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# STAFF CODE OF CONDUCT

## 1. PURPOSE

- 1.1 The purpose of this Code of Conduct is to provide Staff of Eastside Lutheran College with practical guidance on what is expected of them in their interactions with students, each other and the wider community.
- 1.2 This Code of Conduct has been prepared having regard to the Australian Standard 8002-2003 Organisational Code of Conduct and the *Work Health and Safety Act 2012 (Tas)*.
- 1.3 The Code of Conduct is available on Teams and through the Complispace Portal.
- 1.4 This Code of Conduct should be read in conjunction with both Lutheran Education Australia (LEA) and College policies and procedures.

## 2. SCOPE

- 2.1 This Code applies to all Staff at the College. Staff must comply with this Code.

## 3. DEFINITIONS

- 3.1 Code of Conduct or Code means this Code of Conduct
- 3.2 ELC, or College, means Eastside Lutheran College.
- 3.3 Staff means all employees, contractors and volunteers of the College, including the Board and those who minister in the name of the Lutheran Church of Australia and the College.

#### **4. LAWFUL AND REASONABLE DIRECTIONS**

- 4.1 Staff must comply promptly, conscientiously and effectively with all lawful and reasonable decisions and directions given by a person having authority to give such directions at the College.
- 4.2 Staff must not knowingly or deliberately impede compliance with, or implementation of a lawful and reasonable decision or direction.
- 4.3 When making decisions or giving directions Staff must:
  - 4.3.1 act within their legal and organisational responsibilities and delegations; and,
  - 4.3.2 consider any risk of the decisions or directions resulting in psychosocial hazards for others in the workplace; for example, psychosocial hazards that may arise include low job control, poor support, lack or role clarity, and poor organisational change management.

#### **5. PROFESSIONAL AND ETHICAL CONDUCT**

- 5.1 All Staff are required to support the Lutheran ethos of the College as a requirement of their engagement and are expected to demonstrate their support for the Vision and Mission of Lutheran Education.
- 5.2 In the course of their employment or engagement, staff must act in a professional and respectful way that enhances their professional reputation (if applicable) and the reputation of the College and/or Lutheran Education.
- 5.3 As personal conduct outside of normal working hours can reflect either positively or adversely on the College and/or Lutheran Education, Staff must act appropriately in the presence of children and students at all times, both within and outside College hours.
- 5.4 At all times Staff must conduct themselves in a manner that does not bring the College and/or Lutheran Education into disrepute.
- 5.5 Staff must treat others (including students) within their work environment with respect and dignity. This includes:
  - 5.5.1 ensuring their workplace interactions and behaviour supports the psychological health of others:
  - 5.5.2 having due regard for the feelings, rights and traditions of all persons; and
  - 5.5.3 developing relationships based on mutual respect and trust.
- 5.6 Staff whose work involves interacting with students have a special responsibility to comply with duty of care requirements and not to be

engaged in inappropriate behaviour such as illegal, anti-social or disreputable activities which may negatively impact on them being seen as appropriate role models for those students.

- 5.7 Staff must read and comply with the policies, procedures and delegations that apply to them, as amended from time to time.
- 5.8 Staff who are uncertain about any aspect of policies, procedures and delegations which apply to them should examine the relevant information and seek advice from the Principal or their "Line Manager". This includes information contained on the LEA website, on the College website and in College handbooks.
- 5.9 Staff must uphold and comply with:
  - 5.9.1 Applicable Commonwealth, State and local laws, regulations, industrial awards and agreements.
  - 5.9.2 Applicable professional standards and codes of practice that do not conflict with government or Lutheran education policy; and
  - 5.9.3 Lutheran-education and government directives, policies and procedures.
- 5.10 Staff must act promptly in reporting potential breaches of the law, College and/or Lutheran Education policies, procedures and codes of conduct, government policies and directives, as well as misconduct and maladministration under the LEA Code of Conduct.
- 5.11 Staff must always behave in ways that promote the safety, welfare and well-being of students. Staff and others in their workplace environment in accordance with relevant occupational, health and safety legislation. This includes taking reasonable care for their own psychological and physical health and safety, and the health, safety and wellbeing of others.  
For example: Staff may be required to report concerns about the health, safety or wellbeing of a child or student. Staff are strongly encouraged to seek support from their line manager if they require support.
- 5.12 Staff must perform their duties competently and responsibly, with a focus on delivering or supporting high quality educational services to students and delivering high quality services to other internal or external Lutheran education clients.
- 5.13 Employees must maintain currency of any relevant professional registration and competence through appropriate professional development or learning experiences.
- 5.14 Staff must maintain the accuracy, integrity and appropriate confidentiality of

all information used in their professional dealings in Lutheran education.

- 5.15 Employees must only take leave of absence from their work duties when authorised to do so.
- 5.16 Dress, personal appearance and hygiene are important elements of professional presentation. Staff must ensure that their personal appearance and presentation are clean, tidy and appropriate for their work role in accordance with the expectation of the College. Please refer to the College's Staff Dress Code.
- 5.17 Staff must ensure Lutheran education resources are not used improperly. These resources include financial and material resources as well as intellectual, information, system and knowledge resources related to the work of Lutheran education. Work time is also a valuable resource that employees and contractors must manage effectively to create productive outcomes.

## **6. DUTY OF CARE TO STUDENTS**

- 6.1 Duty of care is essentially a duty to do everything reasonably practicable to protect others from foreseeable harm. While this applies in all aspects of a Staff member's work, it is particularly important for Staff who interact with, and have responsibility for students.
- 6.2 Staff must take reasonable steps to prevent harm to students and support students who have been harmed or are at risk of harm.
- 6.3 Teachers have a duty to take reasonable care to prevent reasonably foreseeable risks of harm to students.
- 6.4 All students have the right to learn in a physical, online and emotional environment free from unreasonable risk of harm. Harm includes any significant detrimental effect to the student's physical, psychological or emotional well-being by any cause and includes minor harm that is cumulative in nature, and which would result in a detrimental effect of a significant nature to the student if allowed to continue. Amongst other things, harm can be caused by:
  - 6.4.1 physical, psychological or emotional abuse or neglect;
  - 6.4.2 sexual abuse or exploitation;
  - 6.4.3 domestic or family violence;
  - 6.4.4 bullying; and
  - 6.4.5 one's own actions (self harm).
- 6.5 Staff must comply with the Collaborative Caring protocol which lays out the

reporting procedures required of Staff in Lutheran schools and as prescribed persons under the *Children, Young Persons & Their Families Act 1997* (Tas) and as mandated reporters of child abuse and neglect.

- 6.6 Staff must actively seek to maintain a safe environment for students and Staff in accordance with the *Work Health and Safety Act 2012 (Tas)*.

## **7. PSYCHOSOCIAL HARM**

- 7.1 Staff must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating or threatening. Staff must also not behave in a manner that creates a risk to the psychosocial safety of others or would constitute a psychosocial hazard.
- 7.2 Psychosocial hazards are hazards that arise from or are in relation to:
- 7.2.1 the design or management of work;
  - 7.2.2 the working environment and equipment; or
  - 7.2.3 workplace interactions or behaviours; and  
may cause psychological and physical harm.
- 7.3 Conduct prohibited by clause 7.1 might include, but is not restricted to:
- 7.3.1 targeting students or colleagues with unfair and continued criticism;
  - 7.3.2 bullying, harassment or sexual harassment of other employees;
  - 7.3.3 making excessive or unreasonable demands of others; and
  - 7.3.4 making any form, either oral or written (including electronic communication), of derogatory comments to students, parents, colleagues or the general public.

## **8. PHYSICAL CONTACT WITH CHILDREN**

- 8.1 Staff must not engage in conduct that could physically harm a student and this should be noted especially in cases involving disciplinary action.
- 8.2 All forms of corporal punishment (including but not limited to hitting or slapping a student) are prohibited in all Lutheran schools, including the College.
- 8.3 There may be occasions, however, where physical contact or intervention is reasonably necessary in order to comfort or protect students, self, others or property. In these circumstances physical contact or intervention should go no

further than reasonably necessary and proportionate to comfort, prevent harm or further harm to students.

## **9. SEXUAL CONDUCT**

- 9.1 Staff interactions with students and children must be, and be seen to be, professional at all times.
- 9.2 Staff must not sexualize a relationship with a student or child. To do so is a breach of trust, an abuse of authority, professional misconduct, immoral and criminal. Failure by the other person to reject such conduct does not necessarily imply meaningful consent for, in law, a child or student cannot consent to a sexual act with a Staff member.
- 9.3 Staff must not provide or exchange personal contact details such as telephone numbers or email addresses with students, unless there are specific work-related reasons. Similarly, Staff must not enter into unauthorized communication with students such as text messaging and other social media unless authorized for a specific reason by the Principal.
- 9.4 Without limitation, the following behaviour constitutes either misconduct or sexual misconduct:
  - 9.4.1 unwarranted and inappropriate touching of students;
  - 9.4.2 suggestive remarks or action of a sexual nature;
  - 9.4.3 sexual exhibitionism;
  - 9.4.4 obscene gestures, language, jokes containing sexual references or deliberately exposing students to the sexual behaviour of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual;
  - 9.4.5 inappropriate conversations of a sexual nature;
  - 9.4.6 comments that express a desire to act in a sexual manner;
  - 9.4.7 personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student;
  - 9.4.8 deliberate exposure of students to sexual behaviour of others including display of pornographic material;
  - 9.4.9 flirtatious behaviour directed at a student;
  - 9.4.10 dating a student;
  - 9.4.11 spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation; or
  - 9.4.12 expressing romantic feelings towards a student in any way.

- 9.5 Sexual misconduct can also include *grooming* behaviour. Grooming behaviour is a process whereby an adult may attempt to build rapport with children or young persons in order to reduce their resistance to, and increase compliance with, sexual abuse. The grooming process can include:
- 9.5.1 misleading students by pretending to them that they are special, for example by spending inappropriate time with students, inappropriately giving gifts, showing special favour to certain students but not to other students, allowing students to overstep the accepted College rules.
  - 9.5.2 breaking of accepted College standards of behaviour, for example undressing in front of students, allowing students to sit on their lap, talking about sex, apparently *accidental* touching.
  - 9.5.3 engaging in inappropriate, personalised forms of communication.
- 9.6 Staff must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise, Staff must report such instances immediately to the Principal to assist in preventing ongoing risk of harm.

## **10. DISCRIMINATION, BULLYING AND HARASSMENT**

- 10.1 The College is committed to providing workplaces free of all forms of discrimination, bullying, victimisation, harassment, and sexual harassment
- 10.2 Staff must not discriminate against, victimise, harass or sexually harass any colleague, student or parent, nor discriminate in how services are provided.
- 10.3 Staff must not bully other Staff, and must take reasonable steps to prevent bullying towards Staff and students.
- 10.4 All Staff are required to act fairly and evenly towards other employees, students and the general public.
- 10.5 Discrimination, bullying, victimization, harassment and sexual harassment will not be tolerated by the College and will be dealt with in accordance with the College's complaints and grievance policies and procedures.

## **11. USE OF TOBACCO, ALCOHOL, OTHER DRUGS AND MEDICATION**

- 11.1 Staff must not smoke or vape in College facilities and grounds or when they have direct responsibility for or contact with students of the College.
- 11.2 Staff have an occupational health and safety obligation, in accordance with the *Work Health and Safety Act 2012* (Tas), to ensure their use of alcohol and drugs (whether illicit, proscribed, over-the-counter or prescribed as

medication) does not adversely affect their work performance or endanger the health and safety of others.

- 11.3 The use of illicit drugs by Staff at any time within a professional context, particularly in association with the supervision of students, is strictly prohibited.
- 11.4 Staff suffering from a drug or alcohol problem that adversely affects their work performance must actively seek professional assistance to address the issue and are encouraged to raise this with the Social Worker or Principal so that reasonable support can be provided.
- 11.5 Staff must not provide students with alcohol and must not encourage or condone the illegal use or consumption of alcohol (including underage drinking).
- 11.6 Staff must reasonably endeavour to avoid direct social contact with students where student consumption of alcohol or the illicit use of drugs occurs.
- 11.7 Staff must not use or be affected by alcohol and / or the illicit drugs in any circumstances when they are responsible for students. This includes camps, retreats, excursions and other such activities.
- 11.8 In circumstances where College authorities have authorised the serving of alcohol, have secured Licensing Commission permits as necessary and have set aside a clearly defined area for such purposes, the limited consumption of alcohol by Staff in the vicinity of students is permitted.
- 11.9 At the request of parents and with the agreement of appropriately trained employees, employees are authorized to administer prescribed medications in accordance with College- based policies and procedures. Employees must not provide students with non-prescribed medications or over-the-counter drugs without the appropriate authorization of College authorities, nor encourage or condone student illicit use of drugs.
- 11.10 Volunteers cannot administer medication to students.

## **12. CONFLICT OF INTEREST**

- 12.1 A conflict of interest may exist when a Staff member's private interests have the potential to interfere with the proper performance of their work duties. Staff must identify potential, perceived or actual conflicts of interest, declare these and ensure these are entered onto the conflicts of interest register. If the conflict cannot be appropriately managed, the staff member must not be involved in decisions in which they are conflicts without the



express permission of the Principal.

- 12.2 ELC recognises situations may occur where Staff are working with family members or with persons with whom they develop close personal relationships. Where such situations occur, the Staff member must declare the potential conflict of interest as above in clause 12.1.
- 12.3 All Staff who participate in procedures for selection, granting of tenure, performance appraisal, termination or transfer of any person who is a family member or with whom they have, or have had, a close personal relationship must declare the conflict of interest. Nevertheless, the existence of a close personal or family relationship does not constitute a bar to the employment, promotion, granting of tenure or transfer of any individual. However, the staff member will not be a part of the process and this will be noted in the conflict of interest register.
- 12.4 Private part-time employment by employees, including tutoring, which conflicts with or compromises their employment with the College may give rise to a conflict of interest and must be declared. Employees must seek prior approval from the Principal for any such employment.
- 12.5 Receipt of gifts from those considered as part of the broad client base of ELC (e.g. students / families of the College) may present the potential for a conflict of interest and must be declared if the gift is worth more than \$100.
- 12.6 In many cases only individual Staff members themselves will be aware of the potential for conflict. The onus therefore is on the individual in these cases to notify the appropriate supervisor of this potential conflict.
- 12.7 Employees and contractors must not seek financial gain from work produced for the College without the authorization of the College.
- 12.8 Employees whose work duties involve purchasing or managing resources on behalf of the College must act within their delegated authority and comply with legislative requirements, policies and procedures for the purchase, use and disposal of any College resource.

### **13. PRIVACY & CONFIDENTIALITY**

- 13.1 Staff members may be entrusted with access to information of a sensitive nature to enable duties to be adequately carried out. Staff must handle confidential, personal and sensitive information carefully and maintain the integrity of such information at all times in compliance with relevant privacy legislation and the College's Privacy Policy.

#### **14. USE OF COLLEGE RESOURCES**

14.1 Staff must ensure all College equipment, resources, and consumable items are used appropriately for the work and business of the College. Limited and occasional private use of College equipment and resources may occur providing it is reasonable and does not adversely affect the performance of work duties or the business or reputation of the College.

Examples of reasonable private use include (without limitation):

14.1.1 limited, occasional and brief private telephone calls and faxes;

14.1.2 limited and occasional use of a photocopier; or

14.1.3 limited and occasional use of computers, email and internet subject to College policy on acceptable use by Staff of ICT resources.

14.2 Staff must ensure College equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.

14.3 Staff must have approval to use College equipment and resources off site for work purposes and must ensure the equipment and resources are safely stored and secured.

14.4 Staff must ensure they do not breach copyright law or licensing arrangements when copying any College property such as software, library and reference materials, or copying other property for College use.

#### **15. USING COLLEGE INTERNET, INTRANET, ELECTRONIC MAIL, MOBILE PHONES AND OTHER MEANS OF ELECTRONIC COMMUNICATION**

15.1 Except for official purposes or in accordance with College policy, Staff must not use College resources, including mobile phones, the internet, electronic mail systems or other means of electronic communication for improper purposes.

15.2 Improper purposes, without limitation, include:

15.2.1 accessing, storing, or transmitting words, images or other material that are illegal, sexually explicit, violent or that a reasonable person would find offensive. (This does not include material that is part of a complaint, report or notification about alleged improper conduct of a person made in accordance with an authorized procedure.)

15.2.2 gambling

15.2.3 accessing social media not associated with work

- 15.2.4 transmitting inappropriate jokes
- 15.2.5 sending of inappropriate programs or mail
- 15.2.6 excessive use of the internet
- 15.2.7 unauthorized use of the College's email distribution lists

## **16. BREACHES OF THE CODE OF CONDUCT**

- 16.1 The College encourages all potential breaches of the Code of Conduct to be reported to the College, and externally as required by law.
- 16.2 Alleged breaches of the Code of Conduct may be reported to:
  - 16.2.1 the College's Deputy Principal (People and Culture);
  - 16.2.2 the employee's [line manager] or where appropriate, their supervisor;
  - 16.2.3 a member of the Executive Leadership Team;
  - 16.2.4 the Principal;
  - 16.2.5 the College through the Complaints and Grievances online form, accessible through Complispace.
- 16.3 If an alleged breach relates to the Principal, contact the Chair of the School Board.
- 16.4 If a person is unable to, or is uncomfortable with, reporting an alleged breach in accordance with clauses 16.2 and 16.3 above, the College strongly encourages them to seek guidance from the Social Worker. The employee may wish to contact the College's Employee Assistance Program for this purpose.
- 16.5 Alleged breaches of the Code of Conduct will be dealt with in accordance with:
  - 16.5.1 the College's grievance policies and procedures; and
  - 16.5.2 principles of procedural fairness and natural justice.
- 16.6 Where a Staff member is found to have breached the Code of Conduct, the College may take disciplinary action, up to and including termination of employment or engagement.
- 16.7 Without limitation, examples of serious breaches of the Code of Conduct are:
  - 16.7.1 bullying, victimisation, discrimination, sexual harassment and harassment;
  - 16.7.2 serious health and safety breaches;
  - 16.7.3 physical violence, the apprehension of physical violence, threats of violence;

16.7.4 serious breaches of confidentiality or privacy expectations;

16.7.5 failure to follow child safety requirements; and

16.7.6 conduct which causes psychological harm to others.

16.8 Where a report of an alleged breach is vexatious or a serious and deliberate misuse of the College's complaints and grievances policies and procedures, the College may take disciplinary action against the Staff member.

21/02/2024	Mr Stephen Kroker Eastside Lutheran College Board Chair	
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