



CODE OF CONDUCT

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 Freedom: Comprises two main elements - **Intellectual Inquiry** and **Freedom of Speech** - as defined below.

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: For staff, this includes various forms of academic dishonesty such as plagiarism, false claims about authorship and/or contributions to teaching materials or research, cheating or contract cheating in personal pursuit of additional qualifications, the sale of one's academic work for use by another person, and purchasing or obtaining teaching materials from companies or web-based services without due acknowledgement of the source.

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.

Freedom of Speech: The power or right to express one's opinions without censorship, restraint, or penalty, providing such expression is lawful. Freedom of Speech that is lawful, is a primary aspect of academic freedom and a paramount value of ACC.

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.

Independent Board and Committee Member: An independent member of a governing body (a Director of the Australian Chiropractic College Limited, a member of the Academic Board or a member of a sub-committee of the Board of Directors or Academic Board) is a person who is independent from management and who does not have (or intend to have) any material or significant dealings with the provider (or an associated entity) that could interfere with the exercise of independent judgement as a director.

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

Intellectual Inquiry: Questioning to determine thought and reason to gain a better understanding and contribute to knowledge. It is a primary aspect of Academic Freedom and a paramount value of ACC.

Members: Are Members of the Australian Chiropractic College as defined in the Constitution, including the Founders of the College.

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 Member: a person who has been offered and has accepted a contract of employment from Australian Chiropractic College.

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.

Supporters: Supporters of the College are those individuals and organisations that have made a donation to the College or have a loan arrangement with the College.

PURPOSE

This procedure outlines the mechanisms in place to implement the set of rules and standards of behaviour, as outlined in the Code of Conduct Policy, required by students, staff members and contracted teaching staff, Directors of the Australian Chiropractic College, members of the Academic Board and sub-committees of the Board of Directors and/or the Academic Board, Members and Supporters.. The procedure 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, and is to be read in conjunction with the Code of Conduct Policy, which is applicable to all of the aforementioned parties 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.

This document also applies to Directors of the Australian Chiropractic College, members of the Academic Board and sub-committees of the Board of Directors and/or the Academic Board, Members and Supporters whilst undertaking activities directly linked to the College.

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 Academic Integrity Procedures for Staff and Students* 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 *Workplace Health and Safety Policy and the Sexual Assault and Sexual Harassment (SASH) Policy*.

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.
- Misdemeanour.
- 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 General Manager 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 General Manager.

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

For Directors of the Australian Chiropractic College, members of the Academic Board and sub-committees of the Board of Directors and/or the Academic Board, Members and Supporters 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 College President.

In the event that the allegation relates to the College President, investigation and resolution will be managed by the Chair of the Board of Directors.

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, as outlined below.

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, or the Chair of the Board of Directors where relevant, will appoint an independent person to review this process and provide a written report. The findings will be communicated by the College President, or the Chair, 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, the College President, or the Chair of the Board of Directors 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, or the Chair of the Board of Directors:
 - a. The relevant parties will be so informed, and the hearing will occur within 14 days.
 - b. The Disciplinary Committee will comprise the President (if the allegation involves the President he/she will be replaced by the Chair of the Board of Directors), 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. 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:
 - a. Equal Opportunity Commission in relation to discrimination and sexual harassment) - <https://eoc.sa.gov.au>

- b. The Resolution Institute - <https://www.resolution.institute>
 - c. Office of the Training Advocate (<http://www.trainingadvocate.sa.gov.au/>)
 - d. 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 an adispute resolution agency – www.teqsa.gov.au
- xi. All records of formally recorded misconduct and its management will be kept in confidentiality in the College's record system for a minimum of 5 years.

IMPLEMENTATION and MONITORING

The implementation of this policy is the responsibility of the College 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
- Sexual Assault and Sexual Harassment Prevention 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
 - Drugs and Alcohol Policy and Procedures.

VERSION CONTROL

Document: A006 Code of Conduct Policy and Procedures		
Responsible Officer: General Manager		
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Version: V2.0	Replaces Version(s): V1.1	Next Review: March 2026
Nature of Change	<p>October 2020:</p> <ul style="list-style-type: none"> • Minor formatting and text edits • List of definitions inserted <p>March 2023</p> <ul style="list-style-type: none"> • Inclusion of independent Board and Committee members, founder and supports where they are engaging directly with or on behalf of the College • Given the expansion of coverage, change authority for approval from the Academic Board to the Board of Directors • Inclusion of Academic Freedom and Academic Integrity for all parties • Update to position titles and allocation of responsibilities • Separate the Policy and Procedures. 	