



Australian Government
Australian Sports Commission

POLICY

ASC Code of Conduct

ASC Values and Standards

INTRODUCTION

The Australian Sports Commission (ASC) Code of Conduct applies to all ASC employees. All ASC employees are required to act consistently with the values and standards set out in the Code of Conduct.

VALUES

The ASC has developed core values in our working relationships. These values identify that in every relationship all employees will:

- **be responsive to the other's needs**
- **consult and endeavour to reach common understandings;**
- **be open and transparent;**
- **listen and communicate openly;**
- **accept full responsibility for our decisions and actions;**
- **strive for excellence and maximize our performance;**
- **be cooperative and work as a team;**
- **be leaders in our field;**
- **value the well-being and diversity of our people; and**
- **treat each other with dignity and respect**

STANDARDS

As an ASC employee you have a responsibility under the Code of Conduct to:

- 1) behave in a way that upholds the ASC Values at all times;
- 2) behave professionally, honestly and with integrity at all times;
- 3) behave in a way that upholds the good reputation of the ASC at all times;
- 4) treat everyone with respect, courtesy, and without harassment;
- 5) act with care and diligence and perform work duties in a manner that is conducive to the health and safety of both yourself and others;
- 6) not engage in any forms of physical, verbal or emotional abuse of others;
- 7) in the course of your duties, not engage in physical contact with athletes or children except where absolutely necessary for the development, maintenance or recovery of an athlete's or child's skill, health or athletic ability;
- 8) implement official decisions and comply with any lawful and reasonable directions given to you by anyone who has authority to give the direction;

- 9) ensure information and documentation that you are provided with, work with or generate in the course of your duties, are kept confidential and at all times remain the property of the ASC;
- 10) not give or disclose, directly or indirectly, any information to others about the ASC's business, unless required during the course of your duty or unless you have been expressly authorised to do so;
- 11) not provide false or misleading information to others in the course of your duties at the ASC;
- 12) not make improper use of your status, power or authority;
- 13) disclose and take appropriate steps to avoid any conflict of interest (real or apparent) with your employment or engagement by the ASC, including obtaining approval for any outside engagement;
- 14) use ASC resources and facilities in a correct and responsible manner and for official purposes only;
- 15) adhere to all applicable ASC policies and procedures, including but not limited to the policies referred to specifically in this Code of Conduct, as they are amended from time to time;
- 16) at all times comply with the ASC Anti-Doping Policy, including but not limited to the roles and responsibilities of ASC employees as outlined in the ASC Anti-Doping Policy, as it is amended from time to time;
- 17) ensure you do not display or transmit, or cause to be displayed or transmitted, offensive and/or inappropriate material or messages in the workplace. This relates to any environment linked to the business and operations of the ASC, and includes the internet, our website, the intranet site, emails, internal bulletin boards, personal workstations or office areas; and
- 18) comply with applicable laws of Australia or other relevant jurisdictions.

LINKS TO RELATED EMPLOYMENT POLICIES

The Standards require employees to adhere all applicable ASC policies and procedures as amended from time to time. This includes but is not limited to the following policies:

- [ASC Workplace Harassment and Bullying Policy](#)
- [ASC Child Protection Policy](#)
- [ASC Conflict of Interest Policy](#)
- [ASC Use of Resources Policy](#)

PROCEDURES FOR DEALING WITH AN ALLEGATION OF BREACH OF THE ASC CODE OF CONDUCT

[Application of the procedures](#)

[Definitions](#)

[Reporting an allegation of a breach of the Code of Conduct](#)

[Classifying an allegation of a breach of the Code of Conduct](#)

[Procedure for investigating a Minor Allegation](#)

[Procedure for sanctioning a Minor Breach](#)

[Procedure for investigating a Serious Allegation](#)

[Procedure for sanctioning a Serious Breach](#)

[Sanctions available under the Code of Conduct](#)

[Right of review](#)

1. APPLICATION OF THE PROCEDURES

1.1 The procedures set out in this section will be applied in determining whether an ASC employee has breached the Code of Conduct by acting inconsistently with the ASC Standards.

1.2 These procedures are based upon the application of the principles of natural justice. The procedures may be varied to take account of the circumstances of any particular allegation of a breach of the Code of Conduct. Provided that the principles of natural justice are applied a departure from these guidelines will not be considered contrary to them.

1.3 Any ASC employee who is alleged to have breached the Code of Conduct by failing to comply with the ASC Anti-Doping Policy may be investigated and sanctioned under both the Code of Conduct and the ASC Anti-Doping Policy.

1.4 Where any allegation contains information that relates to the safety or welfare of a child or children, the ASC will take immediate action to remove any real, potential or perceived threat to the child or children. The ASC may also take immediate action to report the information to the police or other relevant authorities. In all matters involving the safety or welfare of a child or children, the ASC will ensure that the best interests of the child or children are the paramount consideration.

2. DEFINITIONS

2.1 Chief Executive Officer or CEO means the person appointed Executive Director of the ASC under section 28 of the Australian Sports Commission Act 1989.

2.2 General Manager means the ASC employee responsible for the section or branch of the ASC in which the Responding Employee is engaged.

2.3 Investigating Officer means an appropriate person appointed to conduct an investigation of a Minor Allegation or a Serious Allegation.

2.4 Manager means the ASC employee responsible for direct supervision of the Responding Employee.

2.5 Minor Allegation means an allegation where, if the allegation were found to be true on the balance of probabilities, the appropriate sanctions that may be imposed would not alter the employment or salary of the responding employee.

2.6 Minor Breach means a Minor Allegation which has been found to be true on the balance of probabilities in accordance with the procedures set out in the Code of Conduct.

2.7 Responding Employee means the employee who is alleged, or found, to have breached the Code of Conduct.

2.8 Serious Allegation means an allegation where, if the allegation were found to be true on the balance of probabilities, the appropriate sanctions that may be imposed may alter the employment or salary of the responding employee.

2.9 Serious Breach means a Serious Allegation which has been found to be true on the balance of probabilities in accordance with the procedures set out in the Code of Conduct.

3. REPORTING AN ALLEGATION OF A BREACH OF THE CODE OF CONDUCT

3.1 All employees must report an allegation of a breach of the Code of Conduct to either the General Manager, Human Resources or to their Manager.

3.2 On receipt of a report of an allegation, the Manager will immediately notify the General Manager, Human Resources.

3.3 An “allegation” may include, but is not limited to:

- (a) information that another employee has acted inconsistently with the values and standards set out in the Code of Conduct by engaging in behaviour directed at or towards the employee reporting the allegation; or
- (b) information that another employee has acted inconsistently with the values and standards set out in the Code of Conduct by engaging in behaviour that the employee reporting the allegation has witnessed; or
- (c) information received by the employee reporting the allegation from a third party, internal or external to the ASC, that another employee has acted inconsistently with the values and standards set out in the Code of Conduct.

3.4 An employee reporting an allegation will only be identified to the Responding Employee where it is necessary to do so to ensure procedural fairness in the course of investigating the allegation.

4. CLASSIFYING AN ALLEGATION OF A BREACH OF THE CODE OF CONDUCT

4.1 Once notified of an allegation, the General Manager, Human Resources will notify the Responding Employee’s Manager of the allegation. The General Manager, Human Resources will then consider the nature of the allegation and the previous employment history of the Responding Employee and will determine whether further action is required. The General Manager, Human Resources may determine that no further action is required in relation to an allegation if the allegation:

- (a) is frivolous or vexatious;
- (b) is made more than one year after the events the subject of the allegation occurred and there are no exceptional circumstances explaining why the allegation was not reported within the year;
- (c) has already been reviewed, mediated or investigated; or

- (d) investigation or mediation of the allegation is not otherwise justified in all the circumstances.

4.2 If the General Manager, Human Resources determines that no further action is required then he or she will make a note on the Responding Employee's disciplinary file and advise the Responding Employee's Manager.

4.3 If the General Manager, Human Resources determines that further action is required, then he or she will classify the allegation as either a Minor Allegation or a Serious Allegation. The General Manager, Human Resources may refer the matter to the ASC Legal Section for the purpose of obtaining further preliminary information about the allegation before making such a classification.

4.4 If the allegation is classified as a Minor Allegation then the General Manager, Human Resources will consider whether the Minor Allegation is suitable for resolution by mediation between the relevant parties. A Minor Allegation will not be suitable for resolution by mediation if one or more of the relevant parties do not consent to participate in mediation.

4.5 If the allegation is considered suitable for resolution by mediation between the relevant parties then the General Manager, Human Resources will coordinate the mediation and will make a note on the Responding Employee's disciplinary file of the resolution, if any. If the allegation is not resolved, then the procedure for investigating a Minor Allegation will be initiated.

5. PROCEDURE FOR INVESTIGATING A MINOR ALLEGATION

5.1 Where the General Manager, Human Resources classifies the allegation as a Minor Allegation, and it is not resolved by mediation, the General Manager, Human Resources will record that the allegation has been received and will then refer the Minor Allegation to the Responding Employee's General Manager.

5.2 The Responding Employee's General Manager will appoint an Investigating Officer to investigate the Minor Allegation. The Investigating Officer may be internal or external to the ASC. The Investigating Officer must be, and must be seen to be, unbiased and impartial.

5.3 The Investigating Officer will conduct an internal investigation of the Minor Allegation. Such investigation must involve the following elements of procedural fairness:

- (a) the Minor Allegation and the details of the Minor Allegation must be put to the Responding Employee; and
- (b) the Responding Employee must be given the opportunity to respond to all relevant information that the Investigating Officer will consider in making the investigation report.

5.4 The Investigating Officer will then submit to the General Manager, Human Resources an investigation report with a finding as to whether a breach has been proved on the balance of probabilities to have occurred.

5.5 If the investigation report finds:

- (a) that a breach has been proved - then the General Manager, Human Resources will initiate the procedure for sanctioning a Minor Breach as set out below;
- (b) that a breach has not been proved – then the General Manager, Human Resources will make a record of the investigation report on the Responding Employee's disciplinary file and will advise the Responding Employee and the Responding Employee's General Manager of the finding;
- (c) that the allegation is not a Minor Allegation but a Serious Allegation, or other information discovered during the course of the investigation raises a Serious Allegation – the General Manager, Human Resources will initiate the procedure for investigating a Serious Allegation set out below and will advise the Responding Employee and the Responding Employee's General Manager of the decision.

6. PROCEDURE FOR SANCTIONING A MINOR BREACH

6.1 The General Manager, Human Resources will review the investigation report and all previous reports, if any, on the Responding Employee's disciplinary file. The General Manager, Human Resources will then provide a report to the Responding Employee's General Manager setting out the finding of the investigation report and a recommendation of the appropriate sanction to be imposed.

6.2 The Responding Employee's General Manager will give the Responding Employee an opportunity to respond to the finding of the investigation report and the recommended appropriate sanction.

6.3 The Responding Employee's General Manager will decide the appropriate sanction, inform the Responding Employee and the General Manager, Human Resources of that decision, and will then implement that decision.

6.4 The General Manager, Human Resources will place a record of the investigation report and the General Manager/Director's decision on the Responding Employee's record.

6.5 The General Manager, Human Resources may, if appropriate in all the circumstances, inform the person who reported the allegation of the finding of the investigation report or the sanction imposed or both.

7. PROCEDURE FOR INVESTIGATING A SERIOUS ALLEGATION

7.1 Where the General Manager, Human Resources classifies the allegation as a Serious Allegation, the General Manager, Human Resources will record that the allegation has been received and will then refer the Serious Allegation to the CEO.

7.2 The CEO may decide to suspend the Responding Employee from duty with or without pay or to reassign the Responding Employee to other duties during the course of the investigation. The CEO will notify the Responding Employee and the General Manager, Human Resources in writing of any such decision. The Responding Employee may request that the suspension be lifted by making a written submission to the CEO. The CEO will consider any such submission and will also review the decision at 30-day intervals during the course of the investigation.

7.3 The CEO will appoint an Investigating Officer to investigate the Serious Allegation. The Investigating Officer may be internal or external to the ASC. The Investigating Officer must be, and must be seen to be, unbiased and impartial.

7.4 The Investigating Officer's investigation must involve the following elements of procedural fairness:

- (a) the Serious Allegation and the details of the Serious Allegation must be put to the Responding Employee; and
- (b) the Responding Employee must be given the opportunity to respond to all relevant information that the Investigating Officer will consider in making the investigation report.

7.5 The Investigating Officer must provide a report to the General Manager, Human Resources with a finding as to whether a breach has been proved on the balance of probabilities to have occurred.

7.6 If the investigation report finds:

- (a) that a breach has been proved - then the General Manager, Human Resources will initiate the procedure for sanctioning a Serious Breach as set out below;
- (b) that a breach has not been proved – then the General Manager, Human Resources will file the investigation report on the Responding Employee's disciplinary file and will advise the Responding Employee and the CEO of the finding. The Responding Employee will be reimbursed for any period of suspension without pay imposed during the investigation.

8. PROCEDURE FOR SANCTIONING A SERIOUS BREACH

8.1 The General Manager, Human Resources will review the investigation report and all previous reports, if any, on the Responding Employee's file. The General Manager, Human Resources will then provide a report to the CEO setting out the finding of the investigation report and a recommendation of the appropriate sanction to be imposed.

8.2 The CEO will give the Responding Employee an opportunity to respond to the finding of the investigation report and the recommended appropriate sanction.

8.3 After taking into account any response from the Responding Employee, the CEO will decide the appropriate sanction and will then implement that decision and inform the Responding Employee and the General Manager, Human Resources in writing of that decision.

8.4 The General Manager, Human Resources will place a record of the investigation report and the CEO's decision on the Responding Employee's disciplinary file.

8.5 The General Manager, Human Resources may, if appropriate in all the circumstances, inform the person who reported the allegation of the finding of the investigation report or the sanction imposed or both.

9. SANCTIONS AVAILABLE UNDER THE CODE OF CONDUCT

9.1 One or more of the following sanctions may be imposed on an ASC employee who is found to have breached the Code of Conduct:

- (a) formal warning;
- (b) re-assignment of duties;
- (c) reduction in salary;
- (d) deductions from salary, by way of a fine;
- (e) termination of employment.

10. RIGHT OF REVIEW

10.1 Where the Responding Employee is aggrieved about a finding or sanction imposed under the Code of Conduct, other than a sanction of termination of employment or a finding that leads to a sanction of termination of employment, the Responding Employee may ask the CEO in writing to review the finding or sanction.

10.2 When such a request is made, the CEO will review the finding or sanction or appoint a person to do so unless he or she considers that the request is frivolous or vexatious. The review will include an interview with the Responding Employee, who is required to be available within a reasonable time for that purpose.

10.3 A decision on the review will be communicated in writing to the Responding Employee as soon as practicable.

10.4 If the Responding Employee is not satisfied with the CEO's response, she or he may request in writing that the matter be considered further by an independent person that is agreed to by the CEO and the Responding Employee. Where there is no agreement, the ASC will ask the Deputy Industrial Registrar of the Australian Industrial Relations Commission to nominate an independent person to review the matter.

10.5 The independent person will be required to conduct an investigation of the finding or sanction and provide a report to the CEO as to the appropriate finding or sanction. The CEO may confirm the finding or sanction and will notify the Responding Employee as soon as possible. The cost of engaging an independent person will be borne by the ASC.

- END -

Version	Created By	Originating Program	Approved by	Date	Revision Date	TRIM reference
Version 1.0	David Worthy	Human Resources	ASC Executive	6 March 2009	6 March 2011	2009/050556/D
Version 1.1						