



**EDMUND RICE EDUCATION
AUSTRALIA**

CODE OF CONDUCT

Edmund Rice Education Australia

CONFIDENTIAL

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PREAMBLE

Edmund Rice Education Australia (EREA) is a network of schools, entities and offices, offering a Catholic education in the tradition of Blessed Edmund Rice. Established by the Christian Brothers in 2007, Edmund Rice Education Australia governs the schools owned by the Brothers at that time, as well as schools established since then. As a Public Juridic Person (PJP), Edmund Rice Education Australia has its own canonical and civil identity but remains closely connected to the Christian Brothers and their ongoing ministry (The Design 2014).

This Code of Conduct (the Code) details, clarifies and affirms the standards of behaviour expected by Edmund Rice Education Australia for members of the Edmund Rice Education Australia community.

Central to the mission of a Catholic School in the Edmund Rice tradition is an unequivocal commitment to fostering the dignity, self-esteem and integrity of each and every person present within Edmund Rice Education Australia and each of its school communities. The provision of a safe, supportive and enriching environment is an essential element in achieving this objective.

Within EREA school communities, it is expected that students will develop skills and attributes for building positive relationships and it is these same skills that Edmund Rice Education Australia expects will be modelled by employees and volunteers.

This Code confirms general commitments, including a commitment to, and respect for the teachings and beliefs of the Catholic Church and the values of Edmund Rice Education Australia as espoused in the Charter and through the Charter Touchstones. The Touchstones help us set our direction and define our goals as, following Blessed Edmund's example, we continue to reflect and to seek to make the Gospel a living reality in our communities. It is expected that the conduct of all Edmund Rice Education Australia employees and volunteers will give evidence to these teachings, beliefs and values.

The Code includes obligations of persons who fulfil the definition of Employee or Volunteer.

The Code also sets out responsibilities of employees and volunteers which:

- *govern interactions with students; management of students and physical contact with students.*
- *govern interactions between colleagues.*
- *outline expectations regarding the use of technology.*
- *affirm Edmund Rice Education Australia's position on drugs, alcohol, tobacco, sexual harassment, workplace harassment and discrimination.*
- *establish a process for reports and complaints to be made about breaches of the Code.*

The principles of child protection (stated in the applicable Child Protection Legislation and Child Protection Policy) are a fundamental responsibility of all Edmund Rice Education Australia employees and volunteers.

There is an expectation that the Code will be applied in the context of natural justice, procedural fairness and due process.

The Code will be made available to all existing and new employees and volunteers and will be an essential component of the induction of all new employees and volunteers. The Code is supplemented by policies of Edmund Rice Education Australia and its schools, including child protection policies and child protection legislation. Further, child protection policies and child protection legislation (or other statutes) will apply if there is any inconsistency with the Code.

The Code is a resource to assist persons within the Edmund Rice Education Australia community to ensure that their behavior and conduct is in accordance with Edmund Rice Education Australia's standards and expectations, does not impact or otherwise harm students, and aligns with Edmund Rice Education Australia's duty of care.

It is of absolute importance that members of the Edmund Rice Education Australia community read, reflect upon, understand and respond accordingly to their responsibilities as set out in the Code.

This Code can be downloaded from: <http://www.erea.edu.au/about-us/code-of-conduct>

Enquiries on the Code should be directed at first instance to the Principal, the Deputy Principal or the Executive Director of Edmund Rice Education Australia.

CODE OF CONDUCT

1.0 INTRODUCTION

1.1 Purpose

The Code of Conduct (the Code) outlines the conduct and expectations required by Edmund Rice Education Australia for employees and volunteers within the Edmund Rice Education Australia (EREA) community.

1.2 Applicability

The Code sets out obligations for all employees and volunteers of the communities of Edmund Rice Education Australia and its schools and entities.

1.3 Review

The Code will be reviewed after one year and then every 3 years, with interim adjustments as necessary (e.g. changes to legislation, changes to other policies which will have an effect on the Code, etc.)

2.0 CODE OF CONDUCT

2.1 Responsibilities of Employees and Volunteers

Employees and volunteers are expected to comply with expectations in the employer-employee relationship, including:

- accessing and reading the Code which will be available on the Edmund Rice Education Australia website.
- enacting the provisions of the Code in good faith.
- developing relationships based on mutual courtesy, trust, collegiality and open communication.
- using constructive methods for resolving any conflict which may arise.
- abiding by all relevant policies, including Child Protection policy.
- enacting any duty of care applying personally to an employee or volunteer.
- contributing to Edmund Rice Education Australia and its schools enacting a duty of care.
- refraining from conduct which may amount to misconduct or serious misconduct.
- demonstrating and modelling ethical and moral behaviours.
- complying with any risk management processes in place, including any risk assessment processes.
- maintaining appropriate professional qualifications and registrations.
- abiding by all responsibilities, commitments and duties set out in contracts of employment.

- maintaining confidentiality of information and privacy obligations unless disclosure is required by law (including as prescribed by the Child Protection Legislation and Child Protection Policy), is required by a professional standard applicable to the employee or volunteer, or unless there is risk of harm to a student or the personal safety of a member of the community.
- declaring, or avoiding where appropriate, all conflicts of interest (actual or perceived) and otherwise refraining from acting or giving the appearance of acting contrary to the interests of Edmund Rice Education Australia or its schools.
- serving Edmund Rice Education Australia and its schools faithfully, diligently and with due care and skill.
- ensuring personal appearance and presentation is clean, tidy, modest, role-appropriate and in accordance with policies.
- observing the principles of natural justice and procedural fairness in dealing with any complaints against colleagues.
- avoiding behaviours which are or might reasonably be perceived as Workplace Harassment or Sexual Harassment in accordance with policies.
- being truthful when making statements about qualifications, experience and competencies.
- enacting obligations to a standard commensurate with professional skills and qualifications.
- refraining from conduct which may amount to serious misconduct or otherwise warrant summary dismissal from employment.
- using the resources of Edmund Rice Education Australia and its schools only as prescribed in policies or his/her contract of employment.
- serving Edmund Rice Education Australia and its schools faithfully, diligently and with due care.

2.2 Interactions with Students

Employees and volunteers must always hold a valid, current “Working with Children” license (or such license relevant in their jurisdiction) and advise Edmund Rice Education Australia or the Principal immediately if there is any modification to their status or ability to work with children.

Employees and volunteers must abide by professional boundaries, acknowledging that interactions with students by their very nature are open to scrutiny. Employees and volunteers should avoid placing themselves or a student in a compromising position and avoid actual and perceived breaches of the Code.

Employees and volunteers must be familiar with, apply and act in accordance with all applicable child protection legislation and regulations and child protection policies and procedures as applicable in their context – state, diocese, or school.

Employees and volunteers must bring to the attention of the Principal or the Executive Director of Edmund Rice Education Australia any potential, perceived or actual contraventions of the Code regarding interactions with students, whether by themselves or colleagues. The requirement to report any possible contravention is essential given the duty of care owed to students.

Interactions with students can extend beyond the school setting, including outside of school hours, outside of school grounds and by any technology including social media. Employees and volunteers must ensure that social interactions with students outside of school do not give grounds for allegations against them. They must be conscious that their position places significant obligations on them and a requirement to follow all relevant policies.

Employees and volunteers in schools where there are many relationships between employees, volunteers and students' families (such as may be the case in smaller rural school communities) should still be conscious of these obligations and all relevant policies. If an employee or volunteer is unsure about the school's position, the employee or volunteer should seek further guidance from the Principal.

Employees and volunteers must endeavour not to drive a student in their car unless they have parental permission, and do so in accordance with policies. In the event of an emergency, employees and volunteers should attempt to obtain parental consent and also report the matter to the Principal or the Deputy Principal, where possible prior to the journey commencing. When this is not possible, the employee or volunteer must advise the Principal or Deputy Principal as soon as possible after the journey.

Employees and volunteers must only engage in paid tutoring or coaching of students outside of school hours in accordance with EREA and school policies and with the consent of the Principal or Deputy Principal.

Sexual interaction between employees/volunteers and students is never appropriate. Furthermore, employees and volunteers should be aware that where a relationship develops with an ex-student, their employer is entitled to consider whether their actions suggest an abuse of their position as a staff member. Where there is a reasonable belief that the emotional intimacy of the relationship developed while the staff-student relationship existed, a judgment that abuse of their position has occurred would be considered. Such a finding constitutes serious misconduct and can result in the employee/volunteer's employment being terminated, together with reporting to the appropriate child protection agencies.

Employees and volunteers must avoid, as far as possible, situations where they are alone with a student. In the conduct of their duties (professional or otherwise), employees and volunteers may be required to work in a one-on-one situation with a student. In such situations, employees and volunteers must follow the policy of the school in regard to working alone.

Employees and volunteers must be aware that the Code applies regardless of:

- where an interaction occurs, including but not limited to on or outside school grounds, during or outside school hours.
- student's age.
- student's consent.
- consent of parents/guardians and families.
- circumstances in which a student initiates an interaction or relationship between the employee/volunteer and the student.

2.3 Working with Student Behaviour

Student behaviour education practices in Edmund Rice Education Australia schools aim to facilitate the development and experience of responsible self-discipline amongst students and to promote the well-being, safety and effective management of the school community.

Employees and volunteers must develop and use effective, consistent and appropriate behaviour education strategies in day to day interactions with students. These strategies should include a clear, consistent and published method of dealing with inappropriate behaviours. These strategies should reflect and apply the values of Edmund Rice Education Australia and be developed in accordance with relevant policies.

Students who display recurring challenging behaviours, particularly unsafe behaviours, should be referred to the appropriate person in line with relevant policies. Where a student's behaviour is unable to be managed through such policies, an individual behavior education plan (or equivalent) should be developed for that student. All employees and volunteers should be made aware of and act in accordance with this individual behaviour education plan.

Corporal punishment is prohibited. Corporal punishment involves the application of physical force to punish or correct a student.

The following list provides employees and volunteers with a guide to behaviours that are unacceptable as they are contrary to good professional practice and Edmund Rice Education Australia values. Such behaviours include but are not limited to:

- using an object, such as a ruler, book or whiteboard marker to gain a student's attention in a hostile or inappropriate physical manner.
- restraining a student for any purpose other than when a student's actions cause or threaten to cause imminent harm to himself/herself or others.
- hitting or kicking a student.
- holding a student.
- pushing, pulling, shoving, grabbing, pinching or poking a student, including by their clothing.
- shaking or forcibly handling a student.
- intimidating a student.
- swearing at a student.
- using sarcasm to humiliate.
- using names or nicknames to undermine the self-confidence of a student.
- locking a student in a confined space.
- refusing biological needs as a means of punishment.
- criticising a student rather than the student's actions.
- practices which instill fear or using fear as a means of controlling a student.
- practices which cause a student to feel alienated.

2.4 Physical Contact with Students

Employees and volunteers are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical interactions with students.

Edmund Rice Education Australia expects that when physical contact with a student is necessary within the teaching/learning experience, employees and volunteers must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed. Examples of situations where physical contact with a student may be necessary include:

- assisting students with special needs, for example to allow a student to engage with a teaching/learning experience or the curriculum in general.
- assessing a student who is injured or ill. One should advise the student of what they intend to do and, where possible, seek the student's consent and have a colleague present.
- teaching sport, music and other activities where physical handling of a student is required to demonstrate a particular action or skill.
- comforting an upset student.
- guiding a student in a non-threatening manner.
- using a gentle tap on a student's shoulder to gain his/her attention after verbal requests were unsuccessful.
- restraining a student when the student, other students, employees and volunteers or others are being harmed or are in imminent danger of being harmed.

Edmund Rice Education Australia expects that any physical contact as referred to in the above examples:

- is only acceptable if the contact was reasonable for the purpose of the management or care of the student.
- must be appropriate given the age, maturity, health or other characteristics of the student.
- should be consistent with any individual behaviour education plan in place for that student.

As any physical intervention involves some risk of injury, employees and volunteers must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. Intervention may be warranted when a student, other students, employees and volunteers or others are being harmed or are in imminent danger of being harmed. Such interventions should be employed as measures of last resort required to ensure safety and protection - e.g. physical interventions (including physical restraints, removals or escorts) to contain and/or control the behaviour of students in circumstances such as:

- a student attacking an employee, volunteer or third party.
- a student attacking another student.
- students physically fighting.

- a student causing, or at risk of causing, injury to himself/herself or others.
- a student misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm.
- a student placing themselves (deliberately or inadvertently) in a dangerous situation.
- a student being attacked by a third party.

All employees and volunteers using physical interventions are responsible and accountable for the manner in which they exercise that authority. Employees and volunteers must report all physical interventions to the Principal or Deputy Principal. Principals would then report same to the Director of Regional Support or Director of Youth+.

2.5 Care for Colleagues

In the spirit of nurturing individual and collective wellbeing, Edmund Rice Education Australia employees and volunteers have a responsibility to:

- build an atmosphere of collaboration, trust, mutual respect and candour.
- recognise and respect the individual potential and talents of colleagues without discrimination.
- encourage openness and tolerance among colleagues.
- use constructive methods for resolving any conflict which may arise.
- observe the principles of natural justice in dealing with any complaints against colleagues.
- avoid behaviours which are or might reasonably be perceived as Workplace Harassment or Sexual Harassment in accordance with policies.
- foster unity, harmony and cooperation in working relationships.
- respect the ethical professional practice of colleagues in other settings.

Employees and volunteers with concerns about the health (physical, mental or intellectual) and welfare of colleagues or the safety of others should take their concerns to the Principal or the Deputy Principal. Should employees and volunteers not be able to make such contact they should make contact with the respective Director of Regional Support or Director of Youth+. Concerns about a Principal should be reported to the Director of Regional Support or Director of Youth+.

Employees and volunteers within the National or Regional Offices of Edmund Rice Education Australia can report their concerns to the Executive Director.

2.6 Use of Technology

Employees and volunteers need to be aware that digital communication is not private or confidential when it relates to students, parents/guardians, and families of the Edmund Rice Education Australia and/or school community.

Edmund Rice Education Australia expects that all employees and volunteers will abide by all relevant Information Communication Technology Acceptable Use policies. They should at all times:

- apply professional standards and professional boundaries when interacting with students.
- observe Child Protection policy and Child Protection legislation.
- ensure that personal use of information communication technology is congruent with the professional standards expected of those engaged by Edmund Rice Education Australia or its schools.
- respect the integrity of information communication technology systems and programs provided by Edmund Rice Education Australia and its schools.
- protect the intellectual property of Edmund Rice Education Australia's information communication technology assets.

Employees and Volunteers should not:

- engage in inappropriate online contact with students.
- engage with students, or former students, in a manner which may compromise professional boundaries.
- engage in Sexual Misconduct, Sexual Harassment, Workplace Harassment or Discrimination using technology.
- bring himself/herself, Edmund Rice Education Australia or the school into disrepute by personal online behaviours, including the unauthorized distribution of photos or by the content of personal online technology (including social media).
- use social media (e.g. Facebook, Twitter) to contact students unless on social media sites managed by the school or entity.
- send "whole of staff" emails that have not been sanctioned according to school policies.

2.7 Drugs, Alcohol and Tobacco: Introduction

Employees and volunteers should be aware that personal conduct and lifestyle can reflect either positively or adversely on Edmund Rice Education Australia, its schools and their own personal or professional reputation. They must consciously act to maintain their personal and professional integrity at social occasions when alcohol, drugs and tobacco may be present.

Employees and volunteers should be aware that personal use of alcohol, drugs and tobacco may not be confidential within the Edmund Rice Education Australia and/or the school context when knowledge of such personal use is obtained by personal remarks, statements, photographs or conduct including conduct on social media. When such personal use conflicts with the values of Edmund Rice Education Australia or its schools, it can bring Edmund Rice Education Australia or its schools into disrepute. Therefore, employees and volunteers must be familiar with policies in relation to drugs, alcohol and tobacco.

Employees and volunteers experiencing difficulties in relation to drugs, alcohol or tobacco are encouraged to access the Employee Assistance Program (ACCESS) or the Principal or Deputy Principal for assistance.

2.7.1 Drugs

Employees and volunteers must:

- not distribute illegal drugs.
- not condone use of illegal drugs.
- not condone misuse of legal drugs (i.e. medication).
- only distribute legal drugs (i.e. medication) in accord with school policies and as directed by the Principal or Deputy Principal and as set out in a medical plan with application to a particular student.
- not be under the influence of illegal drugs during business hours or during times where an employee or volunteer has responsibility for students or is otherwise fulfilling responsibilities to Edmund Rice Education Australia or its schools.

2.7.2 Alcohol

Employees and volunteers must:

- not distribute alcohol to students.
- not condone use of alcohol by students.
- not be under the influence of alcohol during business hours or during times where they have responsibility for students or are otherwise fulfilling responsibilities to Edmund Rice Education Australia or its schools.

2.7.3 Tobacco

Edmund Rice Education Australia and its schools are smoke free areas. Smoking is not permitted on Edmund Rice Education Australia premises or any school premises or during times where an employee or volunteer has responsibility for students.

Employees and volunteers must:

- not distribute tobacco or tobacco products to students.
- not condone use of tobacco by students.

2.8 Sexual Harassment

Sexual harassment is unlawful and never condoned by Edmund Rice Education Australia or its Schools. Employees and volunteers must not engage in sexual harassment and must abide by all relevant policies.

2.9 Workplace Harassment and Bullying

Workplace harassment and bullying are not acceptable and never condoned by Edmund Rice Education Australia or its schools.

Employees and volunteers must not engage in workplace harassment or bullying and must abide by all relevant policies.

2.10 Discrimination

Discrimination may be unlawful. Unlawful discrimination is not condoned by Edmund Rice Education Australia. Employees and volunteers must not engage in conduct which is unlawful discrimination (direct or indirect) and must abide by all relevant policies.

3 WORKING WITH THE CODE

Edmund Rice Education Australia has developed the Code to be of support to employees and volunteers in schools and in the hope that it will encourage professional standards for the benefit of all. However, in those cases where professional standards are not met, there needs to be clarity about reporting and resolution of issues.

3.1 Breaches

A breach of the Code may be:

- a disciplinary matter for Edmund Rice Education Australia (and result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes).
- a disciplinary matter for a school (and result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes).
- a contractual matter (breach, termination).
- professional misconduct referred to relevant authorities.
- a breach of statute referred to relevant authorities.
- a criminal matter referred to relevant authorities.
- a civil matter referred for legal advice and remedy.

Any disciplinary process in relation to a breach of the Code will be managed with procedural fairness and in keeping with the principles of natural justice.

Edmund Rice Education Australia (and if authorised by Edmund Rice Education Australia, Edmund Rice Education Australia schools) retain discretion in responding to breaches of the Code.

3.2 Reporting Guide

The Code requires the accountability of all employees and volunteers.

The Code requires employees and volunteers to report certain acts, omissions and/or failures to the Principal, the Deputy Principal, the Director of Regional Support, the Director of Youth+ or Executive Director as prescribed.

Formal complaints, including breaches of the Code, must be made according to policies; that is, a complaints process or procedure in place for Edmund Rice Education Australia, a school, Youth+, Flexible Learning Centres or Indooroopilly Montessori Children's House (IMCH).

Vexatious complaints will not be accepted. Workers who make vexatious complaints may face disciplinary action by Edmund Rice Education Australia or the Principal.

3.3 Procedures for Settling Disputes

These procedures shall apply to all grievances or disputes between an employee or volunteer and Edmund Rice Education Australia or a school in respect to any dispute relating to the Code.

In the event of an employee or volunteer having a grievance or dispute, the employee or volunteer shall in the first instance attempt to resolve the matter with the immediate supervisor, who shall respond to such a request as soon as reasonably practicable under the circumstances. Where the dispute concerns alleged actions of the immediate supervisor' the employee or volunteer may bypass this level in the procedure.

If the grievance or dispute is not resolved at the level it has been lodged, the employee or the volunteer may refer the matter to the next level of management. Such discussion should take place in a timely manner.

3.4 Queries

Any questions, comments or concerns in regard to the Code or its application should in the first instance be directed to the Principal or the Deputy Principal.

Further questions, comments or concerns in regard to the Code or its application should then be directed to the respective

Director Regional Support:

- Northern Region: +61 7 3737 6700
- Eastern Region: +61 2 8705 8600
- Southern Region: +61 3 9426 3200
- Western Region: +61 8 6208 3900

Director Youth+: +61 7 3447 1000

Any reports required to be made to Edmund Rice Education Australia pursuant to the Code should be directed to:

Executive Director: +61 3 9426 3209

DEFINITIONS

Child Protection Legislation means child protection legislation:

- enacted in each State and Territory of Australia;
- as it is in force and as it may be amended by the relevant legislature from time to time; and
- which bestows obligation and responsibility on Edmund Rice Education Australia and its Schools;

and is to be applied throughout the Code such that a Worker's obligations are in respect of the Child Protection Legislation applying in the jurisdiction in which the Worker engages with Edmund Rice Education Australia or its Schools.

Child Protection Policy(ies) means the child protection policies:

- encompassing the relevant Child Protection Legislation;
- developed and enacted by Edmund Rice Education Australia;
- developed and enacted by Schools;
- as it is in force and as it may be amended by Edmund Rice Education Australia or its Schools from time to time;

and is to be applied throughout the Code such that a Worker's obligations are in respect of the Child Protection Policy applying in the jurisdiction in which the Worker engages with Edmund Rice Education Australia or its Schools.

Deputy Principal refers to a person who is employed as a Deputy Principal of a School and who undertakes the roles of a Deputy Principal, including those delegated by the Principal.

Director(s) of Regional Support refers to a person who is employed by Edmund Rice Education Australia and who undertakes the roles of a Director of Regional Support; contact details of current Directors of Regional Support are set out in section 3.3.

Director of Youth+ refers to a person who is employed by Edmund Rice Education Australia and who undertakes the role of a Director of Youth+; contact details of current Directors of Youth+ are set out in section 3.3.

Discrimination is any conduct (direct or indirect) that makes distinction between people or groups of people so as to disadvantage some and advantage others. Discrimination may be based on the following attributes:

- sex
- relationship or parental status
- race
- age
- impairment or disability
- religious or political beliefs
- union activities

- gender identity
- sexuality
- lawful sex work
- pregnancy
- breastfeeding
- family responsibilities

Duty(ies) Of Care is a duty imposed on Edmund Rice Education Australia and its Schools by common law or by statute, or otherwise a Duty of Care which attaches personally to a Worker.

Harm caused to a Student encompasses any definitions set out in Child Protection Legislation and/or Child Protection Policy and includes:

- any detrimental effect of a significant nature on the Student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct.
- minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the Student if allowed to continue.
- physical or emotional abuse or neglect or sexual abuse or exploitation or domestic violence or Student bullying or self-harm.

Policy(ies) means material developed by Edmund Rice Education Australia and/or its Schools which provide policy statements, procedures and processes to be adhered to by Workers and volunteers.

Principal refers to a person who has delegated responsibility for the day to day operations of a particular School for which Edmund Rice Education Australia is the governing authority.

School(s) means such registered educational entities owned or operated by Edmund Rice Education Australia, which provide educational services to Students within the Edmund Rice Education Australia system (including Youth+, Flexible Learning Centres and IMCH) whether undertaken on designated School property or otherwise and other Edmund Rice Education Australia related activities such as (but not limited to) School sport, excursions, camps, retreats, work experience and billeting.

Serious Misconduct is the following conduct, adapted from the Fair Work Regulations 2009 (Cth) as it may be amended, which may give Edmund Rice Education Australia or its Schools a right to immediately terminate the engagement of a Worker:

- wilful or deliberate behaviour by a Worker that is inconsistent with the continuation of the engagement
- conduct that causes serious and imminent risk to:
 - the health and safety of a person (including a Student)
 - the reputation, viability or profitability of Edmund Rice Education Australia or its Schools
- the Worker, in the course of the Worker's engagement, engaging in:
 - theft

- fraud
- assault
- the Worker being intoxicated by alcohol or under the influence of illegal drugs while at Edmund Rice Education Australia, at its Schools or otherwise with a responsibility for Students
- the Worker refusing to carry out a lawful and reasonable instruction that is consistent with the Worker's engagement
- the Worker engaging in Sexual Harassment, Workplace Harassment or causing Harm.

This definition of Serious Misconduct does not reduce the concept of Serious Misconduct as it may be defined in any contract or agreement which otherwise applies to the Worker.

Sexual Misconduct includes:

- obscene language of a sexual nature
- suggestive remarks or actions
- jokes of a sexual nature
- obscene gestures
- unwarranted and inappropriate touching
- sexual exhibitionism
- undressing in front of a person
- personal correspondence with a person in respect of a Worker's sexual feelings for a person
- deliberate exposure of a person to sexual behaviour of others, other than in the case of Students and prescribed curriculum materials in which sexual themes are contextual
- possession, distribution or display of pornography
- electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes
- sending text messages which are sexually explicit, offensive or contain inappropriate jokes
- grooming behaviours, including any process where a Worker conditions or builds rapport with a Student in order to reduce resistance to, and increase compliance with, sexual abuse
- any of the above behaviours or conduct carried out using any Technology, including social media

Sexual Harassment is any unwanted or unwelcome sexual behaviour, which makes a person feel offended, humiliated or intimidated, and which may be constituted by a single event. Sexual Harassment may include:

- staring or leering
- unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching
- suggestive comments or jokes
- insults or taunts of a sexual nature
- intrusive questions or statements about a person's private life
- displaying posters, magazines or screen savers of a sexual nature

- sending sexually explicit emails or text messages
- inappropriate advances on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications
- any of the above behaviours or conduct carried out using any Technology, including social media

Student(s) means any person enrolled as a Student at a School (including Youth+ a Flexible Learning Centre or IMCH) regardless of the age of the Student.

Technology includes, without limiting its ordinary meaning, information and communication technologies (ICT), computers, mobile phones, PDAs, iPads, tablets, desktop computers, laptops, internet and network services, portable data storage devices, online data storage mediums, telephones, printers, fax machines and all other digital communications including web-based and mobile technologies (i.e. text and video messages email, blogging, microblogging, social media, file sharing).

The Charter means the statement of Touchstones proclaimed on 22 August 2011, for all Edmund Rice Education Australia Schools and educational entities giving ideals authentically linked with the charisma of Blessed Edmund Rice and which underpin the ministry of Edmund Rice Education Australia Schools and educational endeavours.

Vexatious Complaints are written or verbal reports of alleged improper conduct made to an authority intending the report to be acted upon, where there is demonstrated absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress, embarrassment or stress.

Workplace Harassment is repeated behaviour by a person, other than Sexual Harassment, that:

- is directed at an individual Worker or group of Workers
- is bullying, offensive, intimidating, humiliating, threatening or obscene
- is unwelcome and unsolicited
- a reasonable person would consider to be bullying, offensive, intimidating, humiliating, threatening or obscene in the circumstances
- any of the above behaviours or conduct carried out using any Technology,

REFERENCE LIST

The following material may provide context to provisions within the Code and may be accessed by Workers as set out below:

- Integrity of the Service in the Church: <http://www.catholic.org.au>
- The Charter of Edmund Rice Education Australia: <http://www.erea.edu.au/about-us/charter>
- United Nations Declaration Of The Rights Of The Child: <http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>
- Melbourne Declaration on Educational Goals for Young Australians: http://www.mceecdya.edu.au/mceecdya/melbourne_declaration,25979.html

The following resources may provide further context to provisions within the Code, as is relevant in each State and Territory, and may be accessed by Workers as set out below:

- Queensland
 - Brisbane Catholic Education: <http://www.bne.catholic.edu.au/>
 - Education Queensland: <http://education.qld.gov.au/>
- New South Wales
 - Catholic Education Office Sydney: <http://www.ceosyd.catholic.edu.au/>
 - Education and Communities: <http://www.dec.nsw.gov.au/>
- Victoria
 - Catholic Education Melbourne: <http://www.ceomelb.catholic.edu.au/>
 - Department of Education and Early Childhood Development: <http://www.education.vic.gov.au/>
- South Australia
 - Catholic Education SA: <http://www.cesa.catholic.edu.au/>
 - Department for Education and Children's Services: <http://www.decd.sa.gov.au/>
- Western Australia
 - Catholic Education Office of Western Australia: <http://internet.ceo.wa.edu.au/>
 - Department of Education: <http://www.det.wa.edu.au/>
- Tasmania
 - Tasmanian Catholic Education Office: <http://www.catholic.tas.edu.au/>
 - Department of Education: <http://www.education.tas.gov.au/>
- Australia Capital Territory
 - Catholic Education Office: <http://www.ceocg.catholic.edu.au/>
 - Education and Training Directorate: <http://www.det.act.gov.au/>
- Northern Territory
 - Department of Education and Children's Services: <http://www.education.nt.gov.au/>

The material in this does not form a provision of the Code unless explicitly provided or in the Code.