



EASTSIDE
LUTHERAN COLLEGE

EASTSIDE LUTHERAN COLLEGE CODE OF CONDUCT POLICY

INTRODUCTION

All members of staff at Eastside Lutheran College (hereafter referred to as the “College”), including the Principal and all staff who work and minister in the name of the Lutheran Church of Australia are included in this document. As employees, they formally undertake to support the Lutheran ethos of the College as a requirement of their employment and are expected to demonstrate their support for the Vision and Mission of Lutheran education through the exercise of their employment responsibilities and conduct.

The purpose of this document therefore is to provide members of the College community with a set of ethical principles guiding the **standards of conduct** that they are expected to uphold in their interactions with students, each other and the wider community.

This CODE OF CONDUCT for all employees at the College in Tasmania finds its origins, its ethics, its principles, in the attached appendices:

- “Hand in Hand” LCA July 2000
- LCA Sexual Abuse Policy Oct 2000
- LCA Safe Place Policy Feb 2001
- LCA & its Schools July 2004
- “The Lutheran School as a Place of Ministry” March 2006

Each of these five statements is integral to the operation of the Code of Conduct.

It is the role of the College Principal to provide appropriate dissemination of the Code of Conduct as well as the timely in-servicing of all employees.

The following sets out in practical terms the active implications of this employee undertaking to support the Lutheran ethos of the College and should be read in conjunction with both LEA and College policies and procedures.

1.0 LAWFUL AND REASONABLE DIRECTIONS

- 1.1 Employees must comply promptly, conscientiously and effectively with all lawful and reasonable decisions and directions given by a person having authority to give such directions.
- 1.2 Employees must not knowingly or deliberately impede compliance with, or implementation of, a lawful and reasonable decision or direction.
- 1.3 When making decisions or giving directions, employees must act within their legal and organisational responsibilities and delegations.

2.0 PROFESSIONALISM AND ETHICAL CONDUCT

- 2.1 In the course of their employment, employees must act in a professional and respectful way that enhances their professional reputation and the reputation of Lutheran Education. Employees should be aware that personal conduct outside of normal working hours can reflect either positively or adversely on Lutheran Education and therefore they should always act appropriately in the presence of students, both within and outside College hours. At all times employees should conduct themselves in a manner that does not bring Lutheran education into disrepute.

- 2.2 Employees must treat fellow employees, students and others within their work environment with the respect and dignity that all deserve.
- 2.3 Employees 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 appropriate role models for those students.
- 2.4 Employees must be cognizant of the policies, procedures and delegations that are applicable to their actions. The Principal must make relevant information available to staff. Employees are required to read and ensure that they understand policy documents issued to them or circulated to them. Employees 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. This includes information contained on the LEA website, on the College website and in College handbooks.
- 2.5 Employees must uphold and comply with:
 - 2.5.1 applicable Commonwealth, State and local laws, regulations, industrial awards and agreements;
 - 2.5.2 applicable professional standards and codes of practice that do not conflict with government or Lutheran education policy;
 - 2.5.3 Lutheran education and government directives, policies and procedures.
- 2.6 Employees must act promptly in reporting breaches of the law, Lutheran Education policies, government policies and directives, as well as misconduct and maladministration under the LEA Code of Conduct, to the Principal.
- 2.7 Employees are expected to behave always in ways that promote the safety, welfare and well-being of students, fellow employees and others in their workplace environment in accordance with relevant occupational, health and safety legislation.
- 2.8 Employees must perform their work 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.
- 2.9 Employees must maintain currency of their professional competence through appropriate professional development or learning experiences.
- 2.10 Employees must maintain the accuracy, integrity and appropriate confidentiality of all information used in their professional dealings in Lutheran education.
- 2.11 Employees must only take leave of absence from their work duties when authorized to do so.
- 2.12 Dress, personal appearance and hygiene are important elements of professional presentation. Employees 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 or workplace.
- 2.13 Employees must ensure that 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 must be managed effectively to create productive outcomes.

3.0 DUTY OF CARE

- 3.1 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 an employee's work, it is particularly important for those employees who have interaction with and responsibility for students.

3.2 Teachers have a particular duty of care towards students. It arises out of what is known as a fiduciary relationship, that is, a relationship based on trust. Such positions are bound by two ethical principles:

3.2.1 *non-maleficance* – the responsibility to cause no harm to self or others

3.2.2 *beneficence* – to actively promote the good of self and others

3.3 All students have a basic and expected right to a physical and emotional environment that is 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:

3.3.1 physical, psychological or emotional abuse or neglect; or

3.3.2 sexual abuse or exploitation; or

3.3.3 domestic or family violence; or

3.3.4 student bullying; or

3.3.5 one's own actions (self harm).

Employees are referred to the Collaborative Caring protocol which lays out the reporting procedures required of employees (& volunteers) in Lutheran schools and as prescribed persons under the Children, Young Persons & Their Families Act (1997) and as mandated reporters of child abuse and neglect.

3.4 Employees must actively seek to maintain a physically safe teaching environment for students in accordance with the Workplace Health and Safety Act 1995.

3.5 Employees must take reasonable steps to prevent harm to students and to support students who have been harmed.

4.0 PSYCHOLOGICAL HARM

4.1 Employees must not behave in ways that a reasonable person would consider to be offensive, intimidating, humiliating or threatening. Such conduct might include, but not be restricted to, targeting students with unfair and continued criticism; making excessive or unreasonable demands of others; and making any form, either oral or written (including electronic communication), of derogatory comments to students, parents, work colleagues or the general public. Should such unacceptable behaviour occur, then all recipients of such behaviour have recourse to the processes contained within the College's Grievance Policy.

5.0 PHYSICAL CONTACT WITH CHILDREN

5.1 Employees must not engage in conduct that could physically harm a student and this should be noted especially in cases involving disciplinary action.

5.2 Corporal punishment is prohibited in all Lutheran schools.

5.3 There may be occasions, however, where physical intervention is appropriate in order to protect students, self and others. In these circumstances this would be deemed reasonable action providing that the physical intervention is to prevent harm or further harm to students and that the employee seeks to avoid inflicting physical harm where possible. The physical intervention would need to be proportionate to the circumstances.

6.0 SEXUAL CONDUCT

- 6.1 Employees' interactions with students must be, and be seen to be, professional at all times.
- 6.2 Employees must not attempt to sexualize a relationship with a student. 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 minor cannot consent.
- 6.3 Employees 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, employees must not enter into unauthorized electronic communication with students such as text messaging and other social media unless authorized for a specific reason by the Principal.
- 6.4 The following behaviour constitutes either misconduct or sexual misconduct:
 - 6.4.1 unwarranted and inappropriate touching of students
 - 6.4.2 suggestive remarks or action of a sexual nature
 - 6.4.3 sexual exhibitionism
 - 6.4.4 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
 - 6.4.5 inappropriate conversations of a sexual nature
 - 6.4.6 comments that express a desire to act in a sexual manner
 - 6.4.7 personal correspondence (including electronic communication) with a student in respect of the adult's sexual feelings for a student
 - 6.4.8 deliberate exposure of students to sexual behaviour of others including display of pornographic material
 - 6.4.9 flirtatious behaviour directed at a student
 - 6.4.10 dating a student
 - 6.4.11 spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
 - 6.4.12 expressing romantic feelings towards a student in any way.
- 6.5 Sexual misconduct can also include *grooming* behaviour. Grooming behaviour is a process whereby sexual offenders' condition and 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:
 - 6.5.1 misleading students by pretending to them that they are special, for example by spending inappropriate time with students, inappropriately giving gifts, showing special favours to certain students but not to other students, allowing students to overstep the accepted College rules.
 - 6.5.2 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.
 - 6.5.3 engaging in inappropriate, personalised forms of communication.
- 6.6 Employees must discourage and reject any advances of a sexual nature initiated by a student. Should such a situation arise then employees must report such instances immediately to the Principal to assist in preventing repetition and avoiding subsequent allegations. Allegations will be investigated thoroughly and may involve the Police.

7.0 DISCRIMINATION AND HARASSMENT

- 7.1 Lutheran education employees are committed to providing workplaces free of all forms of discrimination, victimisation and harassment. Common types of harassment include:

- 7.1.1 intimidatory harassment
 - 7.1.2 bullying
 - 7.1.3 sexual harassment
- 7.2 Employees must not discriminate against, victimize or harass any colleague, student or parent, nor discriminate in how services are provided to the community. All employees of Lutheran education have the responsibility to act fairly and evenly towards other employees, students and the general public in accordance with Lutheran education's policies and relevant legislation including the Tasmanian Anti-Discrimination Act 1998, and the Federal Government's Equal Employment Opportunity Act 1987, Sex Discrimination Act 1994 and Disability Discrimination Act 1992.
- 7.3 Discrimination, victimization or harassment will not be tolerated and will be dealt with in accordance with existing policies. It should be noted that following the receipt and thorough investigation of an allegation of discrimination, victimization or harassment against an individual, there is the potential for the laying of criminal charges in cases where the allegation has been sustained.

8.0 USE OF TOBACCO, ALCOHOL, OTHER DRUGS AND MEDICATION

- 8.1 Smoking is not permitted in College facilities and grounds. Similarly, smoking is not permitted whilst staff members have direct responsibility for or contact with students.
- 8.2 Employees have an occupational health and safety obligation, in accordance with the Workplace Health and Safety Act 1995, to ensure that 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.
- 8.3 The illicit use of drugs at any time within a professional context, particularly in association with the supervision of students, is strictly prohibited.
- 8.4 Employees suffering from a drug or alcohol problem that adversely affects their work performance must actively seek professional assistance to address the issue.
- 8.5 Employees must not provide students with alcohol and must not encourage or condone the illegal use of alcohol (including underage drinking) or the consumption of alcohol.
- 8.6 Employees should reasonably endeavour to avoid direct social contact with students where student consumption of alcohol or the illicit use of drugs occurs.
- 8.7 Employees must not be affected by alcohol and / or the illicit drugs in any circumstances where they are responsible for students. This includes camps, retreats, excursions and other such activities.
- 8.8 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 is permitted.
- 8.9 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.

9.0 CONFLICT OF INTEREST

- 9.1 A conflict of interest may exist when an employee's private interests have the potential to interfere with the proper performance of his / her work duties. A potential or actual conflict of

interest must be identified, declared and avoided or resolved in favour of the public interest and should not be undertaken without the express permission of the Principal.

- 9.2 It is understood that situations may occur where employees are working with family members or with persons with whom they develop close personal relationships. Where such relationships exist between employees or with prospective employees, then the potential for conflict of interest should be noted.
- 9.3 As a general principle, all employees 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 should declare any potential conflict of interest. However, the existence of a close personal or family relationship should not constitute a bar to the employment, promotion, granting of tenure or transfer of any individual.
- 9.4 Employees should be aware that private part-time employment including tutoring which conflicts with, or compromises, employment with Lutheran education, may give rise to a conflict of interest. Employees should seek prior approval from the Principal for any such employment.
- 9.5 Employees should be aware that receipt of gifts from those considered as part of the broad client base of the organization (e.g. – students / families of the College) may present the potential for a conflict of interest.
- 9.6 In many cases only individual employees 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.

10.0 PRIVACY AND CONFIDENTIALITY

- 10.1 As an employee of Lutheran Education a staff member may be entrusted with access to information of a sensitive nature to enable duties to be adequately carried out.
- 10.2 Employees must ensure that confidential, private and sensitive information is handled carefully and that the integrity of such information is always maintained in compliance with relevant privacy legislation.
- 10.3 In accordance with the College's Privacy Policy, an employee must not, after leaving employment with the College, use confidential information obtained during the course of his / her employment for other work or non-work-related purposes.

11.0 USE OF COLLEGE RESOURCES

- 11.1 Employees must ensure that 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 does not adversely affect the performance of the employee's work duties, or the work duties of others, or the business or reputation of the College. Examples of where this might occur include:
 - 11.1.1 limited, occasional and brief private telephone calls and faxes
 - 11.1.2 limited and occasional use of a photocopier
 - 11.1.3 limited and occasional use of computers, email and internet subject to College policy on acceptable use by employees of ICT resources
- 11.2 Employees must ensure that College equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.
- 11.3 Employees must have approval to use College equipment and resources off site for work purposes and must ensure that they are safely stored and secured.

- 11.4 Employees must ensure that 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.
- 11.5 Employees must not seek financial gain from work produced for the employer without the authorization of the employer.
- 11.6 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.

12.0 USING COLLEGE INTERNET, INTRANET, ELECTRONIC MAIL, MOBILE PHONES AND OTHER MEANS OF ELECTRONIC COMMUNICATION

- 12.1 Except for official purposes or in accordance with College policy, employees must not use College resources, including mobile phones, the internet, electronic mail systems or other means of electronic communication for:
 - 12.1.1 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.)
 - 12.1.2 gambling
 - 12.1.3 accessing social media not associated with work
 - 12.1.4 transmitting inappropriate jokes
 - 12.1.5 sending of inappropriate programs or mail
 - 12.1.6 what a reasonable person would see as excessive use of the internet
 - 12.1.7 unauthorized use of the College's email distribution lists

AND APPARENT BREACHES OF THE CODE OF CONDUCT

- 13.1 Potential breaches of the Code of Conduct, including apparent breaches and allegations, will be dealt with in accordance with the principles of procedural fairness and natural justice. Potential breaches may be addressed in the context of established grievance policies.
- 13.2 Employees should be aware that the relevant governing body may apply sanctions if this Code of Conduct is breached. Depending on the nature of the breach, various sanctions such as the following may be applied:
 - 13.2.1 appropriate warnings
 - 13.2.2 counseling
 - 13.2.3 actions as prescribed under the various award provisions
 - 13.2.4 demotion
 - 13.2.5 suspension
 - 13.2.6 dismissal
 - 13.2.7 laying of criminal charges or civil action
- 13.3 As appropriate, and according to the word, intent and spirit of the Lutheran Education Agreement, employees may, when in breach of the Code of Conduct, seek access to sector dispute resolution processes.

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