Trinity College Staff Code of Conduct

Introduction

1 An Anglican foundation and an affiliated College of the University of Melbourne, Trinity College is an autonomous institution governed by a representative Council of some 40 members, which meets twice a year, and a Board with 12 members, which meets monthly. The Warden is the Chief Executive Officer of the College and works closely with the Senior Management Team comprising: the Dean as the Head of the Residential College and Deputy to the Warden; Dean, International Programs; Dean, Trinity College Theological School; the Director of Advancement; the Director of Finance & Administration and the Chief of Staff.

2 Trinity College is an educational community in which all conduct is expected to be based on respect and consideration for others. The Trinity College Staff Code of Conduct imposes obligations on staff to demonstrate respectful, considerate behaviours in their dealings with students and each other and with all members of the Trinity College community, and describes processes for responding to breaches of this Code. Conduct not consistent with respect for others may be the subject of processes and disciplinary actions, consistent with the seriousness of the alleged behaviour. Details and examples of disciplinary provisions and procedures are included in the Code.

3 The Trinity College Staff Code of Conduct (the Code) is used instead of the Intercollegiate policy on Discrimination, Sexual Harassment and Bullying Policy and Procedures.

4 The Code sets out the behaviour and conduct expected of Trinity College staff members. It also sets out the processes applicable or available where there have been possible breaches of the Code, and describes the range of consequences which may follow if a member of staff is found by the College to have breached the Code.

5 The College has a variety of contractual and statutory relationships with its staff. The College also recognises a general responsibility to ensure the College as an educational community and workplace, functions on the basis of respect and consideration for others. These two factors mean that the application of this Code to specific conduct is not based on a person having to make a complaint, although a complaint process is available. The College itself, once informed of a possible breach of the Code, may decide unilaterally to investigate the circumstances giving rise to the possible breach, make a determination about those circumstances and impose consequences on any staff found to be in breach of the Code.

6 In addition to the complaint procedures outlined in respect of possible breaches of the Code, broad community based mechanisms for information, support, and complaint remain available to staff at any time. More information about external sources of support and information can be found at the end of this document.

7 The College reserves the right to make changes to this Code from time to time.
Staff Code of Conduct

8 This Code applies to all members of the Trinity College Staff. It does not apply to students, who are supported via a separate set of policies and procedures.

9 All members of the Trinity College Staff must act in accordance with this Code. The Code assumes the commitment of every member of staff to advocate and practise respect for all people, regardless of gender, race, religion, disability, marital status, sexual orientation or any other attribute.

10 All staff are expected to fulfill admirable behavioural standards, and to be role models for others, aspiring to demonstrate the highest level of personal integrity at all times. Members of the Trinity College Staff must actively express such commitment in their actions and words. They must respect the rights of all other members of College, while also acting in accordance with the laws of the wider Australian community.

11 Agreeing to abide by this Code of Conduct is a requirement for membership of the Trinity College staff and the wider College, and abiding by this Code is a requirement for staff remaining members of Trinity College.

12 Trinity College staff must abide by the following standards of behaviour:

a) Respect for and responsibility to self;

b) Respect and empathy for, and responsibility to others; and

c) Ethical and honest behaviour

Respect for and responsibility to self

13 It is expected that Trinity College staff will always behave responsibly in looking after themselves. They are responsible for their own conduct at all times. It is also expected that they will seek help if and when it is needed, and will at all times apply themselves to their duties with dedication and vigour. They are expected to know and to adhere to this Code and other College policies, particularly in respect of all forms of harassment.

Respect and empathy for, and responsibility to others

14 Trinity College staff should show respect, empathy and consideration for others, so that all may live, study and work in harmony, and so that community members of every background may feel respected, safe, and included. Trinity College staff should permit others to live and study in a safe, respectful environment and are entitled to expect such an environment for themselves.

15 Bullying is inappropriate and unacceptable behavior. Trinity College will not tolerate workplace bullying under any circumstances.

16 Discrimination, harassment, vilification ,victimization and inappropriate touching are expressly prohibited.

17 As staff are in a position of authority over students, relationships of a sexual or otherwise intimate nature between staff and students are not acceptable in any circumstances.
Ethical and honest behaviour

18 Trinity College staff must behave with personal integrity and honesty. They must accept the consequences of their own actions, apologise where appropriate and practise ethical and responsible behaviour in their dealings with others.

Breaches of the Code

19 Trinity College staff who are concerned about a possible breach of this Code, whether in respect of themselves or another member of the staff community, are expected to discuss their concerns with one of the Advisors listed below.

20 The College will treat all possible breaches of the Code seriously. However, the College recognises that staff conduct may be regarded, in any given circumstance, on a scale from minor to extremely serious. For that reason, the processes to be applied in determining whether a breach of the Code has occurred, and what the consequences of any established breach should be, are matters reserved to the discretion of the College.

21 Staff must be aware that all possible breaches of this Code which are characterised by the College as capable of amounting to serious misconduct will be:

   a) investigated, whether or not a person makes a complaint about the conduct;
   b) the subject of a determination, after investigation, of whether the member of staff concerned has engaged in serious misconduct;
   c) capable of resulting in, after a determination, consequences that may include termination of employment.

Serious misconduct is defined below. That definition is not exhaustive and characterisation of conduct as “serious misconduct” will be a matter for the College to determine in each particular case.

Process

General

22 The process in relation to any complaint, or where the College decides itself to investigate a staff member’s conduct, will be at the discretion of the College.

23 In cases where information about a possible breach of the Code has come to the attention of the College, however this information comes to the attention of the College, the College may unilaterally initiate a process to investigate and resolve the matter.

24 In cases where such information comes to the attention of any staff member of the College, including a trained Advisor, the member of staff will be expected to report the incident to the relevant department head (i.e., Deans, or other Senior Staff member).

25 Allegations of conduct which may amount to a breach of criminal law will ordinarily be reported to the police by the College.

26 Processes will be undertaken and concluded as quickly as is reasonably possible. The College accepts it has a responsibility to ensure any investigation and determination process adopted under this Code is fair.

27 The College reserves the right to determine the nature of the process depending upon the gravity of the possible breaches of the Code, issues of confidentiality, and the number of
staff involved. The College will seek and take account of the views of staff involved in
deciding what processes to adopt, but the final decision of what processes to adopt in a
particular case will be made by the College.

28 The procedures in this document do not derogate from the normal managerial
responsibilities of relevant staff member, which may still be exercised as appropriate.

29 The steps in relation to possible breaches of the Code are shown below. These steps can
be used when a staff member makes a complaint or when the College decides to
investigate a possible breach of the Code.

30 The College aims to deal with complaints about breaches of the Code in a confidential
manner, to the extent that is appropriate in a given case and insofar as the maintenance of
confidentiality does not conflict with other obligations and responsibilities the College
has. Participants in any process under the Code will be reminded about the importance of
confidentiality and expected to adhere to any directions they are given about maintaining
and respecting it. Failure to maintain and respect confidentiality when directed to do so
may itself be considered by the College to be a breach of this Code.

Complaint-based, or individual-initiated, processes

31 An individual may always seek advice from a trained Advisor. Names and contact details
of trained Advisors are available on the College Portal and are present in this document.
Individuals may also make use of a broad range of community-based mechanisms, such
as the Victorian Equal Opportunity Commission.

a) Step 1: Speak with a trained Advisor.

b) Step 2: Decide, with the assistance of your Advisor, whether the behaviour is
likely to be a breach of the Code. If not, then speak with your Advisor about other
means of support. If the behaviour is likely to be a breach of the Code, then an
individual can use the steps that follow to resolve the matter.

c) Step 3: Decide whether you wish to make a complaint

If you wish to make a complaint, you will be asked to put your complaint in writing.
An Advisor can assist you with this. The complaint must identify those you allege
have breached the Code and what you allege they have done. It should be as specific
as possible. The complaint will be forwarded to the relevant department head and the
Chief of Staff and a copy will ordinarily be provided to the respondent.

d) Step 4: Conciliation. All complaints will need to go through a conciliation
process, unless the College decides otherwise. A conciliator will be appointed to
meet with each party individually to discuss and try to reach agreement regarding the
complaint, possible redress and future behaviour. The outcome of conciliation,
whether successful or unsuccessful, will not preclude the possibility of a formal
investigation being conducted by the College.

Outcomes of Conciliation. Conciliation is not a disciplinary process, and
disciplinary outcomes will not necessarily result from this process. Details of an
agreement will be communicated to the relevant department head, the Chief of Staff
and other relevant parties. Breaches of an agreement reached via conciliation may
result in additional action consistent with these procedures.

Note 1: prior to a conciliation agreement being finalised, the College will inform the parties
involved if, in its opinion, there is likely to be an investigation of the allegations of a breach of
the Code by the College, irrespective of the outcome of the conciliation, so that the parties may
take that fact into account in their negotiations.
Note 2: in all cases involving allegations of serious misconduct, the outcome of the conciliation MUST be reported to the relevant department head, the Chief of Staff and to the Warden. The outcome will be kept confidential by the relevant department head, the Chief of Staff and the Warden, save for any disclosures they deem necessary and appropriate.

e) Step 5: After an unsuccessful conciliation any party to the conciliation may ask for the matter to be investigated

The relevant department head, in consultation with the Chief of Staff, will decide whether a complaint will be investigated. In making this decision, the views of all those involved will be considered. The College reserves the right to take appropriate disciplinary action without referring the matter to a Committee if the circumstances warrant.

If it is decided that a complaint will be investigated, the Warden or her/his designee will constitute a committee to investigate the matter formally.

f) Step 6: Outcomes of Investigation

The committee will present its findings about what occurred, and will make recommendations to the relevant Department Head or designee, who will make the final decision whether there has been a breach (or breaches) of the Code, how serious those breaches are and what consequences (if any) should follow for the staff member(s) involved. Consequences may include, but are not limited to, apologies (including public apologies where appropriate), personal or professional counselling, the imposition of conditions on continued employment or the termination of employment.

Where the Department Head or designee is of the view that a staff member has fundamentally breached their employment status due to serious misconduct, then the Department Head or designee is not constrained to follow the recommendations of an investigating Committee, though she/he will likely consult with other senior staff colleagues before making a final decision.

g) Appeal

There will be no internal appeal or review processes within the College if there has been a formal investigation and report. If any party is dissatisfied with the outcome of these processes, they may discuss their dissatisfaction with the Warden. Staff of course retain the access of all members of the Australian community to HREOC/EOCV processes, to Victoria Police and to the Courts.

Non complaint-based, College-initiated processes

32 Where the College receives information about a possible breach of the Code, it may decide to investigate the matter regardless of whether there has been a complaint or not.

33 If the possible breach may involve serious misconduct as defined below, the College may investigate the matter regardless of whether there has been a complaint or not.

34 If a complaint is made about a possible breach of the Code, the College will await the outcome of any conciliation process and any application by the complainant for the complaint to be investigated. If conciliation is unsuccessful and the complainant does not apply for an investigation, then the College may still decide to investigate the allegations itself.

35 In all matters regarding possible breaches of the Code, including serious misconduct, the manner in which the College investigates the matter will be determined by the College on a case by case basis.

36 Where the College is satisfied the possible breach or breaches may amount to serious misconduct, the Warden may appoint a committee to investigate the matter formally.
37 The committee will present its findings about what occurred, and will make recommendations to the relevant Division Head or designee, who will make the final decision whether there has been a breach (or breaches) of the Code, how serious those breaches are and what consequences (if any) should follow for the staff involved. Consequences may include, but are not limited to, apologies (including public apologies where appropriate), personal or professional counselling, the imposition of conditions on continued employment or the termination of employment. The Division Head or designee is not constrained to follow the recommendations of a Committee.

38 There will be no internal appeal or review processes within the College if there has been a formal investigation and report. If any party is dissatisfied with the outcome of these processes, they may discuss their dissatisfaction with the Warden. Staff of course retain the access of all members of the Australian community to HREOC/EOCV processes, to Victoria Police, and to the Courts.

Trinity College Advisors

39 The role of an Advisor is to listen, and to inform the individual of their options for dealing with possible breaches of the Code. Advisors are staff members who have received training in respect of all forms of harassment and are specifically available to staff in respect of information about this Code, and in particular, the various options available to staff in the case of a breach of the Code. Speaking with an Advisor does not mean that a complaint is being made.

40 Staff must be aware however that where the information they give an advisor suggests the possible breach may involve serious misconduct, Advisors must bring the matter to the attention of the relevant Division Head.

41 Advisors may indicate if, for any reason, they are unable to provide appropriate assistance owing to a conflict of interest. Staff who serve as Internal Advisors to staff:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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42 In cases where there is a conflict of interest for an Internal Advisor or if a member of staff requests this, External Advisors can be contacted to assist staff with information and support.

43 In consultation with the relevant Division Head (see below), the Chief of Staff, or designee manages arrangements for contacting External Advisors. The relevant department head or designee will also liaise with External Advisors in their capacity as External Conciliators when appropriate.

Mr Campbell Bairstow (Leeper Building)  
*Dean of the Residential College*  
Telephone: (03) 9348 7109 / Email: cbairstow@trinity.unimelb.edu.au

The Revd Dr Dorothy Lee (OWL)  
*Dean of the Trinity College Theological School*  
Telephone: (03) 9348 7128 / Email: dorothy1@trinity.unimelb.edu.au

Dr Barbara Cargill (Wynne Cottage)  
*Dean of International Programs*  
Telephone: (03) 9348 7132 / Email: bcargill@trinity.unimelb.edu.au

**Community mechanisms for complaint, information and support**

Equal Opportunity Commission of Victoria  

Commonwealth Human Rights and Equal Opportunity Commission  

Victoria Police  
North Melbourne (24 HRS) Police Station 36 Wreckyn Street: (03) 8379 0800  
C.I.U. 155 Royal Pde Parkville 3052: (03) 9347 3611
Roles in respect of the Staff Code of Conduct

Role of the Warden

42 The Warden is responsible for the good government of the College. At her or his discretion, the Warden may act in any capacity in respect of possible breaches of the Code as set out in this document.

43 Where a complaint has been addressed to the Warden, he/she will usually direct the matter to the relevant Head of Department/Division and the Chief of Staff to be dealt with under the processes set out in this Code.

44 Where the Warden becomes aware of a complaint that may be referred to legal counsel or Victoria Police she/he will inform the Chairman of the Board and the Chairman of the Risk Management and Audit Committee of the complaint. The Warden will retain executive responsibility for the processing of the complaint.

Role of Chief of Staff

45 The Chief of Staff acts to support staff in respect of information about avenues for resolving complaint. He/she will not act as a formal Advisor to staff, but can direct staff to trained Advisors, including at the request of a member of staff, those trained Advisors who are external to the College.

46 He/she acts in an advisory capacity in respect of all matters relating to breaches of the Code of Conduct. The Chief of Staff is also available to Advisors in respect of advice and support.

Role of Division Heads

47 The Division Head will have responsibility for responding to all matters relating to possible breaches of the Code as set out in this document. The relevant Division Head is also available to Advisors in respect of advice and support. The relevant Division Head may also appoint a member of the Senior Staff to act as her/his designee.

Role of Advisors

Internal Advisors

48 Internal Advisors are staff who have received particular training and are specifically available to staff in respect of information about this Code, and in particular, the various options available to staff in the case of a possible breach of the Code. Speaking with Advisors does not mean that a complaint is being made. A complaint is not made until it
is put in writing and given to an Advisor or relevant Division Head. Staff must remember however that where an Advisor believes there has been a possible breach of the Code which could amount to serious misconduct as defined in this Code, the Advisor is obliged to bring the matter to the attention of the relevant Division Head and/or the Chief of Staff.

49 Advisors may indicate to staff if, for any reason, they are unable to provide appropriate assistance owing to a conflict of interest.

External Advisors/Conciliators
50 In cases where there is a conflict of interest for an Internal Advisor or if a staff member requests this, External Advisors can be contacted to assist staff with information and support.

51 In consultation with the Division Head, the Chief of Staff or designee manages arrangement for contacting External Advisors.

Role of Chaplains
52 The Chaplains in the College offer pastoral care, support and encouragement to all the College community. They are available to discuss any matter. However, under the National Code of Practice for Clergy, they are required to adhere to strict rules regarding confidentiality. These rules will be explained to staff and student when meeting with them.

Role of other staff
53 As outlined in the Code, all staff are expected to report possible breaches of the Code of Conduct.

54 Staff are encouraged to seek the advice of an Advisor in the first instance or to encourage other staff to do so. If desired, more than one member of staff can seek the advice of the same Advisor if this is helpful to the individuals concerned, or where more than one person has been affected by a possible breach of the Code.

55 Staff are strongly advised not to discuss such matters with other member of staffs or people other than those indicated in the Code.

Definitions
56 The “relevant Division Head” is the Senior Management Team member who is ultimately responsible for the budget division the staff member works.

57 A “designee” will be a member of Trinity College’s staff or the Board. In cases where a process is initiated that involves the relevant Division head as one of the parties (either complainant or respondent), the Warden will appoint the committee. In cases where a process is initiated that involves the Warden as one of the parties (either complainant or respondent), the Board will appoint the committee.

58 “Bullying” is when people repeatedly use words or actions against someone or a group of people to cause distress, embarrassment, anxiety and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless. Bullying is not the same as conflict between people (like having a fight) ordisliking someone, even though people might bully each other because of conflict or dislike. It can be occur online, in writing or pictures, or by conduct. It
can range from acting unpleasantly near or towards someone, giving nasty looks, making rude gestures, spreading rumors, stalking, and taking advantage of any power over someone.

59 “Workplace bullying” is repeated, unreasonable behaviour directed toward an employee or group of employees that creates a risk to health and safety. Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. Behaviour can include an individual’s or group’s actions or practices that victimise, humiliate, undermine or threaten.

60 “College” includes the Warden, Council and the Board of Trinity College and includes each of them acting in a way authorised by the Trinity College Act 1979, the Constitution of Trinity College or any other policies and procedures of Trinity College.

61 “Complaint” means a written complaint about a possible breach of the Code.

62 “Discrimination” means conduct that makes distinctions between people so as to disadvantage some and to advantage others, or treats some people less favourably than others in similar circumstances, on the basis or because of an attribute or status they possess (eg sex, race, disability, age, physical characteristics, religious belief, sexual orientation, political opinion).

63 “Harassment” occurs when someone is made to feel intimidated, insulted or humiliated, in circumstances where it was reasonable to expect that the behavior complained of would have had that effect. Harassment involves behaviour that is unwelcome, often unsolicited and repeated, and usually unreciprocated. Sexual harassment is included in this definition and is one particularly serious form of harassment. It involves conduct (including the use of words and remarks) of a sexual nature.

64 “Serious misconduct” is conduct which involves sexual assault, physical violence, blackmail, victimisation, serious harassment, serious vilification, use or sale of illicit drugs, an abuse of a position of power or responsibility within the College, repeated breaches of the Code of Conduct, dishonesty, fraud, the deliberate making of false allegations against another student or a staff member, serious verbal abuse or vilification.

65 “Trinity College Staff” means all persons engaged as staff by Trinity College on a full-time, fractional, sessional, permanent, contract, casual, paid or voluntary basis.

66 “Victimisation” means any unfavourable treatment of a person who has made a complaint, or allegation, about a breach of this Code of Conduct, whether the complaint was written or oral and irrespective of whether the person asked for the complaint to be conciliated or investigated.

67 “Vilification” means any form of conduct not undertaken reasonably and in good faith that:

a) incites hatred against, serious contempt for, or revulsion or severe ridicule of another person or class of person on the grounds of their race, religious beliefs or practices, sexual orientation or gender identity; or

b) is done because of the race, religious beliefs or practices, sexual orientation or gender identity of another person and is reasonably likely to offend, insult, humiliate that other person.