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Director/Chief Executive Officer
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**NORTHERN TERRITORY OF AUSTRALIA
BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION**

As in force at
3 December 2024

STAFF CODE OF CONDUCT

Code of Conduct made under the

Batchelor Institute of Indigenous Tertiary Education (Codes of Conduct) By-laws

1. Citation

This Code of Conduct may be cited as the *Staff Code of Conduct*.

2. Definitions

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

Academic Freedom means the freedoms related to academic freedom and freedom of speech that are protected by the Institute. Refer to the *Academic Freedom and Freedom of Speech Policy*;

Academic Integrity means the moral code of academia. It involves using, generating and communicating information in an ethical, honest and responsible manner. Refer to the *Academic Integrity Policy*;

Academic Misconduct Occurs when a member of the Institute community does not maintain the values and principles of Academic Integrity, including the misuse of artificial intelligence technologies. Refer to the *Academic Integrity Policy*;

Conflict of interest means an actual, apparent or potential conflict of interest. Refer to the *Conflict of Interest and External Employment Policy and Procedure*;

Council The Council of Batchelor Institute constituted under Division 1 of Part 3 of the *Batchelor Institute of Indigenous Tertiary Education Act 1999* (the Act);

Council Member means a person who holds office under Section 14 or Section 15 of the Act in one of the positions created under Section 11;

Cultural awareness Means being aware and respectful of cultural differences;

Information, computing or communication technologies means resources, equipments, systems or tools used to facilitate the way in which information is created, manipulated, collected, processed, transmitted or stored. This includes mobile phone/device audio, video or images;

Institute means 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 enrolled students of the Institute;

Institute activity means 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, , within the Institute's care and control;

Institute policy documents Include any and all of the by-laws made under section 49 of the Act, rules made under section 51 of the Act, codes of conduct made under section 52 of the Act; and other Institute frameworks, policies, guidelines, procedures and committee Terms of Reference;

Misuse of information Includes, but is not restricted to attempts to get financial or other personal gain, for themselves or others, using confidential information, and gossiping or spreading rumours on the basis of information from the Institute;

Misuse of position includes staff 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 includes 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 includes 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. Refer to the *Media Engagement and Communication Policy* and the *Academic Freedom and Freedom of Speech Policy*;

Reportable or declarable gifts or benefits Refer to the *Gifts and Benefits Policy*;

Staff Means individuals who are employed or remunerated, either directly or indirectly, by the Institute; and includes adjuncts, contractors, volunteers, and external members of Institute committees. Contractors do not include trade contractors such as those employed by Campus Operations;

Student Means a person enrolled as a student of Batchelor Institute;

Teaching-learning activity includes 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;

Wellbeing can be considered as a positive state experienced by individuals which has been enhanced through the elimination, mitigation or management of psychosocial hazards arising from issues such as design or management of work, the working environment, or workplace interactions or behaviours.

3. Introduction

- 3.1 As staff of the Batchelor Institute of Indigenous Tertiary Education (the Institute), we acknowledge and respect the culture, the land and waters, the knowledge systems and the traditions of First Nations people and communities.
- 3.2 The Institute is a specialist, dual sector tertiary education provider that services the education, training and research needs of First Nations peoples.
- 3.3 Learning and operations follow a both-ways philosophy with brings together First Nations traditions and knowledges, and Western academic disciplinary positions and cultural contexts and embraces values of respect, understanding and diversity.
- 3.4 The 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.
- 3.5 The Institute is committed to exemplary standards of professional and academic integrity in all aspects of its affairs and, therefore, to supporting staff in achieving those standards.
- 3.6 Staff have a role in maintaining public trust and confidence in the integrity and professionalism of the Institute and Council has made the Staff Code of Conduct as a public statement of the standards of conduct and integrity expected of all Institute staff.
- 3.7 By accepting employment with the Institute, all staff are bound by Batchelor Institute's policy documents and other lawful directions, including this Staff Code of Conduct.
- 3.8 All staff are required to become familiar with the Staff Code of Conduct and the Institute will take reasonable steps to ensure they have the opportunity to do so.

4. Purpose

- 4.1 The Staff Code of Conduct complements the Institute's Strategic Plan and facilitates the achievement of outcomes identified in the Strategic Plan and all subsequent plans.
- 4.2 This Staff Code of Conduct also aims to foster and maintain public trust and confidence in the integrity, cultural awareness and professionalism of Institute staff by ensuring that staff:
 - 4.2.1 maintain and exercise cultural protocols and awareness where appropriate.
 - 4.2.2 maintain appropriate standards of conduct and behaviour;
 - 4.2.3 develop, where necessary, those skills necessary for the efficient performance of their duties;
 - 4.2.4 maintain fairness and equity in decision making; and
 - 4.2.5 maintain and enhance the reputation of the Institute.
- 4.3 The Staff Code of Conduct is not intended to replace other Institute policy documents 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.

5. Application

- 5.1 The Staff Code of Conduct applies to all Batchelor Institute staff.

6. Staff Conduct

- 6.1 Institute staff must observe Northern Territory and Commonwealth laws and, when interstate or overseas, the laws of the place in which they are working.
- 6.2 In general, all staff of the 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, and to ensure that they perform their duties and obligations in such a way that:
 - 6.2.1 respects the rights, privileges, safety and wellbeing of others;
 - 6.2.2 does not impinge on the reasonable freedom of other persons to pursue their studies, research, duties or lawful activities, or to participate in the life of the Institute;
 - 6.2.3 avoids unlawful discrimination on grounds of gender, sexual orientation, race, disability, cultural background, religion, marital status, age or political conviction; and
 - 6.2.4 does not bring, or risk bringing, the Institute into disrepute or impair the functioning of Batchelor Institute or its activities.

- 6.3 In performing their duties and obligations, Institute staff must:
- 6.3.1 be honest and exercise appropriate care in carrying out their duties, using their technical and professional judgment;
 - 6.3.2 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;
 - 6.3.3 show a commitment to the Institute's vision and goals;
 - 6.3.4 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; seeking support and guidance from the Office of the Elders and senior staff to solve issues, concerns and differences;
 - 6.3.5 observe all privacy and confidentiality provisions concerning information about the Institute, its staff, students and stakeholders in accordance with the *Privacy Policy* and other Institute policy documents; and the *Information Act 2002* and *Privacy Act 1988*;
 - 6.3.6 exercise fairness and impartiality in making decisions;
 - 6.3.7 avoid conflicts between their private interests and their responsibilities as a staff member of the Institute, and avoid situations where there is a reasonable basis for the perception of a conflict of interest;
 - 6.3.8 not take or seek to use for personal gain or to take other improper advantage of any information gained as an Institute staff member. Refer also to the *Gifts and Benefits Policy*, the *Fraud and Corruption Control Policy*, the *Whistleblower Reporting (Improper Conduct) Procedure and Guideline*, and *Conflict of Interest and External Employment Policy*.
 - 6.3.9 not seek or elicit the improper influence or interest of any person to obtain promotion, transfer or other advantage;
 - 6.3.10 not use the working time of other staff for their personal benefit or gain;
 - 6.3.11 not wilfully damage, misuse or use without authority Batchelor Institute's property or any other property lawfully connected to the Institute. This includes the use of Institute Communications and Information Technology equipment, hardware, software or system access; and
 - 6.3.12 not use social media; or information, computing or communication technologies; in such a way that it infringes the rights, privileges, safety and wellbeing of others, or is detrimental to the reputation of the Institute. Refer also to the *Social Media Policy* and *Privacy Policy*.
- 6.4 Staff have a responsibility to:
- 6.4.1 carry out official decisions, delegations and policies faithfully and impartially while exercising proper diligence, care and attention;
 - 6.4.2 further develop and maintain knowledge of their professional field;

- 6.4.3 make themselves aware of all Institute policy documents concerning their rights and responsibilities as staff including cultural awareness;
- 6.4.4 observe the requirements of all policy documents and lawful directions concerning their responsibilities and conduct that are made and published from time to time by the Institute;
- 6.4.5 where they believe a decision does not conform to policy documents or if they seek to have actions regarding policy documents changed, do this through appropriate Institute channels and processes;
- 6.4.6 where they are genuinely convinced they have evidence of any form of corrupt conduct report that conduct in accordance with the *Fraud and Corruption Control Policy* and the *Whistleblower Reporting (Improper Conduct) Procedure and Guideline*, including where necessary to the Independent Commissioner Against Corruption (ICAC);
- 6.4.7 on becoming aware that someone has made a report regarding alleged corrupt conduct that the person(s) is protected in accordance with the *Fraud and Corruption Control Policy* and the *Whistleblower Reporting (Improper Conduct) Procedure and Guideline* and the ICAC Act.
- 6.4.8 bring to the attention of their supervisor or some other appropriate member of staff as soon as possible any actual, perceived or potential conflict and the staff member's obligations or duties under this Staff Code of Conduct. Refer to the *Conflict of Interest and External Employment Policy*;
- 6.4.9 bring to the 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. Refer to the *Gifts and Benefits Policy*;
- 6.4.10 use Institute resources only for legitimate Institute purposes and ensure these resources are used efficiently, carefully and respectfully; and
- 6.4.11 participate, as far as is possible within their individual circumstances, in the functioning of the Institute, including through participation in Institute consultation and advisory processes.

7. Debate and Public Comment

- 7.1 Subject to sub-section 7.2, staff must not make official comment on matters relating to the Institute unless they are:
 - 7.1.1 authorised by the Director/CEO to do so; or
 - 7.1.2 authorised or required by law to do so.

Refer also to the *Media Engagement and Communication Policy* and the *Academic Freedom and Freedom of Speech Policy*.

- 7.2 Staff contributing to public discussion of Institute policy or administration in an official capacity is generally acceptable in circumstances where:
 - 7.2.1 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 the Institute; and

- 7.2.2 the staff member does not misrepresent the facts concerning Batchelor Institute policy or administration.
- 7.3 Staff who are acknowledged by the broader community as experts in a particular field of scholarship may comment publicly in their capacity as an Institute staff member on matters relevant to their field of expertise, but not as an Institute spokesperson without the prior authorisation of the Director/CEO.
- 7.4 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:
 - 7.4.1 clearly identify their view as not being representative of any official view of Batchelor Institute;
 - 7.4.2 not make comments that compromise or could be perceived to compromise that person's ability to carry out their duties or to implement Institute policy, delegation or direction,
- 7.5 Staff consideration and debate on the Institute or other policy is encouraged but staff must:
 - 7.5.1 debate matters of Institute policy or administration within the Institute frameworks;
 - 7.5.2 publicly adhere to approved Institute policy documents while it is in force and until such time as policy documents are changed; and
 - 7.5.3 conduct such debate in a manner which accommodates, respects and encourages different opinions and perspectives.
- 7.6 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.

8. Breaches of the Staff Code of Conduct

- 8.1 A breach of the Staff Code of Conduct means conduct on the part of a staff member which:
 - 8.1.1 unreasonably impinges on or impairs the reasonable freedom of other persons to pursue their duties, studies, research or lawful activities, or to participate in the life of the Institute; or
 - 8.1.2 unreasonably interferes with the due processes of Batchelor Institute; or
 - 8.1.3 is detrimental, or likely to be detrimental, to the reputation or to the orderly functioning of Institute or its activities; or
 - 8.1.4 is adverse to the Institute's academic, commercial, legal, social or cultural standing.
- 8.2 Without limiting the generality of sub-section (1) above, a staff member may breach the Staff Code of Conduct if he or she:

- 8.2.1 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 and wellbeing of other persons;
- 8.2.2 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;
- 8.2.3 engages in, or assists another person to engage in professional, academic, ethical or cultural misconduct;
- 8.2.4 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;
- 8.2.5 knowingly makes a false representation with respect to a matter which relates to a staff member;
- 8.2.6 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;
- 8.2.7 enters, or enters and remains without authority in any part of the Institute to which the staff member knows, or ought reasonably to know, entry is prohibited or is allowed only with authority;
- 8.2.8 without lawful authority:
 - (a) gains access to, or enters, or attempts to gain access to or enter an information, communication or information technology system or part of an Institute system, or system/technology through which the Institute has access; or
 - (b) obtains access to or alters, or attempts to gain access to or to alter, any document or record kept by the Institute;
- 8.2.9 wilfully obstructs, or attempts to obstruct, or interferes or attempts to interfere with:
 - (a) the use of any Institute premises, facilities or equipment;
 - (b) 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 Institute business, or any other activity, function or program held at the Batchelor Institute, or other location; or
 - (c) any member of the Institute staff in the performance of the staff member's duties;
- 8.2.10 without lawful authority, discloses to any person any information relating to the 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;
- 8.2.11 contravenes or fails to comply with:
 - (a) a notice duly served to give evidence to a relevant body constituted under an Institute policy document;

- (b) any Institute policy document or any lawful order or lawful request of an Institute staff member or of a person acting under Batchelor Institute's authority.

8.2.12 in contravention of Institute policy documents:

- (a) causes to be brought, or brings, alcoholic beverages, kava or an illegal substance, firearms, weapons or explosives onto Institute premises or into Institute facilities,
- (b) allows someone invited by the staff member onto Institute premises to do this;
- (c) enters Institute premises or Institute facilities while intoxicated or under the influence of kava or an illegal substance; or
- (d) partakes of or uses prescribed medication to induce intoxication on Institute premises or in Institute facilities.

8.2.13 behaves in a manner that might endanger or adversely affect the work performance, safety or wellbeing of any person or damage or destroy any property;

8.2.14 disrupts or tends to disrupt the peace or good order of the Institute;

8.2.15 impedes or tends to impede any Institute activity;

8.2.16 behaves in a manner that would:

- (a) constitute a dishonest act; or
- (b) bring Batchelor Institute into disrepute.

9. Allegations of Breaches of the Code

9.1 An allegation of a breach of this Staff Code of Conduct must be made in writing to the Deputy Director/Deputy Chief Executive Officer – Operations or the Director of People and Culture.

9.2 If an allegation is in relation to corrupt conduct, it may be subject to mandatory reporting, and should be made in accordance with the *Fraud and Corruption Control Policy* and the *Whistleblower Reporting (Improper Conduct) Procedure and Guideline*, and the ICAC Act.

9.3 Allegations can be made anonymously, however, the ability to investigate anonymous allegations may be limited, as will the ability to provide whistleblower protections.

9.4 All allegations of breaches of the Code of Conduct will be dealt with in accordance with the Staff Conduct Rules and the Batchelor Institute of Indigenous Tertiary Education Union Enterprise Agreement.

ENDNOTES

1 KEY

Insert any relevant abbreviations

2 LIST OF LEGISLATION

Batchelor Institute of Indigenous Tertiary Education Act 1999

Batchelor Institute of Indigenous Tertiary Education (Codes of Conduct) By-laws

3 LIST OF AMENDMENTS

Staff Code of Conduct 1 December 1997,

Staff Code of Conduct 24 March 2006,

Staff Code of Conduct 7 March 2014,

Staff Code of Conduct 3 December 2024.
