



Code of Conducts for Staff

Policy Category		Policy/guideline/procedure/rules	
Review		3 years from date of Approval	
Policy Code		GP007	
Contacts		policy@top.edu.au	
Version	Approval Authority	Approval Date	Commencement Date
2017.06	Academic Board	01 June 2017	01 June 2017

1. Purpose

The purpose of this Code of Conduct (Code) is to ensure that all staff at Top Education Institute (TOP) promote integrity by acting in an ethical and responsible manner and showing respect to all other staff, students, associates of TOP and all businesses within the Australian Technology Park, at all times. The Code aims to set out specific expectations for professional and personal conduct of staff. Staff are expected to take a proactive role in delivering the best possible service to students and work to promote the success of TOP and its reputation as a leading private higher education provider. Staff are to be aware that they are representatives of TOP and must set an example for students and other staff and conduct themselves appropriately within the wider community.

Staff are required to comply with this Code and associated policies. TOP recognises that this Code cannot encompass all issues that may confront staff and that, in addition to this Code, staff must exercise reasonable judgement in ensuring that the broader values of TOP are upheld. All staff have a shared responsibility for maintaining and promoting a safe and harmonious environment. Staff also share the responsibility of encouraging other staff and students to comply with the values embodied within this Code, the Code of Conduct for Students, related policies and relevant legislation. Procedures for reporting and dealing with breaches of the Code are outlined in this policy.

2. Scope

This Code applies to all staff of TOP, including administrative, academic and sessional staff.

3. Definitions

Associate is any person that is engaged by TOP for any dealings as required by TOP.

Bullying means any act that is directed at a person and causes a reasonable person to feel humiliated, intimidated, offended, in fear of harm to themselves or their property. Acts of bullying may occur in person, over the internet, through electronic and social media or through other persons.

Conflict of Interest refers to a conflict between official TOP duties and private interests and personal relationships, where those interests or relationships could improperly influence the way in which a person carries out their official duties.

Discrimination is the act of treating a person unfairly because of their race, gender, nationality, ethnicity, religion, sexuality, socio-economic background, disability, or other personal characteristics.

Dean of School refers to the Dean of Law School or the Dean of Business School.

External work refers to work performed by a staff member that is outside the contract of employment with TOP.

Harassment is any form of behaviour that is unwelcome and unreciprocated which makes the situation, humiliating and/or intimidating for the person who is the target of that behaviour. Harassment can be sexual or may arise from discrimination.

TOP means Top Education Institute and includes the Business School and Law School.

Improper influence means influencing an outcome by way of an exercise of power, threat, reward and/or solicitation.

Misconduct means any conduct by a staff member which is prohibited under this Code and other supporting policies and procedures of TOP.

Property means any item, resource or facility that is owned or provided by a fellow staff member, TOP or the Australian Technology Park.

Right to freedom of expression means the right of a person to freely, yet reasonably, with good faith and within the constraints of law, say or make an expression of their opinion. This may take place through artistic or literary works, statements, publications, discussions or any other community or public interest purpose.

Sexual harassment involves making unwanted sexual advances, requests, comments and unwelcome physical conduct towards another which would cause a person discomfort and/or offence.

Staff includes any person who is an employee, associate or independent contractor of TOP. Staff may be full-time, part-time or sessional employees.

Student includes any person that is enrolled, is yet to enrol but has been accepted by TOP for a course of study, or a person that has a place at TOP but has been suspended or temporally excluded from a course of study.

Supervisor refers to a staff member who is responsible for managing the performance and conduct of other employees.

Workplace Health and Safety Legislation means all legislation which addresses the health and safety of those working at or visiting TOP.

4. Principles

General

As employees of TOP, staff are required to be mindful of the responsibility to uphold the Mission Statement of TOP and to adhere to and promote its core values.

- Staff must undertake duties in a manner that is **respectful** to all fellow staff, students and members of the public.
- Staff must be **responsive** to TOP's goal of providing a high quality teaching environment that supports student success and all that is inclusive of that goal.
- Staff must act honestly and ethically, and in so doing promote their professional integrity and the **integrity** of TOP.
- Staff must perform duties with regard for **economy and efficiency** in achieving the aims of TOP.

a) Respect

i Personal and Professional Behaviour

TOP has an expectation that staff will take responsibility for their own conduct and recognise that in their administrative and teaching roles they are setting an example to students, other staff and the community. Staff must at all times comply with TOP's policies and procedures, relevant legislation, and ethical standards relevant to their area of expertise. TOP places trust in the ability of staff to exercise reasonable judgement as to what constitutes acceptable personal and professional behaviour.

TOP does not permit smoking on the premises. Although there may be work related social events where alcohol is available, staff are expected to exercise discretion in the consumption of alcohol. The law prohibits service of alcohol to minors. Under no circumstances should staff undertake work duties, including any interactions with students, whilst under the influence of alcohol or medications. Illegal activities such as drug taking will be reported and dealt with by the appropriate authorities.

ii Fairness

TOP is committed to creating and maintaining an inclusive environment where all individuals are treated equally and feel entitled to freedom of expression. Staff are expected to be courteous, helpful and responsive to individual rights. They must exercise professional judgement that is free of bias and must also value diversity of opinion.

All decision making must be fair, consistent and based on objective criteria. Staff must ensure equitable access to resources and provide no unfair advantage to particular individuals. Where possible, decision making processes should be documented.

iii Discrimination

All staff and students of TOP are entitled to equal opportunity and respect. Discrimination occurs when an individual is treated differently because of personal characteristics including but not limited to: race, gender, nationality, ethnicity, religion, sexuality, socio-economic background and disability. TOP is committed to maintaining an environment that is free of discrimination, on any grounds. Staff must comply with all anti-discrimination legislation and TOP policy.

Discrimination may be directed such as irrational judgments or indirect such as a decision that impact disproportionately on a particular group. TOP's Equal Employment Opportunity, Anti-discrimination and Anti-harassment Policy provides detail on what constitutes discriminatory conduct. Staff are encouraged to report breaches of this policy. TOP will investigate all complaints according to the procedures outlined in this and other relevant policies as well as anti-discrimination laws.

iv Harassment

Harassment is not tolerated at TOP. Harassment includes any unwanted behaviour or physical contact which makes an individual feel offended, humiliated or intimidated. Harassment includes sexual harassment, which involves unwelcome sexual advances or requests for sexual favours as well as persistent comment or questions regarding an individual's sexual life. Bullying, due to its ongoing nature, is also intimidating, threatening and a cause of distress.

Harassment and bullying can occur face to face or via social media, telephone or email. In upholding TOP's stand on harassment and bullying, staff must ensure that any such behaviour towards either students or staff is in no way condoned.

TOP staff have an intrinsic influence over students because of their ability, either real or perceived, to influence outcomes. Staff must be aware that this creates the potential for staff to misuse power to harass or bully, or for their conduct to be misconstrued as harassment or bullying. Therefore, staff must avoid situations that create the potential to cause student feelings of discomfort, intimidation or offense.

v Professional Relationships

Staff are in a position of trust with students which should not be compromised by any conflict of interest between a personal relationship and professional responsibilities. Close personal relationships between staff and students must be avoided as they are likely to involve serious difficulties due to a power disparity and may disrupt the teaching environment for other staff and students. Further to this, a sexual advance or sexual relationship could lead to allegations of sexual harassment.

Inside the workplace, relationships with family members or with friends or associates may raise ethical and professional issues, including a conflict of interest. In cases where personal relationships exist, or have existed previously, staff are required to discuss the possibility of a conflict of interest so that they are not in a position where an individual may be advantaged or disadvantaged by decisions, or be perceived to be advantaged or disadvantaged.

vi Confidentiality

Staff must respect and protect the confidentiality of personal information held by TOP. TOP collects information from individuals including personal details, financial information and at times sensitive information such as health details. Information is used for a range of purposes directly related to its functions and activities. Information may only be used for the purpose for which it was collected and measures must be taken to ensure that information is kept secure and accessed only by those with authorised and legitimate need. TOP's Privacy Policy provides details on procedures and obligations regarding collection, storage and disclosure of personal information and shows how TOP complies with the *Privacy Act 1988* and the *Australian Privacy Principles*.

Staff must not disclose official information concerning TOP without permission (either express or implied), whilst employed or at a later date. They must ensure that confidential information is not used for personal gain or to the detriment of TOP.

b) Responsive service

i. Student needs

The Employee Handbook notes TOP's commitment to the provision of higher education that, "provides all students with a solid, comprehensive knowledge base in their respective disciplines, and that encourages them to exercise individual freedom of intellectual thought and curiosity." Staff are required to be responsive to student needs and ensure that they strive to uphold TOP's commitment by:

- exercising due care and diligence at all times to promote student satisfaction;
- providing stimulating academic programs and resources that enable student achievement;
- maintaining an in-depth and current knowledge base in their discipline area;
- undertaking professional development to improve their performance and expertise;
- conducting effective assessment and providing timely and useful feedback;
- upholding rigorous standards of scholarship;
- instilling ethical practices relevant to academia and professions; and
- promoting a sense of social responsibility and service to the global community.

ii. Working with others

TOP is committed to maintaining a harmonious workplace. In the performance of their duties staff must be cooperative, respectful and courteous in dealings with other staff members. All staff share a responsibility to work collectively to uphold the values and achieve the aims of TOP. Staff must acknowledge collaboration and they must comply with the principles of academic freedom and intellectual property.

Supervisors have responsibility for overseeing and managing workplace performance and conduct. To enable effective management, staff are required to comply in a timely manner with all reasonable direction from individuals in authority. Supervisors must treat all staff members fairly and respect individual rights. It is the responsibility of supervisors and management to deal with conflicts between staff members and, as far as possible, to resolve issues to the satisfaction of all parties. Staff should consult the Workplace Grievance Policy for procedures regarding conflicts.

iii. Safe environment

TOP is committed to maintaining a safe and healthy environment for its staff, students, contractors and visitors. The responsibility for promotion and maintenance of a safe environment is primarily that of management. However, all staff must comply with TOP's Workplace Health and Safety Policy to ensure their own and others' health and safety. Staff must be proactive in removing hazards in the workplace and take immediate action to report unsafe or unhealthy conditions or behaviour to their supervisor.

c) Integrity

i Ethics, Integrity and Reputation of TOP

Staff share responsibility for the success of TOP. Success is dependent upon upholding TOP's

integrity and maintaining its ongoing reputation for producing highly competent and ethical graduates. In undertaking their duties, staff must endeavor to provide a level of service that is expected for TOP to achieve its stated aims and so earn public trust in its ability to deliver the best possible standard of higher education. Staff must also show commitment to maintaining the ethical standards that underpin professional as well as academic integrity in their teaching, research and community engagement. Staff should endeavor to enhance TOP's reputation by taking a proactive role in its promotion, within the bounds of their professional responsibility.

ii Academic Integrity

Staff must comply with all policies related to academic integrity and assume responsibility in ensuring that students and staff under their supervision adhere to procedures outlined in TOP's policies. In undertaking and/or supervising research, staff must comply with all policies relevant to research including, but not limited to, the Code of Conduct for Research, Copyright and the Academic Intellectual Property Policy.

It is essential to TOP's ongoing success that staff are committed to maintaining the highest possible level of academic integrity in their courses. Staff have a responsibility to facilitate and educate students in academic integrity. They also have a responsibility to report and act upon instances of student academic misconduct as outlined in the Student Academic Integrity Policy.

iii Accountability

TOP is legally required to be accountable to external bodies for its operations and adheres to strict guidelines regarding records management. Staff must contribute to TOP's accountability by maintaining transparency in all work-related activities. Staff must communicate openly and be able to justify decisions according to objective criteria. Staff are responsible for documenting and ensuring records are available that support their own accountability.

iv Conflict of Interest

Conflicts of interest may affect, or be perceived to affect sound and professional judgment adversely, and hence compromise the integrity of decision making processes. Staff should avoid situations giving rise to a real or perceived conflict of interest. Situations with the potential for conflict of interest include: interests such as remunerated positions or consulting arrangements with external entities; financial interests that could result in sustaining monetary gain or loss; interest in like-businesses such as other higher education providers; personal relationships including immediate family, relatives, sexual partners, rivals; and other private interests such as self-employment and business interests including shareholdings and directorships.

Where a situation is unavoidable, staff are responsible for managing the situation in a transparent and appropriate manner, and consulting where appropriate with their supervisor, Dean or Principal. Procedures for identifying, declaring and managing conflicts of interest are detailed in TOP's Conflict of Interest Policy and Declaration.

v Gifts

The giving, seeking or acceptance of gifts and benefits may imply that there is an obligation to use influence to reward or provide favour. In order that staff are not compromised in terms of conflict of interest or perceived conflict of interest, TOP provides clear boundaries regarding when gifts and

benefits may and may not be accepted. Staff should follow protocols for dealing with offers of gifts and benefits as outlined in TOP's Gift Policy and Procedure document.

As a general rule, staff should decline offers of gifts and benefits. However, exception may be made for acceptance of small gifts of appreciation and hospitality, token gifts and official gifts, particularly in circumstances where it may be deemed offensive to refuse the gift. If in doubt about the acceptance of a gift, staff should seek advice from their supervisor and at all times remain transparent about the acceptance of the gift.

vi Public Comment

Staff have a right to participate in public comment and debate. However, in expressing personal views, staff should do so without reference to their affiliation with TOP. Staff should also be mindful that even when acting in a private capacity, they are employed in a profession that depends upon ethics and integrity and they have an obligation to promote professional responsibility.

When making public comment within their area of professional expertise and using their affiliation with TOP, the impression should not be given that those views are necessarily representative of TOP. Official views of TOP, including responses to media enquiries, should be voiced by the Principal or nominee unless otherwise authorised. Similarly, no information regarding TOP's policy or practice should be made public.

vii Social media

TOP recognises that social media may be an effective tool for student and staff connection. However, staff must be mindful of the reach of social media and recognise the potential for negative impacts from the use of social media sites such as Facebook and Twitter. Staff should communicate with students via the Institute's Moodle system. Students should also be encouraged to use the Moodle system for communication such as that required for the completion of Group-work. By limiting other social media interaction, staff minimise the risk of sharing inappropriate personal material as well as material such as completed assessments. This also limits the potential for staff to unwittingly make unauthorised public comment about TOP. Finally, staff should exercise due diligence to ensure their professional reputation is not compromised by inappropriate use of social media, including any use outside of the workplace.

d) Economy and Efficiency | Resources

Staff must strive to use TOP's resources efficiently and effectively. All staff are responsible for safeguarding TOP's equipment and facilities and using them carefully and for the purpose for which they are intended. In using TOP's equipment, staff must assume responsibility for safety and report or act upon any damage or issue relevant to workplace health and safety.

It is essential that staff remain accountable for their use of resources and they must be able to justify any expenditure. Staff must not use TOP's funds and resources for their own personal purposes or benefit.

Staff should seek guidance from management regarding their authority to complete financial transactions. TOP's Delegation Policy includes guidelines regarding delegated authority related to resources. Staff must adhere to TOP's accounting procedures for recording and documenting financial transactions

i. Information Security and Records Management

TOP holds confidential information and it is entrusted with maintaining confidentiality of this information. It is also essential that items such as assessment details remain secure and are not disclosed to third parties. Staff must act responsibly and not compromise the security of information. There must be no unauthorised access to TOP's information systems.

Staff must also ensure that they do not damage or interfere with TOP's management of official documents and files. This includes both physical documents and electronic data. TOP's procedures for record management, including security, are outlined in the Record and Data Management Policy.

ii. External Work

Staff may undertake employment outside of their work at TOP, particularly if it enhances their professional skills. External work includes both work connected with TOP as well as external private work. Before commencing any external work academic staff must obtain prior approval from the Dean who must be assured that it will not interfere with their teaching, research and other administrative duties. Before commencing any external work administrative staff must obtain prior approval from their supervisor. Sessional staff are not required to obtain approval to be engaged in other work but they are required to adhere to all other conditions listed below.

Staff members seeking approval to undertake private external work must declare any real or potential conflicts of interest situations. Conflict of interest may occur where the work includes activities that: compete directly with TOP; affect the operations and decisions of TOP; or adversely affect the reputation and standing of TOP. Staff must make it clear that in their external role they are in no way representing TOP.

Staff may not use any of TOP's resources, equipment or intellectual property whilst undertaking external work. This includes the use of course material if teaching at another educational institution. Finally, TOP provides no indemnification or insurance cover for external private work.

5. Compliance Reporting and Discipline

This Code of Conduct aims to promote and facilitate ethical behaviour in all TOP staff and non-compliance with the Code will be viewed seriously. Staff have a responsibility to report to their supervisor any breaches to the Code.

Breaches of the Code will be investigated and dealt with according to the relevant TOP policy, legislation or other industrial agreement. They may, if found to be proven, result in disciplinary action, including dismissal. Allegations of serious misconduct will be dealt with in accordance with relevant legislation and reported to external authorities if appropriate.

TOP management will take all reasonable steps to protect the confidentiality of any person making a report in good faith. Disclosures that are found to be untrue and made with malicious intent will be viewed as breaches of the Code warranting possible discipline action.

6. Related Documents

- Gifts Policy and Procedure
- Conflict of Interest Policy and Declaration Privacy

- Bullying, Harassment and Discrimination Prevention Policy Staff Student Relationships Policy Academic Freedom Policy
- Academic Intellectual Property Policy Student Academic Integrity Policy Record and Data Management Policy Copyright Guidelines
- Employee Handbook Delegation Policy Workplace Grievance Policy
- Code of Conduct for Research and research policies

7. Version Control

Historical Version	Approved by	Approval Date
2017.06	Academic Board	01 June 2017
2017.02	Academic Board	17 February 2017
2013.12	Academic Board	17 December 2013
2009.05	Academic Board	03 May 2009