



Code of Conduct

This Code of Conduct (herein '**the Code**') provides context and guidance to Australian Academy of Technological Sciences and Engineering (ATSE) Fellows, employees and others representing or otherwise involved with ATSE.

The ATSE Board is committed to leading a positive and ethical culture in which all persons treat each other with respect.

The Code operates alongside all relevant and appropriate ATSE policies (including but not limited to Spokesperson, Social Media, Bullying and Harassment, Whistle Blower, and Privacy Policies), and applies to:

- All Fellows, including Foreign Fellows, Honorary Fellows, Board-elected Fellows and Foreign Fellows (herein '**Fellows**');
- Academy staff and interns (herein '**Employees**');
- Contractors and volunteers (herein '**Workers**'); and
- Committee members, speakers, award recipients, representatives, delegates and others engaged in ATSE activities (herein '**Participants**').

The work of ATSE is underpinned by its Values (see page 8). Our Fellows, Employees, Workers and Participants agree to conduct themselves with respect, integrity, transparency, inclusion, collaboration, excellence and independence. We agree to treat each other respectfully, responsibly and ethically, and are guided in all our activities by the highest standards of honesty and integrity. When acting in relation to ATSE, Fellows, Employees, Workers and Participants are expected to behave as exemplars for the applied science, engineering and technology sectors.

Fellows, Employees, Workers and Participants shall not engage in discrimination¹, harassment² or bullying³ (all as defined by the Fair Work Commission), and shall not commit professional misconduct⁴. These behaviours interfere with or sabotage individual wellbeing, activities and careers in and concerned with technological sciences and engineering. They create a hostile environment that reduces the quality, integrity and pace of the advancement of technology and engineering by marginalising individuals and communities – and preventing the healthy exchange of ideas and opinions. (For more information see the ATSE Workplace Equal Opportunity, Harassment and Bullying Policy.)

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1. Discrimination is any distinction, exclusion, restriction or preference made on a particular basis such as race, sex, gender, religion, national origin, marital status, pregnancy, or disability, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of life. The element of intent is central. To discriminate requires a conscious decision to make a distinction, in this case between people.
 2. Sexual harassment is unwanted or unwelcome behaviour which makes a person feel offended, humiliated, or intimidated. It can also include display of offensive material and remarks with sexual connotations. Sexual harassment may be a criminal offence. The Sex Discrimination Act 1984 (Cth) makes sexual harassment unlawful in some circumstances. Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off, and perpetrated by either men or women against people of any sex. Other types of harassment include verbal or physical conduct directed at individuals or groups of people because of their age, race, ethnicity, national origin, gender, parental status, sexual orientation, gender identity, religion, culture, disability, marital status or political affiliation, or any other characteristic protected by applicable law.
 3. Bullying is unwelcome, aggressive behaviour involving the use of influence, threat, intimidation, or coercion to dominate others in the professional environment.
 4. Professional misconduct means failure of one rendering professional services to exercise that degree of skill and learning commonly applied under all the circumstances in the community by the average prudent reputable member of the profession with the result of injury, loss or harm to the recipient of those services or to those entitled to rely upon them. Professional misconduct includes infidelity in professional or fiduciary duties, evil practice, and illegal or immoral conduct.



Fellows, Employees, Workers and Participants may represent themselves or their employers and take positions in their personal capacity. However, Fellows, Workers and Participants may not present themselves as representing ATSE, nor represent any position not stated in an ATSE document as being that of ATSE, without explicit prior approval of ATSE's President and/or Chief Executive Officer. Any person wishing to publicly speak or represent themselves on behalf of ATSE must abide by the ATSE Spokesperson Policy and Social Media Policy.

Upholding the Code requires individuals to maintain an awareness of their own conduct and interaction with others. It also requires individuals to be aware of the conduct of others and to intervene when such conduct violates ATSE's values and impacts negatively on individuals or on the Academy's reputation or activities. This intervention may be direct, or through alerting relevant officials in order to promptly address the situation. ATSE's Whistle Blower Policy should be used as a last resort.

Use of information

Confidential information is information obtained or developed in the course of the conduct of ATSE's business and which if disclosed will or could lead to risk, damage or injury to ATSE, its Fellows, Employees, Workers and Participants.

All Fellows, Employees, Workers and Participants must abide by ATSE's Privacy Policy and:

- Protect confidential information.
- Only access confidential information when it is required for work purposes.
- Not use confidential information for any unofficial or non-work purposes.
- Only release confidential information if authorised to do so.

Fellows, Employees, Workers and Participants are only permitted to release confidential information in accordance with established policies and procedures. As a guideline, staff shall not give information unless:

- Required to do so by law.
- Appropriate authority has been granted to release the information.
- The information is officially available to the public and is released in accordance with ATSE's procedures.

Conflicts of interest

No Fellow or Employee may sign off on or manage a contract with a related party, or where that individual has a material conflict of interest.

BREACHES OF THE CODE OF CONDUCT

Please see Appendix 1, which sets out a protocol for addressing breaches and alleged breaches of this Code of Conduct.



REVIEW AND AUTHORISATION

This Code of Conduct and associated guidelines and procedures has been approved by the Board of the Australian Academy of Technological Sciences and Engineering as its formal statement of expectations of conduct, and its guidelines and procedures for handling observed or alleged breaches of the Code.

The Code and associated guidelines and procedures are subject to change and will be reviewed by the Board at least biennially, and may be reviewed and updated when circumstances warrant such review and update.

Professor Hugh Bradlow FTSE
President

Kylie Walker
Chief Executive Officer

22 April 2021



APPENDIX 1

CODE OF CONDUCT: BREACH AND ALLEGED BREACH PROTOCOL

Breaches and alleged breaches of this Code of Conduct may fall into two distinct categories: directly associated with ATSE activities, or; not directly associated with ATSE activities. The bulk of this protocol deals with actions directly associated with ATSE activities.

Where Fellows and the CEO are concerned – ATSE’s Board will assume responsibility to determine whether an alleged breach directly associated with ATSE activities can potentially impair the mission or reputation of ATSE, or present some other unacceptable level of risk, including commissioning an independent confidential investigation, where warranted or requested. If the allegation is substantiated, then a range of measures may be taken, up to and including expulsion of the Fellow from ATSE or termination of the employment of the CEO. These are laid out in detail below.

Where Employees, Workers and Participants are concerned – ATSE’s CEO, in consultation with the Chair of the Audit and Risk Committee, the Chair of the Diversity and Inclusion Committee, and the President, will assume responsibility to determine whether an alleged breach directly associated with ATSE activities has occurred. If the allegation is substantiated then a range of measures may be taken up to and including, for Employees and Workers, termination of employment or contracts.

PROTOCOL

The guidelines and procedures that support this Code of Conduct are intended to provide clear and specific guidance to Fellows, Employees, Workers and Participants regarding how the expectations outlined in the Code should be upheld and how to handle actual or possible breaches of the Code. The principles on which this guidelines and procedures are based are as follows:

- A commitment to investigating, and where warranted, acting on reported or alleged instances in a prompt and decisive manner.
- Upholding ATSE’s duty-of-care and legal obligations to avoid discrimination, bullying and harassment, and to protect the health and safety of Employees and others involved in Academy activities as far as is reasonably practicable.
- Ensuring clear and accountable processes for incident reporting that respect the confidentiality of those reporting or alleging incidents – and protect their safety and wellbeing.
- Ensuring clear and transparent processes for resolving or investigating reports and allegations, which ensure fairness and due process for all parties involved, including the right of appeal.

Because guidelines cannot cover every circumstance or eventuality and are unlikely to be on hand when urgently needed, ATSE’s policy with respect to handling breaches of this Code is that those experiencing or observing such a breach should apply their own judgement in responding. Individuals who respond to such situations in good faith and using their best judgement will not be penalised or in any way disadvantaged for doing so.

However, guiding principles upon which such judgements might be based include:

- **Ensuring one’s own and other people’s physical and psychological safety and wellbeing.** This may include leaving or removing an individual from a situation, seeking assistance from colleagues, supervisors, officials or more senior colleagues to do so, taking appropriate action to diffuse conflict or tension, or, if deemed necessary, escalating a situation to relevant authorities.



- **Intervening within the bounds of one's confidence and authority to prevent or stop inappropriate behaviour if it is or could negatively impact others.** For example, a Fellow, committee chair or senior staff member who witnesses an event participant, worker or committee member interacting with others in a way that is rude, confrontational, disrespectful or belittling should attempt to politely and respectfully intervene to diffuse the situation. This may involve politely challenging inappropriate behaviour, calling a break in proceedings, changing a topic of conversation or discussion, or intervening to divert one or more individuals away from a situation.
- **Respectfully challenging individuals who are observed to be breaching this Code, within the bounds of one's confidence and authority.** If inappropriate behaviour or breaches of this Code are observed in a situation that doesn't involve confrontation and/or does not appear to present a risk to the physical or emotional wellbeing of others, those who are confident in doing so should consider approaching the individual concerned in a polite and respectful way to draw their attention to the fact that the behaviour is inappropriate and may be breaching the Code.
- **Strict adherence to confidentiality at every stage, and ensuring we have the internal skills and systems to guarantee this**
- **Option to involve independent (external) investigation where warranted or requested**
- **Escalating to or seeking assistance from supervisors, more senior colleagues, officials or in some cases authorities to deal with observed or experienced breaches.**
- **Documenting observed or experienced breaches to the extent possible and reporting them through ATSE's formal mechanisms.**

REPORTING PROTOCOL

Individuals experiencing or observing inappropriate behaviour or breaches of this Code are encouraged to document their observations and report such behaviour or breaches, even if the breach appeared relatively minor or was not experienced in a negative or distressing manner. Reports of breaches of this code should proceed as follows:

- **Fellows** should report breaches of the Code to a member of ATSE's Board or CEO.
- **Employees and Workers** should report breaches of the Code to their direct supervisor or manager.
 - If the report concerns their supervisor or manager, or they are not comfortable reporting to that individual for any other reason, the report should be made to the Director, Business Operations, or CEO.
 - With the exception of the CEO, Employees and Workers should refrain from reporting breaches of this Code directly to members of ATSE's Board or other Fellows or Participants unless such action is required to deal with an immediate situation.
- **Participants in ATSE activities** should where possible report breaches of the Code to the most senior relevant Manager. If the report concerns the relevant manager, or if they are not comfortable reporting to that individual for any other reason, Participants should report to the Director, Business Operations, or CEO.

RESOLUTION PROCEDURES

On receipt of a report of a breach of the Code, ATSE's President and CEO will be notified in confidence, **even if the individual making the report has requested that no action be taken.** The President or the Chief Executive will then determine the appropriate steps for resolution.

Unless there are compelling reasons otherwise, the subject of the report should be notified that a report has been made – with the identity of the reporter kept confidential as necessary – and should be given the opportunity to respond to the report and to participate in a transparent resolution process. Options for resolution are as follows:



Informal resolution

Where possible, reports of alleged breaches of the code should be resolved informally and confidentially through any or all of the following:

- Discussion between a relevant ATSE official (whether Employee or Fellow) and the individual(s) concerned.
- Facilitated conciliation and mediation either by an un-involved ATSE official (for example, the Director, Business Operations, CEO or member of the Board) or a professional mediator, as appropriate.
- Agreed resolution such as formal apology, commitment to change behaviour or withdrawal from an activity, as appropriate.
- Provision of support, such as pairing with a mentor, access to counselling or other professional support services, as warranted.

Formal investigation

Where informal resolution is insufficient to resolve a matter, where allegations are disputed, or where the observed or alleged breach of the Code is deemed by ATSE officials to be sufficiently serious, formal investigation procedures may be instigated.

Such investigations may be conducted in different ways depending on the circumstances and nature of the alleged breach, as follows:

- **Alleged breaches by Fellows or CEO** will be investigated by the Board, which may establish an ad hoc subcommittee of Directors and/or engage an independent investigator to undertake any required detailed investigation.
- **Alleged breaches by Employees, Workers and Participants** will be investigated by ATSE's CEO in consultation with the President. The CEO may engage an independent investigator to undertake any required detailed investigation.

When formal investigations are deemed necessary ATSE will aim to commence the investigation as soon as possible after the incident has occurred. ATSE also aims to conduct investigations in a fair and transparent manner that protects the identities and reputations of those involved as much as possible while the investigation is taking place.

Those responsible for conducting formal investigations will provide a written report in a timely fashion, with recommendations for action to ATSE's decision-makers. In general, the subject(s) of the investigation and in some cases the instigator of a report or allegation will be given an opportunity to review the report and to provide a response that will be considered alongside the report by ATSE officials.

Investigating officers may, at their discretion and without prejudice, stand down an Employee or Worker, or request that a Fellow or Participant refrain from participation in ATSE activities while an investigation is being conducted.

DISCIPLINARY ACTION

If a finding is made that the Code has been breached, disciplinary action may be taken. The disciplinary action will be determined by the Board or CEO (in consultation with the President) on the basis of the outcomes of an informal resolution or the recommendations of a formal investigation. Disciplinary action could include but is not limited to:

- Counselling
- A formal warning or reprimand
- A requirement to restrict or refrain from contact with the complainant
- Performance management or equivalent
- Mentoring or supervision to monitor or assist in addressing behaviour



- Suspension or expulsion from a particular group or activity
- **For Fellows** – designation of Fellow as ‘not of good standing’ including suspension of financial Fellowship and all associated benefits for a fixed term; expulsion from ATSE
- **For Employees and Workers** – termination of employment or contract
- **For Participants** – no opportunity for future engagement.

APPEAL PROCEDURE

Both the instigators and the subjects of formal allegations of breaches of this Code may appeal the outcome of an investigation, informal resolution and any disciplinary action.

Appeals against decisions made by the CEO will be assessed by the President who will consult with the Board and/or CEO as appropriate. Appeals against decisions made by the Board may be conducted by the Board or – at the request of the appellant – by an independent third party appointed by the Board.

Action may include:

- declining the appeal;
- reviewing all or part of a decision;
- re-opening an investigation with the same or a different investigator;
- presenting the information and decision-making process for review to a committee of the Board or an independent reviewer; or
- ceasing further investigation or action.

BREACHES OF THE CODE NOT DIRECTLY ASSOCIATED WITH ATSE ACTIVITIES

Where alleged breaches of the Code of Conduct have occurred in circumstances not directly associated with ATSE or its activities:

- Where Fellows are concerned – ATSE’s Board will assume responsibility to determine whether a publicly known and verified breach not directly associated with ATSE activities poses a significant and unacceptable level of risk to ATSE. If so, the Board may elect to designate the Fellow as ‘not of good standing’ including suspension of financial Fellowship and all associated benefits for a fixed term; or, expel the Fellow.
- Where Employees, Workers and Participants are concerned – ATSE’s CEO will determine whether a verifiable breach not associated with ATSE activities has occurred, and – if so – whether it carries a material disadvantage to ATSE. If the allegation is substantiated then a range of measures may be taken, up to and including termination of employment or contracts. This is covered in detail in employment contracts. In the case of the CEO, the President and Chair of the Audit and Risk Committee will be the investigating parties.

Our Values

The values by which ATSE conducts its day-to-day operations, and the expectations it places on its Fellows, staff and the organisations and people that it partners with, are:

Integrity & transparency Integrity and transparency underpin our endeavours to deliver our purpose.

Inclusion Regardless of age, race, ethnicity, national origin, sexual orientation, gender, religion, culture, disability, marital status or political affiliation we are committed to diversity and inclusion because they are fundamental human rights, and because they deliver better outcomes for ATSE and our partners.

Collaboration We work collaboratively across the Academy and in partnership with other organisations, because doing so is critical to our success and therefore to the prosperity of Australia.

Excellence & independence We seek to be excellent, independent and innovative in all that we do, and to have that excellence recognised nationally and internationally. We celebrate excellence in the work of our Fellows, and as we lead in applied science, technology and engineering more broadly.

Sustainability We strive to support environmental, social and economic sustainability through our activities and operations.

Professional pride Staff work together and with Fellows to create a workplace where we:

- treat each other respectfully, fairly and ethically
- have a zero-tolerance policy towards discrimination, harassment and bullying
- are professional and courteous
- are passionate about our work and strive to add value every day
- share a sense of timeliness
- value initiative and leadership
- encourage performance, and reward honest reflection and continuous improvement
- place the utmost importance on work health, safety and wellbeing in all work places and spaces
- and enjoy our work.