutorial, seminar, demonstration, class or similar activity, whether or not it is one that students are required to attend, and any musical, dramatic or other artistic performance or production associated with their studies.

## 5. Staff Conduct

- (1) Batchelor Institute staff must observe Northern Territory and Commonwealth laws and, when interstate or overseas, the laws of the place in which they are working.
- (2) In general, all staff of Batchelor Institute have a duty of care to colleagues, students and visitors and are expected to be impartial, culturally aware and sensitive, courteous, conscientious, prompt and respectful in the performance of their duties and obligations to Batchelor Institute and the community, and to perform their duties and obligations to Batchelor Institute, students and community in a way which:
  - (a) respects the rights, privileges and well-being of others;
  - (b) does not impinge on the reasonable freedom of other persons to pursue their studies, research, duties or lawful activities in Batchelor Institute or Batchelor Institute facilities, or to participate in the life of Batchelor Institute;
  - (c) avoids unlawful discrimination on grounds of gender, sexual orientation, race, disability, cultural background, religion, marital status, age or political conviction; and
  - (d) does not bring, or risk bringing, Batchelor Institute into disrepute or impair the functioning of Batchelor Institute or its activities.
- (3) In performing their duties and obligations, Batchelor Institute staff must:
  - (a) be honest and exercise appropriate care in carrying out their duties, using their technical and professional judgment;
  - (b) not perform any act or omission that is likely to have a detrimental effect on their work performance and that of other staff members and students;
  - (c) show a commitment to Batchelor Institute's vision and goals;
  - (d) demonstrate an awareness of and respect for cultural values, customs protocols and sensitivities applicable where the staff member is working, and observe the correct protocols before, during and after visits to non-Institute sites and remote communities;
  - (e) observe all privacy and confidentiality provisions concerning information about Batchelor Institute, its staff and its students;
  - (f) exercise fairness and impartiality in making decisions;
  - (g) avoid conflicts between their private interests and their responsibilities as a staff member of Batchelor Institute, and avoid situations where there is a reasonable basis for the perception of a conflict of interest;
  - (h) not take or seek to use for personal gain or to take other improper advantage of any information gained as a Batchelor Institute staff member. *Refer to separate policy regarding gifts;*
  - (i) not seek to elicit the improper influence or interest of any person to obtain promotion, transfer or other advantage;
  - (j) not use the working time of other staff for their personal benefit or gain;
  - (k) not wilfully damage, misuse or use without authority Batchelor Institute's property or any other property lawfully connected to Batchelor Institute.
- (4) Staff have a responsibility to:
  - (a) carry out official decisions and policies faithfully and impartially while exercising proper diligence, care and attention;
  - (b) further develop and maintain knowledge of their professional field;
  - (c) make themselves aware of all Batchelor Institute regulations and policies concerning their rights and responsibilities as staff including cultural awareness;

- (d) observe all regulations and lawful directions concerning their conduct that are made and published from time to time by Batchelor Institute;
- (e) where they believe a decision does not conform to policy or if they seek, to have decisions regarding policy changed, do this through appropriate Batchelor Institute channels and processes;
- (f) where they are genuinely convinced of evidence of fraudulent or corrupt conduct or maladministration, or a breach of the Act or a Batchelor Institute By-law, Rule or Staff Code of Conduct, report that activity to their supervisor or some other appropriate member of staff as soon as possible;
- (g) bring to the attention of their supervisor or some other appropriate member of staff as soon as possible any perceived conflict between a Batchelor Institute policy or decision and the staff member's perceived obligations under this Staff Code of Conduct;
- (h) bring to attention of their supervisor or some other appropriate member of staff any reportable gift or benefit, as soon as possible after the gift or benefit is received;
- (i) bring to the attention of their supervisor any actual potential or apparent conflict of interest in their dealings as a staff member with another individual, group, organisation or corporate entity, whether in Batchelor Institute or external to it;
- (j) use Batchelor Institute resources only for legitimate Batchelor Institute purposes and ensure these resources are used efficiently, carefully and respectfully; and
- (kl) participate, as far as is possible within their individual circumstances, in the functioning of Batchelor Institute, including through participation in Batchelor Institute consultation and advisory processes.

## 6. Debate and Public Comment

- (1) Subject to sub-section (2), staff must not make official comment on matters relating to the Institute unless they are:
  - (a) authorised by the Director to do so;
  - (b) authorised or required by law to do so.
- (2) Staff contributing to public discussion of Batchelor Institute policy or administration in an official capacity is generally acceptable in circumstances where:
  - (a) the provision of policy information is part of the staff member's duties, or is consistent with those duties, or has been appropriately authorised by Batchelor Institute; and
  - (b) the staff member does not misrepresent the facts concerning Batchelor Institute policy or administration.
- (3) Staff who are acknowledged by the broader community as experts in a particular field of scholarship may comment publicly in their capacity as a Batchelor Institute staff member on matters relevant to their field of expertise, but not as a Batchelor Institute spokesperson without the prior authorisation of the Director.
- (4) Staff must be careful to distinguish between comments made as a member of staff and comments made as an individual or private citizen and, when making public comments as a private citizen, must:
  - (a) clearly identify their view as not being representative of any official view of Batchelor Institute;
  - (b) not make comments that compromise or be perceived to compromise that

person's ability to carry out their duties or to implement Batchelor Institute policy

- (5) Staff consideration and debate on Batchelor Institute and other policy is encouraged but staff must:
  - (a) debate matters of Batchelor Institute policy or administration within the Batchelor Institute framework;
  - (b) publicly adhere to approved Batchelor Institute policy while it is in force and until such time as policy is changed; and
  - (c) conduct such debate in a manner which accommodates, respects and encourages different opinions and perspectives.
- (6) Staff elected as workplace representatives or officials of a trade union, professional association, community organisation or political party need not seek permission before expressing publicly the union's or other association's views on a matter, but must make it clear that such comment is made on behalf of that organisation.

## **7. Breaches of the Staff Code of Conduct**

- (1) A breach of the Staff Code of Conduct means conduct on the part of a staff member which:
  - (a) unreasonably impinges on or impairs the reasonable freedom of other persons to pursue their duties, studies, researches or lawful activities on Batchelor Institute facilities, or to participate in the life of Batchelor Institute; or
  - (b) unreasonably interferes with the due processes of Batchelor Institute; or
  - (c) is detrimental, or likely to be detrimental, to the reputation or to the orderly functioning of Batchelor Institute or its activities; or
  - (d) is adverse to Batchelor Institute's academic, commercial, legal, social or cultural standing.
- (2) Without limiting the generality of sub-section (1) above, a staff member may breach the Staff Code of Conduct if he or she:
  - (a) wilfully, recklessly or negligently engages in conduct which causes, or is calculated or is likely to cause, bodily injury to any person or which by its nature unreasonably endangers the safety of other persons;
  - (b) participates in, or facilitates bullying type behavior such as verbal attacks, harassment, threatening or intimidating behavior, or attempts to attack, harass, threaten or intimidate any person;
  - (c) engages in, or assists another person to engage in professional, academic, ethical or cultural misconduct;
  - (d) fails to comply with a requirement or direction prescribed or given in relation to the carriage of his or her duties as a staff member;
  - (e) knowingly makes a false representation with respect to a matter which relates to the staff member;
  - (f) wilfully or negligently destroys, damages, loses or removes, wrongly deals with or otherwise engages in conduct which involves unauthorised or unjustified interference with any Batchelor Institute property or with property lawfully connected to Batchelor Institute;
  - (g) enters, or enters and remains without authority in any part of Batchelor



Institute to which the staff member knows, or ought reasonably to know, entry is prohibited or is allowed only with authority;

- (h) without lawful authority:
  - (i) gains access to, or enters, or attempts to gain access to or enter a computer system or part of a computer system of Batchelor Institute; or
  - (ii) obtains access to or alters, or attempts to gain access to or to alter, any document or record kept by Batchelor Institute;
- (i) wilfully obstructs, or attempts to obstruct, or interferes or attempts to interfere with:
  - (i) the use of any Institute premises, facilities or equipment;
  - (ii) the orderly conduct of any Batchelor Institute work base, teaching group, assessment, examination or ceremony or any meeting of the Council or a board, committee or any other body convened on Batchelor Institute business, or any other activity, function or program held at the Batchelor Institute;
  - (iii) any member of the Batchelor Institute staff in the performance of the staff member's duties;
- (j) without lawful authority, discloses to any person any information relating to Batchelor Institute or its affairs which is of a confidential nature and which the staff member knows, or ought reasonably to know, to be of such a nature;
- (k) contravenes or fails to comply with:
  - (i) a notice duly served to give evidence to a relevant body constituted under a Batchelor Institute regulation;
  - (ii) any Batchelor Institute regulation or any lawful order or lawful request of a Batchelor Institute staff member or of a person acting under Batchelor Institute's authority.
- (l) in contravention of Batchelor Institute regulations:
  - (i) causes to be brought, or brings, alcoholic beverages, kava or an illegal substance onto Institute premises or into Batchelor Institute facilities,
  - (ii) allows someone invited by the staff member onto Batchelor Institute premises to do this;
  - (iii) enters Institute premises or Batchelor Institute facilities while intoxicated or under the influence of kava or an illegal substance; or
  - (iv) partakes of or uses prescribed medication to induce intoxication on Institute premises or in Batchelor Institute facilities.
- (m) does, or omits to do, any act where such act or omission would constitute an offence, had it occurred in a public place or on a public road;
- (n) behaves in a manner that might endanger or adversely affect the work performance, safety or well-being of any person or damage or destroy any property;
- (o) disrupts or tends to disrupt the peace or good order of the Batchelor Institute;
- (p) impedes or tends to impede any Batchelor Institute activity;
  - (i) constitutes a dishonest act; or
  - (ii) brings Batchelor Institute into disrepute.

## 8. Allegations of Breaches of the Code

- (1) An allegation of a breach of this Staff Code of Conduct must be made in writing and signed by a member of the Batchelor Institute staff or a student, or by a person outside Batchelor Institute through a member of the Batchelor Institute staff.

- (2) All allegations of breaches of the Code and all breaches of this Code will be dealt with in accordance with the Staff Complaints and Grievance Rules and the Enterprise Agreement (EBA) Part 6 Discipline.