

ANROWS

AUSTRALIA'S NATIONAL RESEARCH
ORGANISATION FOR WOMEN'S SAFETY

to Reduce Violence against Women & their Children

Code of Conduct – Staff and Associates

1. Policy statement

ANROWS aspires to be the authoritative voice on violence against women in Australia and to influence policy and practice through the translation and exchange of knowledge. ANROWS is funded, primarily, by the Commonwealth and all state and territory governments of Australia on behalf of the Australian people. The conduct of ANROWS staff and associates must be characterised by the following principles: respect for the inherent dignity of others, adherence to ethical practice and commitment to uphold the public interest.

2. Purpose

To provide clear guidance to ANROWS staff and associates on expectations of conduct as it relates to the reputation and performance of ANROWS, including through relationships between staff and associates and with stakeholders.

3. Scope and application

This Code of Conduct applies to all ANROWS activities and all ANROWS staff, contractors and members of advisory bodies as may exist from time to time and who will be referred to as “staff” throughout the document. Abiding by the ANROWS Staff and Associates Code of Conduct is a condition of employment, as reflected in employment contracts. It is also a condition of appointment to ANROWS advisory bodies as may exist from time to time. Supervisors at ANROWS have an additional responsibility for ensuring staff and associates are aware of their obligations under the Staff and Associates Code of Conduct. The Code of Conduct reflects the guiding principles set out in ANROWS’s Transitional Strategic Plan 2021–2022:

Quality

We will be intellectually rigorous.

Independence

Our work will be evidence-based and focused on our objectives.

Inclusion

Our work will embrace and respond to diversity in the broader Australian community and reflect the lived experience of people affected by domestic, family and sexual violence and the community services sector responding to it.

Accountability

Our work will be relevant, transparent, responsive and accessible to our primary stakeholders: the Commonwealth and all state and territory governments of Australia.

Innovation

We will encourage fresh thinking and informed debate and strive for continuous improvement in our research, dissemination and organisational practices.

Professionalism

We will maintain high standards of governance and show respect and integrity in all our activities.

4. Definitions

ANROWS staff and associates (staff): refers to ANROWS staff, contractors (not including contracted researchers) and members of advisory bodies.

Disciplinary action: measures taken by ANROWS in relation to unsatisfactory performance, misconduct or serious misconduct.

Ethical practice: the guiding values, principles and standards that enable people to determine how things should be done and how they should act.

Gift and benefits: the transfer of property or other benefit, without recompense, or for a consideration substantially less than full consideration, received or given by a staff member when they are acting in their official capacity. Gifts may include:

- nominal gifts or benefits (fair market value of less than \$150)
- entertainment
- hospitality
- bottle of wine
- flowers
- chocolate.

It is not appropriate for staff to be offered, to accept or to give gifts and benefits that affect, may be likely to affect or could reasonably be perceived to affect the performance of their duties.

Research misconduct: may include the following forms when proposing, performing, reviewing or reporting research results:

- (a) *Fabrication:* making up data or results and recording or reporting them.
- (b) *Falsification:* manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- (c) *Plagiarism:* the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
- (d) Misuse of personal information of research participants including a breach of confidentiality.

- (e) Release of confidential research information (e.g. prior to publication or while reports are under embargo).
- (f) Fraudulent researcher qualifications.
- (g) Theft or improper use of property.

Research misconduct does not include honest error or differences of opinion.

Serious research misconduct: the recurrence or continuation of conduct, which has previously been found to be research misconduct on the part of the staff member; including:

- (a) a continued failure to follow research protocols approved by research ethics committees, and where that failure has resulted in an unreasonable risk or actual harm
- (b) deliberately publishing false research results that become part of the public record
- (c) the conduct that is characterised by a reckless and wilful disregard for the consequences of the alleged conduct.

5. Code of Conduct

5.1 Confidentiality

- a) Staff will maintain appropriate confidentiality of stakeholder and ANROWS's confidential information and, in the case of research, participants' information.
- b) "Confidential information" means information that:
 - is by its nature confidential
 - is designated by the parties as confidential
 - the parties know or ought to know is confidential.

5.2 Adhere to ethical practice

- a) Personal behavior will not bring discredit to ANROWS, to the work performed by ANROWS or to colleagues and directors of ANROWS. Any complaints or problems about practices at any level should be discussed with the identified officer/person and appropriate investigation/grievance procedures will be followed, as required (refer to [S:\Governance\Policies & Procedures\Human Resources\Staff Grievance, Performance and Dispute Policy.pdf](#)).
- b) Staff will distinguish clearly between statements and actions made as a private individual and as a representative of ANROWS. Associates do not represent ANROWS.
- c) Staff will not accept substantial gifts from stakeholders. Small tokens of appreciation may be accepted but must be declared and included on the ANROWS Gift Register, as soon as practicable after receipt.
- d) Staff will not exploit work relationships for professional gain or profit, nor use their position to promote personal, political, religious or business loyalty.
- e) Staff shall disclose any personal relationships that may present a conflict of interest (refer to [S:\Governance\Policies & Procedures\Human Resources\Conflict of Interest and Related Party Transactions Policy.pdf](#)).

- f) Staff are prohibited from acting in any work-related capacity while under the influence of any mind-altering substance including alcohol, except in the case of prescribed medication, in which case, management will be made aware of potential effects on performance.
- g) Staff seeking additional employment with another employer will seek approval from their manager and in circumstances where there is not actual or perceived conflict of interest, the manager may approve the additional employment.

5.3 ANROWS staff undertaking research, including research with Aboriginal and Torres Strait Islander peoples, are committed to high standards of professional conduct, and they will ensure their work enhances the reputation of ANROWS. All research will adhere to codes of practice published by the National Health and Medical Research Council, including the [*Australian Code for the Responsible Conduct of Research 2018*](#) and [*Ethical Conduct in Research with Aboriginal and Torres Strait Islander Peoples and Communities*](#).

5.4 *Abide by the law and declare any charges, investigations or disciplinary action*

- a) Staff will abide by Commonwealth, state and territory laws.
- b) Staff will declare to the CEO as soon as practicable any charges, investigations or disciplinary action against them, whether or not a criminal matter, which may bring ANROWS into disrepute by association. The CEO, or their delegate, will determine any action necessary, which may include termination of employment, contract or appointment, based on relative risk to ANROWS and subject to legal advice.

5.5 *Respect the inherent dignity of others*

- a) Staff will not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, colour, gender, sexual orientation, age, disability, religion, national origin, marital status or other conditions or status.
- b) Staff will treat colleagues and stakeholders with respect, courtesy, fairness and good faith. Where serious disagreements cannot be resolved, they will be addressed as outlined in the grievance procedure.
- c) Staff who have responsibility for employing and evaluating the performance of other staff members will act in a fair, considerate and just manner, performing evaluations on clearly enunciated criteria.
- d) Harassment, bullying or discrimination as defined in the *Fair Work Act 2009* (Cth) and state or territory law, as relevant from time to time, will not be tolerated. Relevant negative feedback in the context of performance review must not be confused with harassment; however, performance feedback must be delivered in a manner that is respectful and confidential and must be transparently intended to assist performance improvement in the interests of the relevant staff member and the organisation. Harassment, bullying and discrimination are subject to the ANROWS grievance procedure and law, as relevant.

5.6 *Collaborate to achieve organisational goals*

- a) Staff will acknowledge fluctuations in workloads and offer assistance in support of others to achieve organisational goals and meet collective obligations, where necessary and possible.

- b) Staff will respond to requests for assistance with a positive and collegial spirit, whether or not assistance can be provided.
- c) Staff will cooperate with management decisions on work priorities associated with delivering on organisational goals.
- d) Disputes regarding collaboration and priority setting are to be addressed in accordance with the ANROWS dispute resolution process.

5.7 Uphold the public interest

- a) Staff will be responsible and vigorous in discussion and critical review of their work performance, participating in outcome-focused discussion and evaluation of their own and others' work.
- b) Feedback from stakeholders on ANROWS's performance will be sought regularly.
- c) ANROWS's practice will be open and transparent.
- d) Staff will make efficient use of public resources and avoid waste.

6.1 Notification of allegation of breach of the Code of Conduct

If a staff member, contractor or stakeholder becomes aware of a Code of Conduct breach, including research misconduct or serious research misconduct, that person should in the first instance:

- a) Report the conduct breach (in writing) to the relevant supervisor or the Director, Strategic Operations.
- b) In the event that the breach relates to the CEO, the breach should be taken up with the Director, Strategic Operations who may refer the complaint to the Board Chair.

For any notification of an allegation of a breach of the Code of Conduct, the complainant will provide in writing each instance where a potential breach has occurred including the place or places, date or dates on which the conduct in question was alleged to have occurred; state the identity of the person alleged to have engaged in the breach; and identify and attach (in as much detail as possible) any supporting evidence to enable an assessment. In the case of alleged research misconduct or serious research misconduct the complainant may elect to remain anonymous.

The Director, Strategic Operations, CEO or Board Chair may determine to commission an external person to investigate the breach, if it is felt that this would provide a greater sense of fairness and equity to the parties. Findings arising from a breach of the Code of Conduct may result in disciplinary action including:

- termination of employment of the employee
- reduction in the remuneration payable to the employee
- caution or reprimand of the employee.

The officer that is managing the investigation will maintain a full record of all complaints and investigations and their outcomes.

7.1 Consequences for breach of the Code of Conduct including research misconduct

7.1.1 Any breach of the Code of Conduct is considered to be serious and, following appropriate investigations, may be subject to disciplinary action (which may include termination of employment contract and/or referral to relevant authorities).

ANROWS, when deciding what, if any, action should be taken in relation to an alleged breach of the Code, will consider the alleged breach on its own facts and circumstances. This would include:

- the seriousness of the breach
- the likelihood of the breach occurring again
- whether that person has committed the breach more than once
- the risk the breach poses to other staff, stakeholders or any others
- whether the breach would be serious enough to warrant misconduct action.

[\(Refer to S:\Governance\Policies & Procedures\Human Resources\Managing diminished performance policy and form.pdf.\)](#)

7.1.2 Research misconduct

(a) Research misconduct refers to the failure to meet the principles and responsibilities outlined under the [Australian Code for the Responsible Conduct of Research 2018](#) and [Ethical Conduct in Research with Aboriginal and Torres Strait Islander Peoples and Communities](#). It may refer to a single breach or multiple breaches. Examples of breaches of the Code include, but are not limited to, the following:

- a. Not meeting required research standards:
 - i. Conducting research without ethics approval as required by the *National Statement on Ethical Conduct in Human Research* and the *Australian Code for the Care and Use of Animals for Scientific Purposes*.
 - ii. Failing to conduct research as approved by an appropriate ethics review body.
 - iii. Conducting research without the requisite approvals, permits or licences.
 - iv. Misuse of research funds.
 - v. Concealment or facilitation of breaches (or potential breaches) of the Code by others.
- b. Fabrication, falsification, misrepresentation.
- c. Plagiarism.
- d. Research data management:
 - i. Failure to appropriately maintain research records.
 - ii. Inappropriate destruction of research records, research data and/or source material.
 - iii. Inappropriate disclosure of, or access to, research records, research data and/or source material.
- e. Authorship:

- i. Failure to acknowledge the contributions of others fairly.
- ii. Misleading ascription of authorship including failing to offer authorship to those who qualify.
- iii. Awarding authorship to those who do not meet the requirements.
- f. Failure to disclose or manage conflicts of interest.
- g. Failure to conduct peer review responsibly.

7.1.3 Procedure for allegations of research misconduct and/or serious research misconduct

- a. Before any action is taken regarding allegations of research misconduct or serious research misconduct, all relevant information will be gathered and relevant facts evaluated to assess whether the complaint, if substantiated, would constitute a breach. The person to whom the allegation has been referred would then refer the matter to the CEO. In the case that the allegation relates to the CEO, the person would refer the matter to the Director, Strategic Operations, who would then refer the matter to the Board.
- b. The CEO will consider the circumstances of staff where a complaint of research misconduct or serious misconduct has been made, including protection of other staff not involved in the breach; ensuring the confidentiality of the allegations is maintained while the investigation is undertaken; and ensuring, at all times, procedural fairness. The CEO, after reviewing all the evidence of the alleged breach, will refer the matter to the Board for a determination.
- c. The CEO with members of the Board would then determine:
 - 1. whether the conduct that is central to the substance of the allegations, if proven, would amount to research misconduct
 - 2. whether a prima facie case of research misconduct exists, noting that a complaint may be dismissed at any stage if the complaint appears to have been made in bad faith or is vexatious.

If the CEO or a majority of the Board determine that both 1) and 2) above are not satisfied, the allegations are either dismissed or referred to another relevant process (such as the managing diminished performance policy), with the staff member who is the subject of the allegations and the complainant both informed of the outcome accordingly. In the event of dissenting views of the Board, those views will be noted as part of the record of the decision.

If the CEO or a majority of the Board determine that 1) and 2) are satisfied, the Board will refer the allegations back to the CEO who will decide on the outcome of findings (for example, as misconduct or serious misconduct) and then determine relevant sanctions. The staff member who is the subject of the allegations and the complainant will be informed accordingly.

All allegations of breaches to the Code of Conduct (including research misconduct) will be investigated and subject to procedural fairness – that is, procedural fairness for both the complainant and the staff member. This includes:

- the right to be heard
- the right to be treated without bias

- the right to be informed of allegations being made and to be provided with an opportunity to respond to them
- the right to be advised of the status of the complaint
- the right to a timely investigation.

Legislation which is also relevant:

[Anti-Discrimination Act 1977 \(NSW\)](#)

[Crimes Act 1900 \(NSW\)](#)

[Fair Work Act 2009 \(Cth\)](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(Cth\)](#)

[Privacy Act 1988 \(Cth\)](#)

[National Statement on Ethical Conduct in Human Research](#)

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Policy changes, updates or amendments	This policy may be rescinded, changed or replaced at any time at the absolute discretion of the Board of ANROWS or their authorised delegate.
Policy Owner	CEO
Review	August 2022
Related policies, procedures and resources	S:\Governance\Policies & Procedures\Human Resources\Staff Grievance, Performance and Dispute Policy.pdf S:\Governance\Policies & Procedures\Human Resources\Conflict of Interest and Related Party Transactions Policy.pdf Australian Code for the Responsible Conduct of Research, 2018 S:\Governance\Policies & Procedures\Human Resources\Managing diminished performance policy and form.pdf