



CODE OF CONDUCT Policy and Procedures

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

Academic Grievance: A grievance about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

Academic Integrity: To act in a way that maintains the integrity of all academic work and is not academically dishonest in any way.

Academic Misconduct: Includes various forms of academic dishonesty such as plagiarism, cheating, contract cheating, the sale of one's academic work for use by another person, and purchasing or obtaining assessment material through individuals, companies or web-based services.

Academic Progress (or Academic Progression): The rate at which a student is moving towards successful completion of their degree program through the successful completion of units of study (including practical/clinical components).

Academic Staff: Staff of the ACC who are highly qualified in Chiropractic or related scientific and/or management disciplines and whose primary role is the provision of an excellent learning and teaching environment for ACC's students.

Complaint: A statement that a situation is unsatisfactory.

Conflict of Interest: A conflict of interest occurs when a person's or an entity's vested interests raise a question of whether their actions, judgment, and/or decision-making can be unbiased.

Contract cheating: The practice of students engaging a third-party to complete assignments. It occurs when someone other than the student completes an assignment--and which the student then submits for assessment/credit. This exchange can happen when a student swaps papers with another.

Grievance: An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

Harassment: Means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender based harassment.

Informal grievance: A range of processes, such as discussion, a request or query lodged with an appropriate staff member.

Natural Justice: Refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

Procedural Fairness: Is a term synonymous with ‘natural justice’ (see definition above), concerned with the procedures used by a decision maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. Natural justice or procedural fairness has three main components: the opportunity to be heard, no bias and based on fact.

Protected Disclosure:

A report or complaint about conduct in which instance the person making the disclosure does not wish to be identified and every effort is made to ensure that their identity is not disclosed.

Respondent: The person or institution against whom the grievance is lodged.

Staff and Employee: Are interchangeable terms for the purpose of WHS policies and procedures. They both refer to academic and non-academic staff employed by the ACC.

Student: An individual person who is formally enrolled to study at the College. The ‘individual person’ is that who appears on the College’s documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

PURPOSE

This policy outlines a set of rules and standards of behaviour required by students, staff members and contracted teaching staff of the ACC. The policy also outlines how to identify, report and maintain this set of rules.

SCOPE

This document applies to all staff members, teaching staff, contractors and enrolled students of the ACC. This policy is applicable either during or outside working hours, whilst undertaking outreach or extra-curricular activities or attending of functions where the College is being represented or connected.

POLICY STATEMENT

The Australian Chiropractic College is committed to the provision of safe, nurturing and engaging learning environment. In order to achieve and maintain this environment, the College has set forth the following principles and standards for ACC Staff, students and affiliates to abide by. The policy reflects the commitment to fair and ethical behaviors as well as the maintenance of the highest of collegial professional standards including honesty, cooperation, confidentiality, tolerance and acceptance.

This policy should be read in conjunction with ACC expectations and rules for professional ethics and conduct (as outlined in the *Chiropractic Board of Australia Code of Conduct*), safe work practices (outlined in the various *ACC Workplace Health and Safety Policies and Procedures*, and, in particular with the policies and procedures of the College that are outlined under “*Related Policy Documents*” below.

Any breach of the ACC’s Code of Conduct may result in penalties, sanctions or other disciplinary action.

POLICY PRINCIPLES (Rules)

1. Breach Occurrences

A breach of the Code of Conduct Policy will be deemed to occur if any staff member, teaching staff, contractor and/or student:

- i. Whilst not professionally registered by a recognised chiropractic professional registration body, refers to themselves as a chiropractor, or, by their actions spoken or unspoken causes others to believe that they are a chiropractor.
- ii. Whilst not professionally registered, performs a chiropractic intervention that is not supervised by an approved superior who is professionally registered.
- iii. By their words or actions brings the College into disrepute or damages the image of the Chiropractic profession.
- iv. Causes unnecessary disturbance or impedance of activities of the ACC or individuals within the ACC, whether in teaching, learning, or other work of/for the College.
- v. Does not comply with any standards of behaviour or attire required by the ACC for the orderly conduct of the College.
- vi. Does not comply with the rules applicable to the use of ACC facilities professional protocols or the directions of those individuals in authority.
- vii. Demonstrates behaviour that does not meet the expectations of the College or which may result in the inability to apply for professional registration, including criminal convictions.
- viii. Is found guilty of harassment, bullying or illegal discrimination, violent behaviour, drug and alcohol abuse, or sexual harassment or assault.
- ix. Is seen proffering or accepting gifts or benefits, as they may be perceived as bribes for an advantageous outcome.
- x. Fails to declare a conflict of interest which may arise from a personal and/or family and/or business relationship and which influences the outcome of an ACC assessment or decision to their advantage.

A breach of the Code of Conduct policy will also be deemed to occur if a student:

- xi. Commits an act of plagiarism or submits previously submitted work without prior permission.
- xii. Commits other forms of academic misconduct such as, but not limited to cheating in an examination and contract cheating.

2. Confidentiality

- i. All information relating to alleged and confirmed breaches of Code of Conduct will be treated with confidentiality.
- ii. Where a breach is deemed serious and requiring significant investigation or reporting to the appropriate authority, disclosure of information may be required even if the person alleging the breach does not wish to have their identity disclosed.

- iii. All disclosed information will only be released to those individuals to whom the case is relevant and in situations where the College may be required to disclose information for legal defense or hearings, or to following police or court inquiry.

In all situations, the identity of the discloser will be protected as far as possible, unless the discloser consents in writing to being identified as the discloser or the College President believes the identity of the discloser is necessary for the resolution of an investigation.

3. Reporting

Whilst working and studying at the ACC all staff members, teaching staff, contractors and students will be expected to:

- i. Report instances of suspected or directly observed misconduct as soon as possible to the nominated Responsible Manager.
- ii. Comply with the Privacy and Confidentiality requirements in relation to all aspects of communication.
- iii. Not make frivolous or non-factual allegations or complaints.
- iv. Treat all other members of ACC Staff, teaching faculty, students and all others associated with the College with dignity and respect.
- v. Make full disclosure of involvement or participation in any activities which may impact the image of the College or may bring disrepute to the profession or which may affect an individual's ability to maintain professional registration.

PROCEDURES

1. Scope

The procedures for determining and managing what constitutes a minor or more serious incident of academic misconduct are covered in detail in the ACC's *Academic Integrity Policy and Procedures* to which the reader is referred and are not repeated here.

Similarly, the procedures for managing workplace bullying and/or harassment and/or work related violence and also sexual assault and sexual harassment are dealt with comprehensively in the ACC's *suite of policies and procedures for Workplace Health and Safety*.

For all other alleged or observed breaches of expected standards of professional and civil behaviour (including undeclared conflicts of interest by virtue or personal or family or business relationships), the following procedures apply:

2. Levels of Policy Breach

There are 3 levels of policy breach, classified as:

- Minor Infringement, or
- Misdemeanour, or
- Serious Misconduct.

Investigations into allegations of breaches at any level will be conducted in a manner that ensures a fair, non-prejudiced and unbiased investigative process, and the outcomes will be proportionate to the nature and level of each breach.

3. Responsible Managers

For academic staff the Academic Dean will be responsible for investigation and resolution of matters considered a minor infringement, misdemeanor and/or case of serious misconduct.

For students the Academic Registrar will be responsible for investigation and resolution of matters considered a minor infringement, misdemeanor and/or case of serious misconduct providing that they are not linked to academic misconduct, in which case the procedures in the ACC's Academic Integrity Policy and Procedures will apply.

For professional staff and contractors to the ACC, the responsible officer for investigation and resolution of matters considered a minor infringement, misdemeanor and/or case of serious misconduct will be the Corporate Services Manager.

In the event that the allegation relates to either the Academic Dean or the Corporate Services Manager, investigation and resolution will be managed by the College President.

4. Focus of Allegations of Unethical behaviour or Misconduct

Allegations of Unethical behaviour or Misconduct may be in relation to:

- Policy, Procedure and Decisions;
- Professional conduct, excluding complaints related to workplace bullying and harassment or sexual assault and sexual harassment, which are covered in the Workplace Bullying and Work-related Violence and in the Sexual Assault and Sexual Harassment Policy and Procedures.

All allegations will be acknowledged in writing, followed shortly with an indicative timeframe and process for investigation and resolution.

5. Informal and Formal Resolution Processes

Consistent with the processes applied in relation to Grievance and Complaints management and the policies and procedures for same that apply to staff and students, investigation and resolution will adhere to the principles of Procedural Fairness Natural Justice and will follow a three (3) step process:

Stage 1: Informal Process

Informal resolution of an allegation is the most desirable process as it often offers the best chance at resolution. In the case of informal process, no formal record of issue, result or people involved will be noted or placed on individual staff records.

Informal resolution may involve self resolution or a process facilitated by the relevant Responsible Manager.

- Self resolution – in many cases, telling the person concerned that their behaviour is in breach of the code of conduct and explaining in what ways it is in breach and asking them to stop is sufficient.

Should the breach pertain to behaviour affecting another person; the person in breach should consider approaching those persons involved by means of direct discussion to resolve the matter.

- Informal resolution – should a complaint or breach not be resolvable via direct discussion, or should individuals feel unable to address the issue in a direct approach, they may seek guidance from the

relevant Responsible Manager. Initial discussions will identify the most appropriate process to deal with the suspected or alleged misconduct, as well as identify options available to resolve the concern.

During the informal process, the College will allow/provide access to the involved party of a Support Person. These support persons will provide reasonable assistance in order to investigate and resolve the complaint prior to initiation of a formal process.

Stage 2: Formal Process

The initiation of a more Formal Investigation and Resolution Process maybe the result of failed informal process or the decision of the Responsible Manager.

A Formal Process involves an allegation being provided in writing to the designated Responsible Manager who will:

- Provide all parties involved with copies of relevant policy and procedures pertinent to the matter;
- Contact the subject of the allegation and notify them of the allegations made against them, whilst providing them with the opportunity to state their case, by way of an explanation or putting forward a defence.

The Responsible Manager, along with one other senior manager if deemed appropriate, will then conduct a factual investigation into the allegations, interviewing all individuals involved and consider all information in an unbiased, fair and impartial manner.

If an allegation is substantiated, resolution will be sought through one or more of the following means:

- Option 1: The Manager may try and resolve the matter directly with the party or parties concerned.
- Option 2: The Manager may recommend an independent mediator to attempt resolution.
- Option 3: The Manager may arrange for the complaint to be formally investigated by an external expert and take action as necessary at the conclusion of the investigation, including any penalty or sanction that is appropriate or, in the case of Serious Misconduct, proceed with processes for dismissal.

Stage 3: Review

Should party or parties wish to appeal the decision on the ground of undue process, or flawed process they may request an independent review of the case via the College President. For an external review to be approved, the relevant party or parties must have exhausted the internal grievance procedures outlined under the ACC's policies and procedures for Grievance Management procedures for staff and students.

Upon approving the request for an independent review, the College President will appoint an independent person to review this process and provide a written report. The findings will be communicated by the College President back to either the relevant party or parties within 21 working days.

6. Principles underlying all Procedures

- i. Maintenance of the strict confidentiality will be observed to ensure minimisation of rumour, escalation of the situation or possible discrimination or victimisation of their party.
- ii. Before any decision is made as to validity of an allegation and the imposition of penalty or disciplinary action, the person alleged to be in breach of the policy shall:
 - a. Be notified in writing of the allegation against them and the process to be followed in investigation and resolution, including interviews with the Responsible Manager and the College President if deemed applicable;

- b. Be provided an opportunity for explanation or rebuttal;
 - c. Be advised of their rights to access a Support Person;
 - d. Be advised in writing of the outcomes of the investigation process and any penalties, sanctions or other decisions that apply and the reasons for them;
 - e. Be advised of their rights of Appeal.
- iii. The person alleging the breach will also be kept informed of the process being followed.
- iv. At all stages in the process the party or parties will be accorded the Principles of Procedural Fairness and Natural Justice.
- v. In those instances where the party alleging the breach does not wish to be identified, this will be honoured and every effort made to ensure that their identity is not disclosed, except in circumstances where the College President believes the identity of the discloser is necessary for the resolution of an investigation.
- vi. Where a Formal Process is initiated:
 - a. The party alleged to have committed the breach will be given a maximum of 5 working days to respond.
 - b. The investigation and the outcome will be reported by the Responsible Manager within a further five (5) working days of receipt of the response from the party alleged to have committed the breach.
 - c. If additional time is required for investigation and decision-making as to the action to be taken, the relevant parties will be so informed.
- vii. In the event of Serious Misconduct:
 - a. The above timelines and sequence of action taken may vary in accordance with the potential consequences of the breach, and at the discretion of the Responsible Manager.
 - b. The party or parties who are the subject of the allegation may be invited to attend a meeting with the Responsible Manager or the College President to be informed of the outcome of the investigation.
 - c. Should they not accept or fail to attend the meeting the process of resolution will continue.
 - d. Should they attend the meeting but not accept the allegations or results of the investigation, the meeting will be terminated and a Disciplinary Committee may be convened by the President.
- viii. In the event that a Disciplinary Committee is convened by the President:
 - a. The relevant parties will be so informed, and the hearing will occur within 14 days.
 - b. The Disciplinary Committee will comprise the President, and two independent non-executive Directors of the College.
 - c. Disciplinary Committee hearings will be held in private and all information kept confidential.
 - d. The Disciplinary Committee's role is to consider all previous information and the result of previous determinations. It will provide a fair and impartial hearing for all relevant parties and, at the conclusion of its deliberations, will either uphold previously arrived upon determinations of serious misconduct or dismiss the allegation.

- ix. All records of the complaint will be kept in confidentiality in the College’s record system for a minimum of 5 years.

At the conclusion of the Formal Process, if the party alleged to have committed the breach is dissatisfied with the process and the outcome, they have the right to present an appeal to such independent external parties as:

- Equal Opportunity Commission in relation to discrimination and sexual harassment) - <https://eoc.sa.gov.au>
- The Resolution Institute - <https://www.resolution.institute>
- Office of the Training Advocate (<http://www.trainingadvocate.sa.gov.au/>)
- Overseas Student Ombudsman (for international onshore students) - <http://www.ombudsman.gov.au/about/overseas-students>

- x. ACC acknowledges that, despite its best efforts in investigating and resolving breaches of required standards of conduct , the possibility remains that an aggrieved party, who is not satisfied with the manner in which ACC has managed the investigation and resolution process, may choose to lodge their grievance with the Tertiary Education Quality and Standards Agency (TEQSA), albeit that TEQSA is not a dispute resolution agency – www.teqsa.gov.au

IMPLEMENTATION and MONITORING

The implementation of this policy is the responsibility of the ACC President and the nominated Responsible Managers, by virtue of authority from the Board of Directors.

RELATED POLICY DOCUMENTS

- Conflicts of Interest Policy and Procedures
- Academic Integrity Policy and Procedures
- Staff Induction and Professional Development
- Grievance Management Non Academic (Students) Policy and Procedures
- Grievance Management (Staff) Policy and Procedures
- Student Academic Appeals Procedures
- Various Workplace Health and Safety Policies and Procedures including, but not limited to:
 - Workplace Bullying and Work-related Violence Policy and Procedures
 - Sexual Abuse and Sexual Harassment Policy and Procedures
 - Drugs and Alcohol Policy and Procedures.

VERSION CONTROL

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