



# Code of Conduct

## 1. Purpose and scope

This Code of Conduct sets out the Academy's expectations and requirements regarding behaviour and conduct along with guidelines and processes for handling actual or possible breaches of the Code. It covers both:

- **Conduct directly associated with the Academy** (for example during events, meetings, and Academy employment).
- **Conduct external to the Academy** (in other employment and personal contexts), to the extent such conduct has a potential impact on the standing and reputation of the Academy, or on the Academy's duty of care to prevent bullying, harassment and discrimination associated with its own activities.

This Code sits alongside the Academy's existing suite of policies and procedures that cover workplace health and safety, grievance handling and instances of actual or alleged sexual or non-sexual harassment, discrimination, victimisation, vilification and bullying. It also sets out the ways in which the Academy upholds its moral and legal responsibility to ensure as far as possible that those it employs or otherwise engages with are provided with a physically and psychologically safe environment, and that they are not exposed to discrimination, bullying and harassment.

**This Code and the related procedures apply to:**

- Academy Fellows (**Fellows**)
- Employees, contractors, interns and volunteers (**Employees**)
- Others representing the Academy or participating in Academy programs, committees, events, award programs or other activities (**Participants**).

## 2. Academy Principles

The Academy strives to provide a safe and inclusive workplace and to convene events and other activities that are safe, free from discrimination and harassment, and that encourage and promote intellectual freedom as well as freedom of expression and exchange of ideas.

Academy activities are planned and undertaken in accordance with its agreed **Principles** of:

- Excellence
- Independence
- Integrity
- Acknowledgement and respect for Aboriginal and Torres Strait Islander people.

## 3. Conduct directly associated with the Academy

Academy Fellows, Employees and Participants participating in Academy activities or representing the Academy in any official capacity are expected to maintain a standard of conduct in their dealings with and on behalf of the Academy that is:

- Consistent with the Academy's Principles
- Supports and promotes diversity, participation, inclusivity, intellectual freedom and freedom of expression
- Courteous and respectful of others
- Upholds the high-standing and reputation of the Academy in the community.

Actual or possible breaches of this Code in the context of Academy activities will be subject to investigatory and resolution processes and if warranted, disciplinary action as set out in the Appendix.

#### 4. Conduct external to the Academy

Academy Fellows, Employees and Participants are expected to maintain a standard of conduct in their professional and private lives that:

- does not undermine the Academy's standing and reputation, or bring the Academy into disrepute
- accords with applicable legislation and Academy policies regarding bullying, harassment and discrimination.

In general, the Academy will not investigate allegations of misconduct outside of its own activities or workplace context. However, if it becomes aware of actual or possible behaviours that either undermine or damage its standing and reputation, or present an actual or potential risk of harm – currently or in future – to those under its duty of care, the Academy will exercise its right to do any or all of the following:

- **Employees:** investigation and potential disciplinary action (warning, counselling, performance management, probation, suspension or termination)
- **Fellows:** warning, request for resignation, exclusion from future activities, or suspension or expulsion of membership, per clause 3.9 of the Academy's Constitution.
- **Participants:** exclusion from future Academy activities.

Instances that may trigger such actions include:

- **Public comments** (lectures, articles, social media posts etc) beyond the accepted bounds of academic freedom that directly undermine the Academy, its Principles, or any of its Employees or Fellows, or which knowingly publicise confidential Academy information.
- **Civil or criminal legal proceedings** relating to alleged conduct that, if occurring in an Academy context, could present a risk of physical or psychological harm to others.
- **Other organisations' investigations or disciplinary procedures** relating to alleged conduct that, if occurring in an Academy context, could present a risk of physical or psychological harm to others.

#### 5. Investigation and findings

The Academy does not tolerate bullying, sexual or non-sexual harassment or abuse, or any form of discrimination on grounds of age, race, nationality, gender, sexuality, religion, disability, ethnicity, marital status, political affiliation or culture.

In cases of reported or alleged bullying, harassment or discrimination in the context of Academy activities, the Academy will investigate and where warranted, act on its findings in a prompt and decisive manner.

In cases of reported alleged bullying, harassment or discrimination external to the Academy, the Academy will rely, where possible, on legal proceedings or on investigations and disciplinary processes of other institutions, especially as they apply to Academy Fellows. Where an Australian University disciplinary process leads to a Fellow ceasing to hold an official position at an Australian University, including by resignation or retirement, this will be considered to be a *prima facie* breach of the code of conduct and may result in the Academy taking action, including expulsion of membership, per clause 3.9 of the Academy's Constitution.

## 6. Communication with third parties

The Academy will only communicate the details of investigations or the outcomes of its decisions and actions with respect to this Code of Conduct as required by law. The Executive Committee may also choose to disclose outcomes of its investigation where it has an interest or duty to provide information on the subject to a person or organisation with an apparent legitimate interest in knowing the information.

## 7. Review and authorisation

The Code of Conduct and associated procedures have been approved by the Academy's Executive Committee on 26 August 2021 and will be reviewed biennially, or more often as required.

Signed



Professor Jane Hall FASSA FAHMS  
President



Dr Chris Hatherly  
CEO

## Appendix 1. Guidelines for misconduct associated with Academy activities.

Because guidelines cannot cover every circumstance or eventuality and are unlikely to be on hand when urgently needed, the Academy's policy with respect to handling breaches of this Code is that those experiencing or observing such a breach should apply their own judgement in responding.

Individuals who respond to such situations in good-faith and using their best judgement will not be penalised or in any way disadvantaged for doing so.

However, guiding principles upon which such judgements might be based include:

1. **Ensuring own and others physical and psychological safety and wellbeing.** This may include leaving or removing an individual from a situation, seeking assistance from colleagues, officials or supervisors, taking appropriate action to diffuse conflict or tension, or in some cases escalating a situation to relevant authorities.
2. **Intervening within the bounds of one's confidence and authority to prevent or de-escalate inappropriate behaviour.** For example, politely challenging inappropriate behaviour or language, calling a break in proceedings, changing a topic of conversation or discussion, or intervening to divert one or more individuals away from a situation.
3. **Documenting observed or experienced breaches to the extent possible, and reporting through the Academy's formal mechanisms.**

### 1. Reporting lines

On receipt of a report of a breach of the Code, Academy employees or officials should notify the Academy's CEO and/or President **even if the individual making the report has requested that no action be taken** (where possible the individual making a report should be informed of the Academy representative's requirement to notify others).

- **Academy Fellows** should report breaches of the Code to the Academy President or to a member of the Academy's Executive Committee.
- **Academy Employees** should report to their direct supervisor or manager. If the report concerns their supervisor or they are not comfortable doing so for any other reason, they should report to the CEO. If the report concerns the CEO, reports should be made directly to the Academy President. And if for any reason an employee is uncomfortable reporting through these lines, they may report matters to another member of the Academy Executive Committee.
- **Participants** should report breaches of the Code of Conduct to the Academy employee, committee chair or other relevant Academy official who is present and/or responsible for the activity.

### 2. Resolution procedures

The President or the CEO will determine the appropriate steps for resolution of reported misconduct. In general, the subject of the report should be notified that a report has been made (with the identity of the reporter kept confidential if possible) and should be given the opportunity to respond to the report and to participate in a transparent resolution process. Options for resolution are as follows:

## 2.1. Informal resolution

Where possible, reports of allegations of misconduct should be resolved informally and confidentially through any or all of the following:

- Discussion between a relevant Academy official (whether Employee or Fellow) and individual(s) concerned.
- Facilitated conciliation and mediation either by an un-involved Academy official (for example, the CEO or member of the Executive Committee) or a professional mediator, as appropriate.
- Agreed resolution such as formal apology, commitment to change behaviour or withdrawal from an activity, as appropriate.
- Provision of support, such as pairing with a mentor, access to counselling through the Academy's Employee Assistance Program, or other professional support services, as warranted.

## 2.2. Formal investigation

Where informal resolution is insufficient to resolve a matter, where allegations are disputed, or where the observed or alleged misconduct is deemed by Academy officials to be sufficiently serious, formal investigation procedures may be instigated.

Such investigations may be conducted in different ways depending on the circumstances and nature of the alleged breach, as follows:

- **Alleged misconduct by Academy Fellows** will generally be investigated by the Academy President and two members of the Executive Committee, or by an independent investigator, as determined by the President in consultation with the Executive Committee and the CEO.
- **Alleged misconduct by Academy Employees** will generally be investigated by the CEO or their delegate, or by an independent investigator, as determined by the CEO or the President.
- **Alleged misconduct by Participants in Academy activities** will generally be investigated either by Academy Employees (including but not limited to the CEO), by an investigation Committee established for that purpose, or by an independent investigator, as determined by the CEO and the President.

When formal investigations are deemed necessary the Academy will aim to commence the investigation as soon as possible after the incident has occurred. The Academy also aims to conduct investigations in a fair and transparent manner that protects the identities and reputations of those involved as much as possible while the investigation is taking place.

Those responsible for conducting investigations will provide a written report with recommendations for action to the Academy decision-maker. In general, the subject(s) of the investigation and in some cases the instigator of a report or allegation will be given an opportunity to review the report and to provide a response that will be considered alongside the report by Academy officials.

## 3. Disciplinary action

If a finding is made that the Code of Conduct has been breached, disciplinary action may be taken. The appropriate disciplinary action will be determined by the relevant Academy official (either the President in consultation with the Executive Committee or by the CEO) on the basis of the outcomes of an informal resolution or the recommendations of a formal investigation. Disciplinary action, could include but is not limited to:

<b>Fellows</b>	<b>Employees</b>	<b>Participants</b>
Warning	Warning or reprimand	Warning
Invitation to resign	Counselling	Suspension or exclusion from a particular event or activity
Suspension or exclusion from future activities	Performance management	Exclusion from future events and activities
Suspension of Academy Fellowship	Mentoring or supervision to monitor or assist in addressing behaviour	
Expulsion from Fellowship	Termination of employment	

#### 4. Appeals procedure

Both the instigators and the subjects of formal misconduct allegations may appeal the outcome of an investigation, informal resolution and any disciplinary action. Appeals will be considered by either the Immediate Past-President (in years there is one) or the President-Elect (in the year there is one) who will have absented themselves from the prior investigation, consideration, and determination by the Executive Committee and who may involve in the consideration of the appeal up to two other Fellows who have no prior knowledge of or involvement in the matter.

Action may include:

- declining the appeal;
- reviewing all or part of a decision;
- re-opening an investigation with the same or a different investigator;
- presenting the information and decision-making process for review to the Executive Committee or independent reviewer;
- ceasing further investigation or action.

Importantly, no part of this Code of Conduct prevents or limits the legal right of any individual to take any action through legal means.