

# Conduct Policy

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<b>Responsible Person</b>	CEO

## Policy

### Purpose

1. The National Youth Science Forum (NYSF) strives to achieve and maintain a work environment where employees will always display the highest standards of professional and personal conduct in serving the needs of employees, stakeholders and program participants. The Code of Conduct is intended to ensure that employees are aware of their obligations to behave ethically and conscientiously and to behave in a manner that promotes and protects the NYSF's reputation in the wider community.
2. This policy outlines the Code of Conduct which will be provided to all employees and will be referenced in employment contracts. The Code of Conduct describes behavioural expectations and provides a framework that assists managers to manage conduct, performance and behaviours.

### Code of Conduct

3. The NYSF Code of Conduct requires that an employee must at all times:
  - a. Act honestly, in good faith and in the best interests of the NYSF,
  - b. Treat everyone with courtesy, respect, kindness, consideration, and sensitivity to their rights,
  - c. Refrain from all forms of harassment and discrimination based on gender, race, religious belief, political affiliation, pregnancy, disability, sexual orientation or illness,
  - d. Perform duties responsibly and professionally, with due regard for company policies and other legal requirements and obligations,
  - e. Disclose in writing to the CEO and take reasonable steps to avoid any conflict of interest in relation to employment with NYSF,

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- f. Respect each individual's rights to privacy and keep personal information held by the NYSF in confidence, and
- g. Take no improper advantage of information gained in the course of employment.

## Misconduct

4. The NYSF may institute a range of measures in relation to an employee's failure to adhere to the Code of Conduct. In the case of minor breaches, the manager and employee may work towards correcting the behaviour or actions through performance management measures.
5. In the case of a complaint or an allegedly more serious breach of the Code of Conduct, the CEO may facilitate a formal investigation into the matter. An investigation must take into account the principles of natural justice which ensure that the person against whom a complaint has been made is aware of the nature of the allegations against them and is given an opportunity to respond to the allegations; and that the investigator acts without bias. In some cases, an external investigator may be engaged to investigate the matter.
6. In some instances, it may be appropriate for the CEO to summarily (instantly) dismiss an employee for serious misconduct as long as the employee has been advised of the reason for the dismissal and provided with an opportunity to explain the alleged conduct.

## Volunteers and Program Participants

7. Where misconduct is found to have occurred by a volunteer or program participant, the behaviour may be addressed by the removal of the person from an NYSF program.

## Bullying and Harassment

8. Allegations of bullying or harassment made against an employee will be managed in accordance with the misconduct procedures. See also Bullying and Harassment Policy.

## Procedure

1. The Code of Conduct intends to ensure that employees are aware of their obligation to at all times conduct themselves in a manner that promotes and protects the image, reputation and goodwill of the NYSF and its business, in dealing with other employees, stakeholders, volunteers and program participants. In particular, employees must always behave in a professional, courteous and respectful manner, and seek to work cooperatively with fellow employees.
2. All employees will be advised of the adoption of the Code of Conduct on its approval by the NYSF Board. All employees will be reminded of it from time to time. New employees will be asked to read the Code of Conduct on beginning employment with the NYSF. NYSF employees must comply with this Code of Conduct and report any breaches to their manager, the Manager, Corporate Services and/or the CEO, as appropriate.

## Misconduct

### *Definition*

3. Misconduct by an employee includes any of the following acts or omissions:

- a. deliberate and wilful failure to follow any lawful instruction or direction by the employee's supervisor or any person from whom they are required by the employer to take direction,
- b. serious negligence or incompetence in the performance of duties,
- c. any act of dishonesty or deceit by the employee,
- d. any improper or unauthorised use of confidential information owned or used by the NYSF, including confidential information belonging to partners of the NYSF,
- e. any inappropriate or unauthorised use of the NYSF's property,
- f. act in any way, which in the reasonable opinion of the employer may injure or be likely to damage the business or reputation of the NYSF,
- g. any rude, abusive, violent, threatening or seriously inappropriate conduct, including bullying,
- h. downloading or viewing pornography,
- i. being intoxicated or under the influence of prohibited drugs in the workplace, or while representing the NYSF in other environments,
- j. consuming drugs or alcohol in the workplace,
- k. improper or inappropriate use of their position,
- l. any conduct that, in the reasonable opinion of the NYSF, constitutes a serious or potentially serious conflict of interest, including working for a competitor of the employer,
- m. any reckless or deliberate damage to the NYSF's property, or
- n. any wilful or continued failure to observe the policies and procedures of the employer.

Where an employee's conduct falls below the standards outlined in the Code, the manager will discuss the matter with them and inform them how the complaint or allegation against them will be investigated.

#### *Process for Investigation of Misconduct*

4. Where an employee, program participant or other stakeholder makes a formal complaint about an employee, the CEO will determine if the matter justifies a formal investigation or can be managed informally or through other processes. If the matter requires a formal investigation, the CEO will identify the most appropriate person to investigate the matter, which may include the appointment of an external investigator to inquire into the matter on their behalf.
5. Investigations will be undertaken in accordance with the principles of natural justice which ensure that the person against whom a complaint has been made is aware of the nature of the allegations against them and is given an opportunity to respond to the allegations; and that the investigator acts without bias.
6. In the course of a formal investigation, the investigator may choose to interview all parties involved, including the complainant, the respondent and any other witnesses. This may include obtaining evidence of the employee's past conduct during their employment with the NYSF. The investigator will comprehensively and accurately document all information obtained during the investigation and will keep management informed about the investigation process.
7. The CEO may decide to have workplace participants or other stakeholders stood down, removed from a program, or provided alternative duties during an investigation if it is deemed necessary for the safety of participants in or efficient conduct of the investigation. In this case, an employee will receive regular pay during this period.
8. Upon completion of an investigation, the investigator will make a finding on the balance of probabilities in relation to the alleged behaviour. The investigator will then make recommendations to the CEO in relation to whether the allegation/s are substantiated and if so, any recommendation for further action.
9. The range of actions the CEO may consider include:
  - a. Counselling;

- b. An official warning;
  - c. Requirement of a formal apology, and/or an undertaking that behaviour will cease;
  - d. Mediation but both parties must agree to mediate to seek a mutually acceptable resolution;
  - e. Termination of employment
10. Mediation can only be considered to be an appropriate option where there is no imbalance of power, and both parties have agreed to seek to resolve their differences through a voluntary mediation process.
11. Once the CEO has considered the investigation report, they will advise the respondent about the findings and will advise other parties to the complaint, as appropriate. The manager should follow up with other parties in relation to wellbeing issues, if appropriate. Where necessary the NYSF will consider whether awareness-raising or education is required on a broader basis among employees.

### *Serious Misconduct*

12. The Fair Work Regulations define 'serious misconduct' as follows:
- a. wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment; and
  - b. conduct that causes serious and imminent risk to:
    - i) the health or safety of a person; or
    - ii) the reputation, viability or profitability of the employer's business.

The Regulations also list the following conduct as being deemed serious misconduct:

- c. the employee, in the course of the employee's employment, engages in theft, fraud or assault;
  - d. the employee being intoxicated at work;
  - e. the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
13. Where an employee's employment is terminated for serious misconduct, they may be terminated without giving them any notice. This must be done in writing, and reasons should be provided as to why their employment has been terminated. Upon termination of employment, the employee must return all of the employer's property in its original condition, with allowances for reasonable wear and tear. A terminated employee may seek a remedy for 'unfair dismissal' through the Fair Work Commission.
14. Where an employee's conduct is serious enough to report to the police (such as allegations fraud or serious bullying and harassment or assault), it may not be appropriate for the NYSF to conduct an internal investigation, pending the outcome of a police investigation. Consideration may be given standing the employee down in the interim period prior to making any decision on termination of employment.

### *Misconduct by the CEO*

15. In the case of a complaint against the CEO of the NYSF, the above procedures will be adhered to, with the Chair of the NYSF Board taking the position of the CEO in managing the investigation of the misconduct.
16. Complaints against the CEO should be made to the Chair of the NYSF Board, either directly or via the employee's manager or supervisor.