

Protocol for managing a code of conduct breach

ATSE

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1.0	22/04/2021	Dr Bruce Godfrey, VP; Kylie Walker, CEO	Initial Code developed and endorsed
2.0	21/08/2025	Professor Anne Green, VP; Dawn Bennett, People and Partnerships Director	Comprehensive review and update

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Code of Conduct breach

A breach of ATSE's Code of Conduct is any behaviour that is not in accordance with the Code or that may be considered "conduct unbecoming a Fellow or prejudicial to the interest of the Academy" (ATSE Constitution, Rule 12.3).

Principles

The principles on which the protocol for managing an alleged breach of the Code of Conduct are:

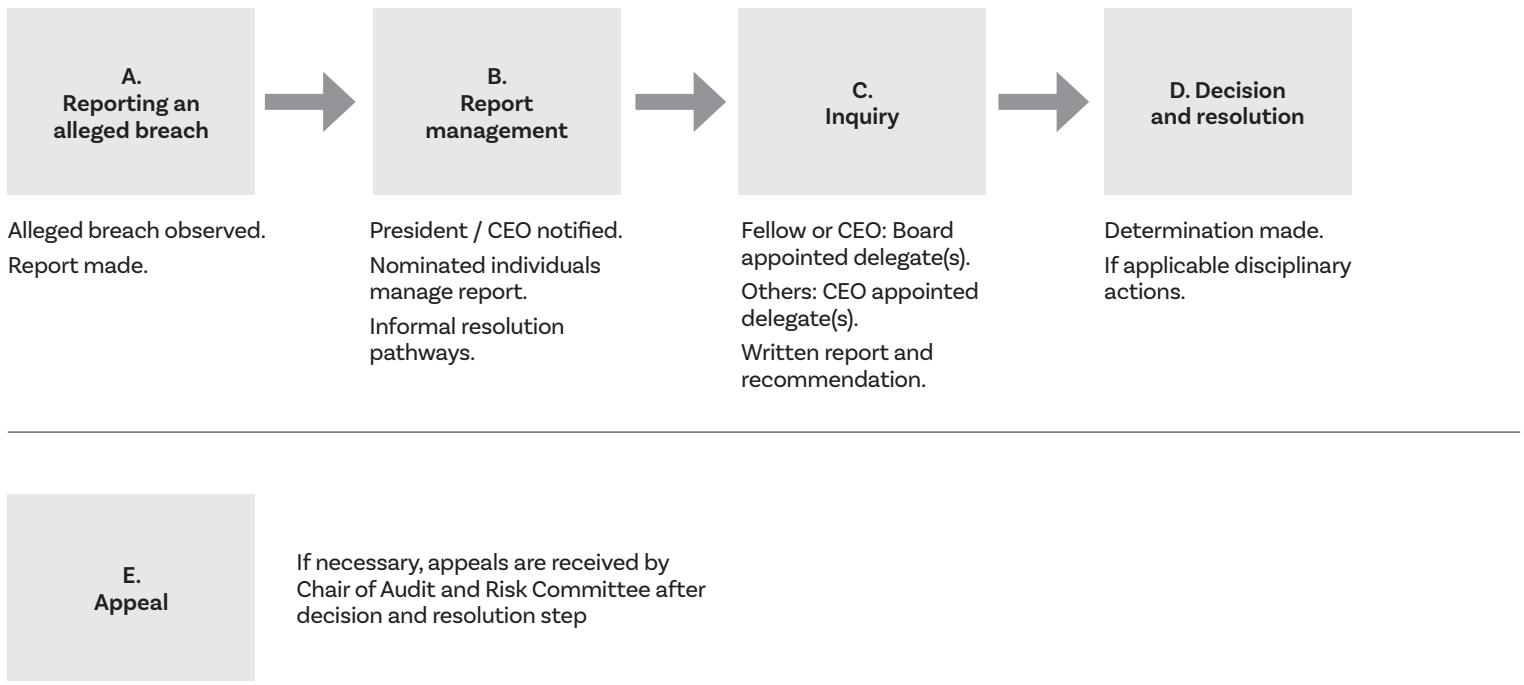
- A commitment to inquiring, and where warranted, acting on a reported or an alleged breach in a prompt and decisive manner.
- A commitment to maintaining confidentiality, as may be required, in management of reports and inquiries.
- Upholding ATSE's duty-of-care, risk management and legal obligations to avoid *inter alia* discrimination, bullying and harassment, and to protect the health and safety of Fellows, Employees, Workers and Participants.
- Ensuring clear and accountable processes for incident reporting that respect the confidentiality of those who report or allege an incident – and protect their safety and wellbeing.
- Ensuring clear and transparent processes for resolving or inquiring into reports and allegations, which ensure fairness and due process for all parties involved.

This protocol cannot cover every circumstance that may arise. In the first instance, individuals who act in response to an alleged breach in good faith and using their best judgement, will not be penalised or in any way disadvantaged for doing so.

TABLE 1: Summary of breach management protocols

Protocol element	A	B	C	D	E
Alleged breach by	Receives report	Report Manager	Inquiry officer(s)	Decisionmaker	Appeal
Fellow	President, or another member of ATSE's Board, or CEO	Director People and Partnerships or other delegate(s) nominated by the President	Board-appointed delegate(s)	President	Chair, Audit and Risk Committee
Employee – CEO	President and Director People and Partnerships	Director People and Partnerships or other delegate as nominated by the President	Board-appointed delegate(s)	President	Chair, Audit and Risk Committee
Employee – all others	CEO, Relevant area staff Director and/or Director People and Partnerships	Director People and Partnerships or other delegate(s) nominated by the CEO	CEO appointed delegate(s)	CEO	Chair, Audit and Risk Committee
Workers	Relevant area staff Director and/or Director People and Partnerships	Director People and Partnerships or other delegate(s) nominated by the CEO	CEO appointed delegate(s)	CEO	Chair, Audit and Risk Committee
Participants – Award recipients	Relevant area staff Director and/or Director People and Partnerships	Director People and Partnerships or other Delegate(s) nominated by the CEO	CEO appointed delegate(s)	President	Chair, Audit and Risk Committee
Participants – all others	Relevant area staff manager, staff Director and/or Director People and Partnerships	Director People and Partnerships or other delegate(s) nominated by the CEO	CEO appointed delegate(s)	CEO	Chair, Audit and Risk Committee

Summary of steps in the breach management process



Protocol

Step A. Reporting an alleged breach

ATSE is committed to maintaining a safe and positive work environment. Those who experience or witness a breach of the Code are encouraged to:

- document their observations, and
- report such a breach.

Who an alleged breach should be reported to, is determined by the role of the person alleged to have committed a breach. Reports of an alleged breach of this Code should proceed in accordance with Table 1 (above).

Misuse of the Code or Protocol by any Fellow, Employee, Worker or Participant in retaliation against another person is strictly prohibited and will be treated as its own breach of the Code.

Step B. Report management

The persons responsible for managing the report of an alleged breach of the Code, will be determined by the role of the person alleged to have breached this Code (as per Table 1). The Director People and Partnerships will be the lead for report management, unless a conflict of interest is present in which case the President or CEO will nominate another report manager.

Unless there are compelling reasons otherwise, in managing the report:

- the identity of the reporter will be kept confidential, as may be necessary
- the subject of a report should be notified that a report has been made
- the subject of a report be given the opportunity to respond to the report and to participate in a transparent resolution process.

On receipt of a report of an alleged breach of the Code (and unless they are the subject of the report) ATSE's President and CEO will be notified (in confidence), even if the individual making the report has requested that no action be taken.

Where possible, reports of an alleged breach of the Code should be resolved informally and confidentially through any or all of the following:

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

An inquiry (Step C) may be initiated at any time when circumstances may warrant, or when the report cannot be resolved via informal means.

Step C. Inquiry into allegation

Consistent with procedures set out in Step B, a formal inquiry may be initiated at any time after receipt of a report of an alleged breach, including where:

- informal resolution is insufficient to resolve a matter, and/or
- allegations are disputed, and/or
- the observed or alleged breach of the Code is deemed by the report recipient or person(s) undertaking the report management to be sufficiently serious.

The person(s) responsible for undertaking a formal inquiry ('Inquiry Officer') will be determined by the role of the person alleged to have breached this Code (as per Table 1).

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

- **Alleged breach by Fellows or CEO** will be inquired into by a Board-appointed delegate(s).
- **Alleged breach by all other Employees, Workers, and Participants** will be inquired into as delegated by ATSE's CEO.

ATSE will aim to commence formal inquiries as soon as possible after the alleged breach of the Code has been reported. ATSE also aims to conduct inquiries in a fair and transparent manner that protects the identities and reputations of those involved to the extent reasonably possible while the inquiry is taking place.

Those responsible for conducting formal inquiries will provide a written report in a timely fashion, with recommendations for action to the specified decision-maker (per Table 1). The subject(s) of the inquiries, 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 the inquiry officer(s), and may be considered by the decision-maker.

Inquiry officer(s) may, at their discretion and without prejudice, stand down an Employee or Worker while an inquiry is being conducted.

The President may request that a Fellow or Participant refrain from participation in ATSE activities. Where the President is of the opinion that the alleged breach warrants it, the President may remove a Fellow or Participant from participating in ATSE activities.

Where the President removes a Fellow or Participant from participation in ATSE activities, the President will notify the respective Fellow or Participant in writing giving reasons for their decision. If the formal inquiry determines that the removal is not warranted, the President will withdraw such determination and facilitate the Fellow's or Participant's involvement in ATSE activities as soon as reasonably possible.

Step D. Decision and resolution

The person responsible for deciding whether a breach of the Code has occurred ('decision-maker') will be determined by the role of the person alleged to have breached this Code (as per Table 1).

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 on the basis of the outcomes of an informal resolution or the recommendations of a formal inquiry.

Once a final decision has been made (with or without appeal), disciplinary action(s) that may be taken include (but are not limited to):

- Counselling
- A formal warning or reprimand
- A requirement to restrict or refrain from contact with the person who made the report of an alleged breach
- Performance management or equivalent
- Mentoring, supervision, or training to monitor or assist in addressing behaviour
- Suspension or expulsion from a particular group or activity or project
- **For Fellows** – steps in accordance with the ATSE Constitution, including 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.

Step E. Appeal

Those who report an alleged breach and/or is the subject of an alleged breach of this Code may appeal the outcome of an inquiry, informal resolution and any disciplinary action.

All appeals against decisions will be made to the Chair of ATSE's Audit and Risk Committee.

Action may include:

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