

Code of Conduct Policy

Purpose:

This policy establishes an effective, accountable and transparent framework for managing performance and conduct expectations of JCUSA Councillors, employees, volunteers and Clubs and Societies affiliated members.

The Code of Conduct is a public statement of the standards of conduct and integrity expected of councillors and staff of James Cook University Student Association. It aims to provide guidance in identifying and resolving issues of ethical conduct which may arise and, in so doing, maintain public trust and confidence in the integrity and professionalism of the Association.

Principles:

The Code of Conduct establishes a standard by which JCUSA and affiliated clubs and society members conduct themselves towards others and perform all duties undertaken on behalf of JCUSA in a professional and ethical manner.

This Code of Conduct is underpinned by ethics principles of the Public Sector Ethics Act 1994 (Qld) (hereafter referred to as the Act) as JCUSA is incorporated under the James Cook University Act 1997.

The Ethics Principles of the Public Sector Ethics Act 1994 are —

- Integrity and impartiality: being honest, fair and respectful and ensuring decisions are unprejudiced, unbiased and just;
- Promoting the public good: delivering the programs and services that benefit the people of Queensland;
- Commitment to the system of government: respecting the government and its institutions, and upholding the law; and
- Accountability and transparency: taking responsible actions and decisions that can be explained and easily understood.

These ethical principles form the basis of the obligations outlined in this Code of Conduct.

The Code of Conduct Policy will clearly state the expectations of the workplace in regards to

- JCUSA Councillors and Managers responsibilities;
- Roles and Responsibilities of Councillors;
- Roles and Responsibilities of Staff;
- Code of Conduct for Election Candidates;
- Standards of Conduct;
- Integrity and Conflict of Interest;
- Receipt of Gifts;
- Outside Work and Interests;
- External activities;
- Public comment;
- Conflict Management;
- Non-discriminatory workplace;

- Acting within the law;
- Diligence, care and attention;
- Duty to carry out official policies and decisions;
- Standards of performance;
- Duty to Take Care;
- Drugs and Alcohol;
- Making fair decisions;
- Workplace absences;
- Privacy/confidentiality;
- Using Association Assets;
- Workplace Health and Safety;
- Reporting;
- Suspected Breach of the Code; and
- The policy will be accessible to all workers.

Scope:

This policy applies to all JCUSA Councillors, employees, volunteers and Clubs and Societies affiliated members while acting in their official capacity.

Policy Statement:

JCUSA conducts its business with integrity, honesty and fairness and in compliance with all relevant laws, regulations, codes and corporate standards.

Every person who performs work of any kind or is affiliated with the Association must behave ethically and seek to achieve the highest standards of behaviour when dealing with internal and external customers, and must encourage a culture that recognises and values ethical conduct and ensures appropriate action is taken to prevent fraud and corruption.

Responsibilities:

The responsibility for managing the adherence to the Code of Conduct rests with the President or the Vice President, if the President is unavailable, for Council members and personas affiliated with clubs and societies, whilst the General Manager is responsible for the operational employees and volunteers.

JCUSA Council has ultimate responsibility for all workers to comply with approved policies, procedures, safe work procedures that

- support and align with current legislation, regulations and codes of practice;
- are implemented and monitored; and
- are reviewed to evaluate the continuing effectiveness and currency.

All workers, Councillors and affiliated Clubs and Societies members are responsible for ensuring that they understand and adhere to the Code of Conduct.

Definitions:

"All", "anyone", "party" and "one"	In this policy the words "all", "anyone", "party" and "one" refer to JCUSA Councillors, employee, volunteers, visitors and Clubs and Societies affiliated members and any other people who perform work of any kind for, or on behalf of the JCUSA.
Association	James Cook University Student Association
Code of Conduct	The code of conduct for a group or organisation is an agreement on rules of behaviour for the members of that group or organisation.
Conflicts of interest	Occurs where JCUSA Councillors, employee, volunteers and Clubs and Societies affiliated members with a particular interest could be influenced, or might appear to be influenced, in the performance of their duties.
Councillor	Means the elected, appointed and ex-officio members of the Association Council.
Employees	For the purposes of this Code, means ongoing, fixed-term and casual staff, including the General Manager, Managers, employees and volunteers.
Enterprise Agreement	A registered agreement sets out the terms and conditions of employment between an employee or group of employees and one or more employers.
Fair Work Commission	The Commission is Australia's national workplace relations tribunal. It was established by the Fair Work Act 2009 (Fair Work Act) and is responsible for administering the provisions of the Fair Work Act.
National Employability Standards	The National Employment Standards (NES) are 11 minimum employment entitlements that have to be provided to all employees.
Serious Misconduct	The Fair Work Ombudsman states that "Serious misconduct involves an employee deliberately behaving in a way that is inconsistent with continuing their employment. Examples include: causing serious and imminent risk to the health and safety of another person or to the reputation or profits of their employer's business, theft, fraud, assault, sexual harassment or refusing to carry out a lawful and reasonable instruction that is part of the job. Other known term: misconduct."

Acronyms

JCUSA	James Cook University Student Association
JCU	James Cook University

Policy:

The ethics principles form the basis of this Code of Conduct. They apply to all and guide the Associations thinking, actions and decision making.

When acting in good faith and in keeping with the spirit of the Code, all can expect to be supported by colleagues, managers and the JCUSA council.

Nothing in this Code interferes with rights as a private citizen.

When representing or working on behalf of the Association all will:

- act within the limits of the authority given to you under your Position Description, and any financial delegations or authorisations specific to your position;
- comply with the Associations policies, procedures, safe work procedures, frameworks and directives;
- make responsible and accountable decisions which are based on the ethical principles.

JCUSA Councillors and Managers responsibilities:

- model constructive behaviour and demonstrate accountability for individual and team performance and outcomes;
- your work and the work of those you supervise contributes to the achievement of the Associations goals and vision;
- treat their staff fairly and honestly, to maintain open and honest communication with them and to ensure that their staff understand performance standards expected of them;
- evaluations of staff performance should be undertaken against these standards objectively and without bias;
- workers' performance is monitored and workers are given both constructive and regular feedback on their performance; good performance is recognised; nonconstructive behaviour is challenged and poor performance is managed;
- workers work confidently and safely whilst carrying out their duties and benefit from individual and team role clarity and opportunities for further development; and
- appropriate and timely action is taken if breaches of this Code occur.

Roles and Responsibilities of Councillors

The responsibilities of councillors are:

- To represent the overall interests of the student body;
- To participate in deciding the facilities, services and enterprises that are appropriate for the university community; and
- To participate in formulating, adopting and reviewing the Association's Strategic and Business Plans and the policies and goals of the Association.

Councillors are expected to regularly attend meetings of the Council, and committees of which they are members.

Councillors should treat one another with respect, regardless of their status within or outside the Association. Behaviour or language which is insulting is inappropriate. Behaviour or language that could be interpreted as intimidating or causing harassment, must be avoided. Councillors should refrain from making personal attacks, false statements or derogatory remarks.

Councillors should promote tolerance of the views of others, and should not express opinions about different classes of people. They should have confidence and trust in other councillors and staff on the understanding that this will be reciprocated.

Councillors are expected to behave in an exemplary manner, and to set a good example for staff to follow.

The rights of councillors to free speech is acknowledged. Where a councillor feels the need to speak out in public on a matter where the Association has a different view, it should be made clear that the councillor's personal views are being expressed and that these views do not represent the views of the Association.

Councillors should not attempt to carry out their duties if they are under the influence of alcohol or drugs, including prescription drugs, which impair judgement or cause drowsiness.

A councillor can not direct and must not attempt to direct an employee of the Association about the way in which the employee's duties are performed.

Roles and Responsibilities of Staff

Association staff are required to demonstrate the highest level of professionalism including the support of democratic functions of the electoral process through making the best use of their skills, with due and faithful regard to the law, impartiality and good practice in the conduct of their duties and with fairness and equity in dealing with other participants in the process.

Association staff shall:

- Act properly and in accordance with the requirements of the law and the terms of this code;
- Perform their duties impartially and in the best interests of the Association members, uninfluenced by fear or favour;
- Make no allegations which are unseemly or derogatory unless able to be substantiated, in the public interest, and pertaining to a matter before the Association.
- Always act in accordance with their obligation to fidelity to the Association;
- Be frank and honest in official dealings with each other;
- Treat others fairly and equitably and with respect, courtesy, compassion and sensitivity.
- Bring to the notice of the General Manager any dishonesty on the part of councillors or staff.

Roles and Responsibilities of Affiliated Club/Society members, including Executive Positions

All members are to:

- act honestly, in good faith and in the best interests of their club/society and JCUSA;
- behave in a manner that includes integrity, honesty, professionalism, respect and decency;
- refrain from threatening, abusive, profane, insulting language or gestures to another person and physical violence, threatening and/or intimidating behaviour;
- not engage or participate in any sexual harassment or racial vilification of any kind including any conduct, comment, gesture or contact that is likely to cause offence or humiliation with respect to gender, religion, race, immigration status, descent or national or ethnic origin and colour; and
- not undertake any actions that damages the character, goodwill, property or community view of the club/society and not bring JCUSA or JCU into disrepute.

Executive members:

- have a duty to use care and diligence in fulfilling the functions of office and exercising the powers attached to that office;
- use the powers of office for a proper purpose, in the best interests of the club/society;
- have a primary responsibility for the club/society as a whole but must also have regard for the interest/s of JCUSA and JCU;
- must not take improper advantage of their positions;
- are to properly manage any conflicts of interest; and
- act in accordance with all legislation.

Standards of Conduct

Behaviour towards others:

The Association in conjunction with the University seeks to create an environment where all persons are treated equitably and with respect, where persons' rights are respected and where staff and student efforts are encouraged and their achievements given due recognition. Respect for persons extends to the manner in which Association councillors and staff deal with students, other officers and employees and members of the community. The Association regards a councillor's and staff member's personal behaviour towards and interaction with others as a vital part of the duties of their position. A collegial working environment is particularly encouraged.

Furthermore, expected behaviour and practices include the need to:

- treat fellow employees, students and members of the public with honesty, respect and courtesy, and have regard for the dignity and needs of others;
- respect and celebrate diversity;
- act to ensure equity, fairness and natural justice is afforded to all;
- seek to resolve disputes in a fair and timely manner;
- strive to create an environment which provides a safe and healthy workplace for employees, students and members of the community;

- investigate any complaints that have been lodged against staff or students in a consistent, prompt, fair and timely manner;
- avoid and not accept behaviours which are unwelcome, discriminatory, intimidatory or abusive;
- refrain from, and not accept vilification, bullying, harassment or sexual harassment;
- be responsive, courteous and prompt in dealing with others, whether students, other staff (irrespective of their position or seniority), or members of the community;
- stand up for the rights of others; and
- use all forms of JCUSA social media platforms belonging to or connected with the Association, for example Facebook pages or Twitter, in a responsible and appropriate manner.

Integrity and Conflict of Interest

Councillors, staff and Club/Society Executives are placed in a position of trust. They manage Association resources, have access to Association information and make decisions that affect the interests of others. Councillors may be in positions where they can influence other councillors, students and staff. Staff may be in a position of power over other staff or students.

The trust that is placed in Association councillors and staff requires that they conduct themselves with honesty, fairness and propriety. This means that they should avoid conflicts between their private interests and Association responsibilities and should avoid situations where there is a reasonable basis for the perception of such a conflict.

Before making decisions, all will declare any real or perceived conflicts of interest. If one believes they have a conflict of interest, whether real or perceived, it must be reported to the JCUSA Student Council President or the General Manager, and that report must then be followed up in writing.

While the conflict exists, one must not be part of any decision-making processes related to the matter as determined by the General Manager/Council.

All will be honest in carrying out their duties, and avoid conflicts between their private interests and their Association responsibilities with respect to:

- Personal relationships;
- Sexual relationships;
- Financial relationships;
- Receipt of gifts;
- Outside work;
- Use of confidential information obtained in the course of Association duties; and
- External activities and public comment.

Receipt of Gifts

Association councillors and staff should not ask for or encourage the giving of any form of gift or benefit in connection with the performance of their duties. Receipt of gifts can be perceived as an inducement to act in a particular way, thus creating a real or apparent conflict of interest. A councillor or staff member may, of course, give or accept an occasional gift of nominal value which is offered in accordance with social or cultural practice, for instance, when an officer or employee retires or leaves the Association or visits another university.

Example: Staff may participate in the mutual exchange of gifts with visitors to the Association in accordance with established cultural practice and expectations.

Staff may accept goods or services (other than money) valued at less than \$50 or a moderate act of hospitality such as a meal, refreshments or entertainment valued at less than \$75.

Example: Staff may accept a gift of appreciation such as a card or token of appreciation provided the gift is valued at less than \$50. In the unlikely event of a more substantial gift being offered the recipient must inform their manager.

Corporate gifts from current suppliers are able to be accepted.

Councillors and staff are excluded from entering competitions run by the Association.

Outside Work and Interests

The Association permits staff to undertake paid outside work. Any use of Association facilities in connection with outside work may occur only where prior approval has been obtained; the Association must be recompensed for the full cost of such use.

Outside work must not be accepted where it may cause a conflict between the staff member's private interests and duties to the Association. Staff should not seek to secure as paid outside consultative work tasks that would rightly be regarded as part of their Association duties.

Councillors and staff should ensure that outside interests (including outside employment) do not interfere with the performance of official duties or responsibilities.

External activities

Councillors and staff are free to engage in party-political, professional, interest group and charitable activity, provided that any such participation does not give rise to a conflict of interest, impede the performance of that person's duties or utilise Association resources.

Public comment

Public comment by councillors and staff in their capacity as private citizens is certainly permitted.

Unless expressly authorised by the President, employees and councillors are prohibited from dealing with the media and are not authorised to give details regarding the Student Association or its operations.

In making private comment (including via electronic means such as e-mail and the Internet), every effort must be made to ensure that the opinions expressed are not represented as the official view of the Association, and the person making the private comment should not seek to use their Association affiliation to add status to the comment.

The forwarding of offensive, obscene or threatening messages by telephone, mail, printed material, computer or other electronic means is contrary to Association policy and may be unlawful.

With regard to social media interaction, the following guidelines must be adhered to, but are not limited to:

- Compliance with the Office of Liquor and Gaming Regulations (Liquor licensing requirements), and other governing legislation such as the Anti-Discrimination Act, Disability Discrimination Act, Sex Discrimination Act and James Cook University Act.
- Work to promote the positive image and reputation of the JCUSA and its core values.
- Duty of fidelity and good faith.
- JCUSA logo's, signatures and images etc. Must not be used on personal media sites without prior approval from the General Manager or President.
- Must not engage in negative comment about JCUSA or colleagues of JCUSA that bring disrepute to the organisation.

Comment made by a councillor or a staff member in a private capacity should not compromise or be perceived to compromise that person's ability to carry out their duties or to implement duly approved Association policy.

Conflict Management

Where a conflict arises, whether with a customer, a member of the public or with a manager or work colleague, you must seek to resolve the conflict or disagreement in a way that is respectful.

Non-discriminatory workplace

- All will always act to minimise and eliminate discrimination within the workplace and in Association work practices.
- All will accommodate and respect different opinions, perspectives and cultures, whilst managing disagreements by rational debate in a reasonable manner.
- All will not behave towards others in a way that could reasonably be perceived as intimidating, harassing, overbearing or bullying.

Acting within the law

- All are expected to be reasonably aware of, and act within the law, policies, procedures and delegations relevant to one role.
- Employees are expected to obey lawful, reasonable directions from managers.
- No one will follow directions that are in breach of the law or unsafe to fulfil, such as a Work Health and Safety matter.

Diligence, care and attention

All are to carry out your duties honestly, responsibly, professionally and in a conscientious manner, that is to the best of their ability. This includes:

- Conduct that is accountable, productive and actively contributes to a constructive culture that reflects organisational values;
- Conducting oneself in a way so as not to bring disrepute to the association and so that others gain confidence and trust in the way the association does business;
- Carrying out official decisions and policies faithfully and impartially;
- Seeking to attain the highest possible standards of performance;
- Reporting genuinely suspected or known fraud or corrupt conduct to appropriate Association, University or external authorities;
- Exercising care for others in employment-related activities; and
- Ensuring outside extraneous interests do not interfere with a staff member's official duties or responsibilities.

Duty to carry out official policies and decisions

Generally, Association councillors and staff have an obligation to carry out official decisions and policies faithfully and impartially. This obligation applies even though staff have the right to institute grievance procedures where they believe a decision is improper or they seek to have decisions or policy changed through appropriate channels.

Standards of performance

Councillors and staff members should endeavour to maintain and enhance their skills and expertise and keep up-to-date the knowledge associated with their particular field or area of work. High standards of performance and a focus on client service (whether clients are students, other staff, and members of the academic or wider community) are expected.

Duty to Take Care

Association councillors and staff should exercise due care in undertaking their Association activities, particularly where others will rely on advice or information offered. In particular, councillors and staff have a duty to take reasonable care to avoid causing harm (including physical harm) to other persons. Thus, they should actively promote safe working practices and environments for all staff, students, and members of the community using Association facilities.

Drugs and Alcohol

Association councillors and staff should ensure that their personal use of alcohol or other drugs such as medication prescribed by their doctor does not affect work performance or the safety and well-being of themselves and others.

POL013 Drug and Alcohol Policy explains the workers responsibilities in greater details.

Making fair decisions

When making a decision, taking action of a discretionary nature or resolving a grievance which may adversely affect a person's rights, liberties, interests or legitimate expectations, the principles of procedural fairness and natural justice should be applied.

In general, natural justice refers to two broad principles:

- 1) An adequate opportunity must be given to a person to present their case to an authority before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to prepare, sufficient information about the matter to be decided to enable the person to prepare their case, and adequate opportunity for the person to present their story or case to the authority empowered to make the decision.
- 2) The authority empowered to make the decision must be free from bias or the appearance of bias. This requirement means that a person who has a close personal or family relationship with any of the parties is precluded from being a member of the decision-making authority. It also precludes a person who might have a direct or indirect pecuniary interest in the outcome of the decision from being involved in the decision.

In practice, this means that councillors and/or staff affected should have the opportunity to respond to allegations or assertions made and to have a decision made without bias. Decisions may be accepted more readily if reasons are given.

Workplace absences

Employees and Councillors are expected to follow council protocols e.g. agreements and policies on attendance at work. This includes accurately and truthfully recording work and leave periods.

Privacy/confidentiality

All must keep information confidential and comply with the Associations Confidentiality and Privacy Policy at all times.

You must keep such information confidential and comply with the council's Privacy Policy at all times.

Association councillors and staff will gain access to information while engaged in operational and administrative activities. Some information may be unavailable to the University community generally or the public. Information of a personal nature, for instance, should be accessed and used only for Association purposes and should not be disclosed except where Association policy expressly permits this. The attention of councillors and staff is particularly drawn to the Association's Privacy Policy and the Memorandum of Understanding between the University and the Association in relation to student data. Information of a commercial or strategic nature should also be handled with the utmost sensitivity, and should not be used for personal gain.

Using Association Assets

The Associations assets include:

- Property;
- Plant;
- Equipment;
- small and valuable items;
- information systems;
- computing resources;

- goods; and
- products; and valuables.

All are responsibility for looking after assets and especially taking good care of assets that are in their possession or use and treat them with the same care and respect with which you would treat your own property.

It is an offence to misuse or knowingly allow anyone else to misuse an asset. Your responsibilities include taking all reasonable steps to ensure that assets under your jurisdiction are secured against theft as well as being properly stored, maintained and repaired.

Association resources are only for legitimate Association purposes.

The resources required for the provision of services by the Association are significant. It is incumbent upon all councillors and staff to ensure that these are managed effectively, used economically and waste avoided.

Workplace Health and Safety

Under the Work Health and Safety Act 2011 and the Associations policies, safe work procedures and procedures in respect of work health and safety you have work health and safety obligations to:

- adhere to the workplace health and safety systems that are in place;
- follow reasonable workplace health and safety instructions;
- wear personal protective clothing and equipment where it is provided, and use it as instructed;
- not place yourself or others at risk of injury in the course of performing work of any kind for council;
- ensure that you are in a fit condition to perform your duties safely
- ensure that you do not attend work or conduct council business with drugs and or alcohol in your system in excess of the tolerance levels set out in the Drug and Alcohol Policy.
- report incidents and hazards when you become aware of them.

Reporting

If one has a concern, or suspect a breach of the Code involving one or more workers, volunteers, Councillors or persons associated with a club/society should act on that concern, using:

- internal channels (e.g. General Manager, Manager, JCUSA Council President); and
- external channels (e.g. the Crime and Corruption Commission, Anti-Discrimination Commission, Police).

Suspected Breach of the Code

Failure to comply with the Code may lead to disciplinary action, and in serious cases may lead to termination of employment or appointment and/or criminal prosecution. The JCUSA Enterprise Agreement 2019, section 45 outlines the principles and processes used in consideration of misconduct and serious and wilful misconduct.

45. Disciplinary Action for Misconduct or Serious Misconduct

45.1. No disciplinary action for misconduct or serious misconduct can be taken against an employee other than through the process and terms of this clause.

45.2. Statement of allegations

45.2.1. Allegation of misconduct or serious misconduct must be in writing and signed by the General Manager. The allegations must be in sufficient detail to enable the employee to understand their precise nature and to properly consider and respond to them.

45.3. Suspension with or without pay

45.3.1. At the time of notifying of allegations of misconduct or serious misconduct the General Manager may suspend an employee on full pay or without pay. This may only occur where they reasonably believe that the alleged conduct amounts to conduct of a kind as documented in Fair Work Regulation 1.07. An employee suspended without pay may engage in external paid employment or draw on any recreation leave or eligible long service leave credits during the suspension without pay. A suspended employee will be permitted reasonable access to their work area for the preparation of their case and to collect personal property.

45.4. Employee's Response

45.4.1. The employee will be requested to submit a written response within ten (10) working days and can either admit the allegations or deny them in full or part.

45.5. Action open to the General Manager

45.5.1. The General Manager shall consider and act upon the employee's response. The actions shall be one of the following:

- a) The General Manager will take appropriate disciplinary action if the employee admits the allegations;
- b) Where the employee denies all or part of the allegations, the General Manager must decide either to withdraw the allegations or take disciplinary action regardless of the denial, based on the information at hand; and/or
- c) If the General Manager decides to withdraw the allegations, the employee will be informed and appropriate measures taken to ensure that the withdrawal of the allegations is recorded on all relevant files and records.

Serious misconduct

Under the National Employability Standards notice periods don't apply to employees who are fired because of serious misconduct (for example, engaging in theft, fraud, assault or sexual harassment).

The amendments of the Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Respect at Work amendments) confirm that sexual harassment at work is a form of serious misconduct and can be a valid reason for dismissal under the Fair Work Act.

Related Legislation and Documents:

Anti- Discrimination Act 1991
 Crime and Corruption Act 2001
 Fair Work Act 2009 (FW Act)
 Fair Work Regulations 2009
 Industrial Relations Act 1999
 James Cook University Act 1997
 Public Sector Ethics Act 1994
 Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 (Respect at Work amendments)
 Work Health Safety Act 2011
 WHS Regulation 2011
 POL001 Purchasing Policy
 POL002 Corporate Credit Card Policy
 POL003 WHS Policy
 POL006 Safe Work Procedures Policy
 POL011 Discrimination, Harassment and Workplace Bullying Policy
 POL013 Drug and Alcohol Policy
 POL026 Personal Protective Equipment Policy
 POL036 Privacy Policy
 POL037 Workstation Ergonomics Policy
 POL038 Driving and Vehicles Policy
 POL041 Complaints Policy
 POL043 Social Media Policy
 POL044 Performance Management Policy
 POL060 Governance Policy
 National Employability Standards

Administration

Note: Printed copies of this policy are uncontrolled and currency can only be assumed at the time of printing.

Approval Authority	JCUSA Council
Version Number:	V1.1
Date for next review:	1/8/2023
Revision History	Located in the Document Record Management System