



Title	AHE Staff Code of Conduct
Code	BPo6
Approving Body	Board of Directors
TEQSA Provider ID	PRV14320
CRICOS Registration No:	TBA
Developer	CEO/ Executive Dean
Date Approved	22 June 2018
Commencement Date	22 June 2018
Date of Review	22 June 2022
Distribution	Internal: Governance and Executive Management
Purpose	Apex Higher Education (AHE) has developed an AHE Staff Code of Conduct to ensure a safe study and work environment at AHE
Scope	Applies to all aspects of AHE's work environment

1. Principles of the AHE Staff Code of Conduct

AHE expects staff to conduct themselves in a manner where:

- a. all AHE stakeholders are treated with respect;
- b. all AHE staff and students have access to a safe environment free from unfair treatment, physical and psychological bullying, discrimination or harassment (including sexual harassment) including any aspects of behaviour, communication and expectation. Bullying, discrimination, harassment and sexual harassment are defined in the **AHE Table of Acronyms and Definitions**.
- c. all staff comply with any work health and safety processes and regulations so that all stakeholders are not put at risk at any time;
- d. all AHE staff and students are given equal opportunities, regardless of their professional, personal, social or cultural characteristics (refer to **AHE Diversity, Non-Discrimination and Equity Framework**), and
- e. they refrain from any behaviours that can be interpreted as intimidation, ridicule, creating anxiety or disrespect for others; contradicting published AHE policies and procedures, Australian rules, regulations, procedures or common standards of safety; endangering or threatening to endanger the health or safety of others, and damaging, defacing, stealing or destroying AHE's property.

2. Rationale for the AHE Staff Code of Conduct

AHE expects staff to always adhere to this **AHE Staff Code of Conduct** to achieve a professional and compliant higher education work and study environment. AHE also expects that staff have a responsibility to report any form of breach of the **AHE Staff Code of Conduct** or a breach of the **AHE Student Code of Conduct** immediately to their manager or an AHE Senior Staff member and assist, where possible and where it is safe to do so, with correcting or addressing a breach.

AHE has an **AHE Whistleblower Policy and Procedure** to protect AHE stakeholders who report breaches in confidence to AHE's governance bodies.

3. Policy Details

3.1 A Safe and Fair Work Environment

AHE 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 treated with dignity and respect at all times.

A safe and supportive workplace includes implementing the **AHE Staff Code of Conduct** and intervening to prevent and stop any behaviour or psychological aspect that is considered bullying, discriminatory and/ or harassing (including sexual) regardless if a complaint has been received or not. These incidents include any risk to health, safety and well-being of AHE stakeholders, which can hamper productivity when dysfunction or damaging morale is created and affect the proper enjoyment of students and stakeholders. Prohibited actions include individual or group behaviours that are degrading, humiliating, intimidating, and encompass all means such as digital and social communication.

All staff and students are to be given equal opportunities regardless of their professional, personal, social or cultural characteristics.

3.2 Academic Integrity

AHE staff are expected to conduct their work at AHE, including 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. Refer to **AHE Academic Freedom and Integrity Policy**.

3.3 Workplace Health and Safety

AHE staff must take reasonable care regarding the health, safety and welfare of themselves and others at AHE. Individually and collectively, staff have workplace health and safety responsibilities which include:

- Conducting work in a safe manner using equipment properly
- Following health and safety instructions and taking notice of signs
- Participating in safety training
- Informing AHE Senior Staff about any hazards and taking care of the hazards where safe to do so
- Ensuring themselves and other staff and students are not put at risk.

AHE staff are not allowed to work or perform their duties while under the influence of any drugs (other than prescribed medication by an accredited medical professional) or alcohol.

3.4 Intellectual Property

All intellectual property which is produced in the course of employment by AHE staff belongs to AHE unless specifically stated otherwise in the staff's Contract of Employment.

3.5 Confidentiality, Privacy and Record Management

- a. All confidential information held by AHE of AHE stakeholders, including that of staff and students, must remain as such.

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- b. All confidential documents and information are to be clearly marked **CONFIDENTIAL**. When collecting, disseminating, and /or using confidential information, staff must adhere to the **AHE Privacy and Personal Information Policy and Procedure**.

3.6 Assets of AHE

AHE staff are expected to adhere to the **AHE Financial Management Procedure** when handling any finances of AHE, including petty cash, credit cards, and when conducting any financial activities of AHE.

Any theft, fraud, and/or corrupt practice on AHE's assets by any stakeholder of AHE must be reported in confidence (if necessary) immediately to AHE's senior management. This includes receipt of gifts over \$20 which has the appearance of unduly influencing the AHE recipient. There is to be no retribution to the staff member who reported this fraud.

3.7 Suspected Breach of the Staff Code of Conduct

- a. A Complainant and a Respondent are defined in the **AHE Table of Acronyms and Definitions**.
 - If the Complainant and Respondent are both AHE staff, both the Complainant and Respondent will access this **AHE Staff Code of Conduct**.
 - If the Complainant is an AHE staff, and the Respondent is an AHE student, the **AHE Student Code of Conduct** applies.
 - If the Complainant is an AHE student, and the Respondent is a staff, the student should refer to the **AHE Student Grievance, Complaint and Appeal Procedure**. This **AHE Staff Code of Conduct** applies to the staff Respondent.
 - If the Complainant is an AHE student, and the Respondent is a student, the **AHE Student Code of Conduct** applies.
- b. Only in exceptional circumstances, based on the judgment of AHE Senior Staff members dealing with claims of inappropriate behaviour, and if the situation warrants immediate action, necessary action is taken to remove the Respondent AHE staff from the area.
- c. In all cases, the below are Steps for dealing with a Respondent AHE staff who is suspected of breaching the **AHE Staff Code of Conduct**. The AHE Senior Staff member can take an Informal or Formal Action against the Respondent concerning a suspected Breach of the Code.

3.8 Informal Action against a Suspected Breach of the Code

Informal Action is where AHE will not undertake Formal Action to determine whether there has been a breach of the **AHE 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 an AHE staff (Respondent) has been lodged by a staff Complainant or an AHE student, or the Respondent was observed by other AHE staff breaching this **AHE 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 an AHE 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 AHE Senior Staff may call security to remove the Respondent from the environment where the breach is occurring.

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Step 4: In all cases of breaches, the CEO/Executive Dean will be notified in writing by AHE 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.

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

Step 1: A suspected breach by a Respondent has been identified by an AHE staff, or a complaint lodged by a Complainant. If the Complainant is an AHE student, proceed to Section 2 of the **AHE Student Grievance, Complaint and Appeal Procedure**. All other complaints or allegations are to proceed to Step 2 below.

Step 2: As soon as practicable, an AHE Senior Staff member will be appointed as a breach investigator by the CEO/ Executive 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 5 working days of being appointed concerning the suspected breach, asking for separate formal meetings with each of them, within 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 1 day prior to the meeting.

Step 3: 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 4: After the meeting has been conducted, the breach investigator will provide the Respondent with a draft determination in relation to the suspected breach within 5 working days. The Respondent is invited to reply within 7 days.

Step 5: A final determination will be made by the CEO/ Executive Dean after the 7 day right-of-reply by the Respondent. The CEO/Executive Dean will take the necessary action(s) below on the Respondent if a breach of this Code has been established:

- a. a verbal warning and counselling regarding the incident of inappropriate behaviour;
- b. provision of information, additional support and/or training to the Respondent;
- c. a written warning to cease the breach;
- d. regular monitoring for a reasonable period of the Respondent's workplace behaviour and attitude for compliance with the **AHE Staff Code of Conduct** and resumption of normal working conditions;
- e. 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;
- f. where the breach is deemed serious based on a "reasonable person" standard, immediate disciplinary action up to and including termination of employment;
- g. take no further action;
- h. take other appropriate action including notifying external authorities such as the police.

Step 6: (if relevant): The Respondent may appeal the decision in that policies and procedures were not adhered to. All appeals must be in writing and lodged with the Chair of the Appeals Committee within 10 working days. A 3-person Appeals Committee is appointed from members of the AHE Board of Directors and the AHE Academic Board. The Chair will be the Chair of the AHE Board of Directors.

The letter can be addressed to: Office 5, 2 Sorrell Street, Parramatta, NSW 2150 and the letter will set out the grounds of the appeal. Following lodgement of the appeal, the Secretary of the Appeals Committee will provide the Appeals Committee with copies of the relevant documentation. The Appeals Committee will normally meet within 15 working days of receipt of the written appeal. The Appeals Committee may, at its discretion, interview any or all of the concerned persons involved. The Respondent may be accompanied by a support person of the appellant's choosing, provided that person is not a practising barrister or solicitor or any other person or persons whom the Appeals Committee may consider relevant to the matter. The decision of the Appeals Committee will be communicated to the Respondent within 10 working days of any interviews.

3.10 Support and disclosure for the Complainant and Respondent

- a. AHE 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.
- b. In every circumstance, AHE will act in accordance with the *Educational Services (Post-Secondary Education) Award 2015*.
- c. 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. 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.

3.11 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.

4. Dissemination

This Code is included in the **AHE Staff Handbook** and available to staff online.

5. Benchmarking Documents

- Educational Services (Post-Secondary Education) Award 2015
- Fair Work Ombudsman: Procedure for Handling Suspected Code of Conduct Breaches
- <https://www.humanrights.gov.au/employers/good-practice-good-business-factsheets/workplace-discrimination-harassment-and-bullying>
- <https://www.ipaustralia.gov.au/understanding-ip/getting-started-ip/ip-ownership>

6. Legislation

- Fair Work Act (2009) <https://www.legislation.gov.au/Details/C2017C00144>
- Age Discrimination Act (2004) <https://www.legislation.gov.au/Details/C2016C00746>

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- Australian Human Rights and Equal Opportunity Commission Act (1986)
<https://www.legislation.gov.au/Details/C2017C00143>
- Disability Discrimination Act (1992) <https://www.legislation.gov.au/Details/C2016C00763>
- Disability Standards for Education (2005) <https://www.legislation.gov.au/Details/F2005L00767>
- Racial Discrimination Act (1975) <https://www.legislation.gov.au/Details/C2016C00089>
- Sex Discrimination Act (1984) <https://www.legislation.gov.au/Details/C2016C00880>
- Workplace Gender Equality Act (2012) <https://www.legislation.gov.au/Details/C2016C00895>
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
<https://cricos.education.gov.au/>
- Department of Home Affairs <https://www.homeaffairs.gov.au/>
(Previously Department of Immigration and Border Protection (DIBP))
- Education Services for Overseas Students Act 2000
<https://www.legislation.gov.au/Details/C2017C00292>
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
<https://www.legislation.gov.au/Details/F2017L01182>
- TEQSA National Register <https://www.teqsa.gov.au/national-register/provider/apex-institute-higher-education-pty-ltd>,
- Higher Education Standards Framework (Threshold Standards) 2021
(Refer to Higher Education Standards Panel) <https://www.dese.gov.au/higher-education-standards-panel-hesp/higher-education-standards-framework>
- TEQSA Guidance Note: Wellbeing and Safety (2018)
- <https://www.teqsa.gov.au/latest-news/publications/guidance-note-wellbeing-and-safety>
- TEQSA Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector (2020)
<https://www.teqsa.gov.au/latest-news/publications/good-practice-note-preventing-and-responding-sexual-assault-and-sexual>

7. Related Documents

- Bachelor of Business Course Guide
- AHE Student Letter of Offer and Agreement
- AHE Student Handbook
- AHE Student Orientation Power Point
- AHE Website (Please refer to the temporary AHE Website <https://apex-h.pagecloud.com/>)
- AHE Student Admission Policy and Procedure
- AHE English Language Requirements for Admission
- AHE Student Grievance, Complaint and Appeal Procedure
- AHE Staff Employment, Review and Professional Development Procedure
- AHE Overseas Students Fees Payment Policy and Procedure
- AHE Overseas Students Fees Refund Policy and Procedure
- AHE Overseas Students Deferral, Suspension and Cancellation Policy and Procedure
- AHE Student Academic Misconduct Policy and Procedure
- AHE Student Code of Conduct
- AHE Sexual Harassment Prevention Policy and Procedure
- AHE Student Academic Progression Policy and Procedure
- AHE SARAS (Student At Risk Academic Support) Agreement and Review

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- AHE Workforce Plan and Staffing
- AHE Institutional Quality Assurance Framework
- AHE Diversity, Non-Discrimination and Equity Framework
- AHE Privacy and Personal Information Policy and Procedure
- AHE Student Code of Conduct
- AHE Whistleblower Policy and Procedure
- AHE Student Academic and Non-Academic Support Policy and Procedure
- AHE Academic Freedom and Integrity Policy

8. Definitions

Refer to the **AHE Table of Acronyms and Definitions**

Version Control and Approval

Version	Person Responsible and Action Taken	Date	Approved by
2021.1	CEO/ Executive Dean: Updated document to reflect updated legislation and document titles. Content of document not updated yet	15 Sep 2021	CEO/ Executive Dean
2019.1	CEO/ Executive Dean: Amended document to include academic integrity as required under the AHE Academic Freedom and Integrity Policy	21 Sep 2019	Board of Directors
2018.3.1	CEO/ Executive Dean: Amended document to reflect latest changes in other documents, proof read.	15 Oct 2018	CEO/ Executive Dean
2018.3	CEO/ Executive Dean: Amended document to reflect new positions under the Organisational Chart; value of gifts; adherence to WHS processes; marking confidential documents; IT belonging to the employer; appeals processes; to include a whistleblower policy	22 June 2018	Board of Directors
2018.2	CEO/ Executive Dean. BOD directed Bullying, Discrimination and Harassment be included. For this Code, staff may take drugs legally prescribed; Staff may have IP under their employment contract; psychological harm has to be included; each step for addressing suspected breaches of the Code has to be elaborated on. Added as section about Complainant Respondent staff or student	2 May 2018	Board of Directors
2018.1	CEO/ Executive Dean. Created Document as directed by the Board of Directors.	27 Feb 2018	