CODE OF CONDUCT
AND ETHICAL PRACTICES
Our shared values

We are passionate and strive to be the best at what we do. We encourage and celebrate creativity and innovation. We have a global outlook and seek out opportunities to display entrepreneurialism.

We act professionally with honesty and transparency. We act with purpose. We are accountable for our actions and can be trusted to deliver in times of change. We treat people fairly and with respect.

We are inclusive. We work together towards a shared vision and to leverage opportunities for mutual benefit. We partner with industry to deliver the best outcomes.

We place customers at the centre of our decisions. We exist to create stand-out learner experiences and to provide our customers with personalised and quality services that allow them to achieve their goals.

Customer First

Integrity

Collaboration

Excellence
## KEY ELEMENTS

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1.0 GUIDING PRINCIPLES

The NSW Government Code of Ethics and Conduct and the TAFE NSW Code of Conduct and Ethical Practices detail the expectation that all staff will act in ways that are lawful, ethical and build trust in the public sector and TAFE NSW. This code applies to all TAFE NSW staff members no matter how they are engaged and includes contractors, subcontractors, consultants, volunteers and committee members.

At TAFE NSW we are committed to creating a workplace where dignity, trust, respect and the promotion of diversity and inclusion is valued.

Central to this is working together to create a professional and respectful workplace, a customer-focused culture and a positive learning environment for our students and industry partners.

The NSW Government Code of Ethics and Conduct sets out mandatory requirements, examples of best practice conduct, the core values and principles we as staff of TAFE NSW will need to demonstrate.

In addition, The TAFE Code of Conduct and Ethical Practices provides guidance for resolving a variety of legal and ethical questions that may arise when fulfilling our roles. We will ensure that we comply with applicable TAFE NSW, NSW Government and Fair Work policies and requirements.

All staff will take responsibility for their own conduct and will work collaboratively with others.

TIPS

Acting with integrity and according to our values is often a question of good judgment. These basic questions will often help us eliminate any doubt about a decision or proposed action:

> Is it honest?
> Is it professional?
> Does it fit within the requirements of this guide?
> Do I really feel comfortable with this decision?
> What if this appeared in the media?
> What if everyone behaved like this?
> Would my family, friends and colleagues be proud of me?
2.0 WHAT IS EXPECTED OF ME?

As a member of staff, you need to be aware of and comply with TAFE NSW policies, procedures and delegations, particularly those that apply to your position and workplace.

If I am uncertain I will seek clarification from my immediate leader.

I will:

> perform my duties to the best of my ability and be accountable for my performance and development
> follow reasonable instructions
> comply with the law
> carry out my duties in a professional, competent and conscientious manner
> act with integrity and in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of my personal views on a matter
> be courteous and responsive in dealing with others
> work collaboratively and cooperatively with others
> take reasonable care for the safety of myself and others
> use public resources efficiently, effectively and appropriately
> dress and present myself in a professional manner that also meets the requirements of the environment that I work in
> not engage in personal or professional conduct that has the potential risk to damage the reputation of TAFE NSW, even if it is in a private capacity
> gain approval in writing prior to commencing any intended private or secondary employment
> not use another staff member’s signature (written or electronic) or password and not share my own signature, and
> not record a conversation without the express permission of the relevant parties.

If I’m a leader, in addition to the above responsibilities, I will also:

> promote collaborative and collegial workplaces by developing a positive working environment in which all staff can genuinely contribute to the sustainability of TAFE NSW
> provide ongoing support and feedback to my staff
> model the professional behaviour I expect from staff
> create an environment that supports effective communication and consult with and involve my staff in appropriate decision-making
> support my staff through the implementation of change and introduction of new practices
> apply principles of procedural fairness, due process, timeliness and confidentiality.

TIPS

As a leader I consistently identify staff members skills, capabilities and behaviours by observing their work and regularly provide useful, constructive feedback.

As a leader I deal with issues early, provide honest feedback sensitively and constructively, and in discussions with staff, develop strategies that address any concerns in a constructive way.
3.0 RESPECT FOR OTHERS

All TAFE NSW staff should treat others with dignity and respect. Bullying or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening or derogatory language and physical abuse or intimidation towards other staff is unacceptable.

I will ensure not to:

> discriminate against or harass anyone on any grounds including; gender, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, sexual preference or political or religious conviction

> make unfounded complaints with malicious, frivolous or troublesome intent.

If I consider that I or anyone else in my workplace is being treated in a discriminatory or harassing manner, I will report the behaviour to my immediate leader or to the relevant Human Resource (HR) area.

As a leader:

> I will lead by example and will take all necessary steps to ensure that workplaces and classrooms are free from all forms of harassment, bullying and unlawful discrimination. I will ensure that my staff are informed of the principles of equal opportunity and anti-discrimination

> I will take reports of discrimination, harassment and bullying seriously and take steps to prevent and correct the conduct

> I will participate in consultations to identify conditions in which bullying and harassment could occur in my workplace and assist in restoring positive relations in the workplace if I’m involved in making, responding or managing allegations by identifying and controlling the contributing work conditions.

TIPS

> Always treat others with dignity and respect and ask yourself is this the way I want others to treat me?

> Would you be ok if someone treated a member of your family the way you are treating others?
4.0 SPEAK UP

The building of open, speak up cultures is critical to both:

> embedding organisational values and principles so they make a difference and
> addressing many ethical challenges in the workplace.

To promote a ‘Speak Up’ culture TAFE NSW supports and encourages the following behaviours:

> questioning unspoken assumptions
> blocking new approaches
> treating others with respect
> listening with empathy
> being open to new and different ideas
> seeking clarification or specific examples
> recognising fearless and frank advice
> analysing decision making processes
> asking for specific suggestions or alternatives about how to address issues
> requesting colleagues’ views and employee input.
5.0 REPORTING WRONGDOINGS

TAFE NSW is committed to supporting staff who report concerns about the conduct of their colleagues. Such conduct includes corruption, maladministration, serious and substantial waste and government information contravention.

You can do this by reporting these matters to your leader or to the relevant HR area. TAFE NSW will promptly review all reports/concerns and will not tolerate threats or acts of retaliation.

All information and actions will be treated in a confidential and discrete manner.

I will report:
- allegations of serious wrongdoings
- possible ‘risk of harm’ to staff, customers, children or young persons
- concerns about the inappropriate actions of any other staff that involves children or young people
- instances of suspected corrupt conduct, maladministration or serious and substantial waste
- incidents of hazards that may affect the health and safety of others
- behaviour which is bullying, harassing and discriminatory.
6.0 CONFLICT OF INTEREST

Sometimes you may find that your private interests or competing public interests make it difficult for you to perform your duties.

It may not only be about your own interests. It may include:

- the interests of members of your immediate family or relatives
- the interests of your own business partners or associates, or those of my workplace
- the interests of your friends
- the interests of other organisations you may be affiliated with.

When faced with a situation in which a conflict of interest may be present, I will:

- assess the situation and the surrounding circumstances that could affect any decisions or actions I may take in the matter
- identify whether any conflict of interest exists
- determine the type of conflict of interest
- report any conflict to my immediate leader.

As a leader, I am required to develop appropriate management strategies to deal with any conflicts of interest and document my decisions and actions.

Whenever I am in doubt I will refer to my immediate leader or the HR area.

Conflict of interest situations include:

- recruiting or approving the recruitment of a family member, close friend or associate
- taking part in the evaluation and selection of textbooks, reference books or learning materials which were written or edited by a relative, close friend or associate, or published by a company in which I or they have a financial interest
- taking part in the selection and appointment of a supplier or contractor who is a relative, a close friend or associate, or owns a company in which I or they have a financial/business interest
- supervising a relative or a close friend and determining their promotions or pay increases
- tutoring, coaching or assessing students from my college/campus or workplace in return for payment, if I am already employed in a teaching capacity
- having secondary or private employment where it is in conflict with or detracts from my ability to fulfill the requirements of my TAFE NSW role.

TIPS

Consider the following before acting:

- Is there personal gain, financial or otherwise for myself, a member of my family or associate?
- Am I making decisions about a member of my family, a friend or associate?
- Would a reasonable person consider this a conflict of interest?
7.0 GIFTS, BENEFITS AND Bribes

As a member of staff you may be offered a gift or benefit as an act of gratitude. You are expected to exercise sound judgment when offered a gift or bribe. It is important that the acceptance of a gift does not influence or is not seen to influence your decision making.

It is my responsibility to exercise sound judgment when personally offered a gift or benefit.

If I am personally offered a gift where the value is greater than $25 then I will declare it to my leader and register it. If the gift is estimated to be greater than $100 it will be declined.

If I am offered a bribe (i.e. anything given in order to persuade me to act improperly), I will refuse it, explain why it is not appropriate, and immediately report the matter to a leader.

If you have any questions or issues speak to your leader or HR staff. You may also access the TAFE NSW Gifts and Benefits Policy for more details.

TIPS

It would be acceptable to accept gifts in the following situations:

> if, after giving a presentation at a meeting or seminar, I am presented with a small gift as thanks for my time and effort

> students present a small gift for a teacher at the end of the TAFE NSW year or completion of a course

> at a conference where everyone is offered the same nominal value gift such as a promotional item.

It would not be acceptable to receive gifts or benefits in the following situations:

> a company wanting to do business with TAFE NSW offers a member of staff two tickets to the VIP box at the football final

> a student gives a teacher an envelope containing $150 and says, “I hope this will help you enjoy your holiday. Have a dinner on me.”

> a student gives a member of staff an obviously expensive gift e.g. an item of jewellery.

If in the course of my work I win a lucky door prize with a value greater than $25, it is considered the property of TAFE NSW and I will advise my immediate leader.
8.0 CONFIDENTIAL INFORMATION

TAFE NSW collects and stores a large amount of confidential information. TAFE NSW’s integrity and credibility may be damaged if it cannot keep information secure.

As a TAFE NSW member of staff, I will only use official information for the work-related purpose it was intended.

Unless authorised to do so I will not disclose or use any confidential information without appropriate approval.

I will make sure that confidential information, in any form, cannot be accessed by unauthorised people. Sensitive information will only be provided to people, either within or outside TAFE NSW, who are authorised to have access to it.

I will ensure that confidential information that I obtain through the course of my role is not divulged to any other person.

TIPS

Examples of inappropriate release of confidential information might include:

- a member of staff providing information to another person, department or agency involved in an investigation or complaint without permission from their leader
- a staff member supplying confidential information to a company tendering for government work
- staff accessing their colleagues’ or students’ contact details or workplace records inappropriately
- a member of staff providing sensitive information to the media and/or a political party.
9.0 MANAGING YOUR POLITICAL, COMMUNITY AND PERSONAL ACTIVITIES

As a staff member, I am required to serve the elected NSW Government of the day by:

> implementing government policy
> providing impartial and accurate advice to the government of the day
> administering laws passed by the parliament
> providing responsive service to the community in line with government policy.

COMMUNICATION WITH MINISTERS AND OTHER MEMBERS OF PARLIAMENT

As a private citizen I have the right to communicate directly with a Member of Parliament on any issue affecting me as a private citizen.

However, it is not appropriate to use my work related email addresses to communicate in a private capacity when communicating with ministers and other members of parliament.

TIPS

Inappropriate public comment regarding TAFE NSW

It is inappropriate for us to identify ourselves as TAFE NSW staff, especially on public social networking and blog sites and make:

> disparaging comments about the government or TAFE NSW
> public comment about your dissatisfaction with current government policy to the media
> public comment about your own political or religious beliefs while purporting to represent TAFE NSW.
It is my obligation to ensure that my involvement in any political party, industrial organisation, or community and personal activity is understood to represent my view or those of the organisation/community I represent, and not those of TAFE NSW.

In participating in any political, community and personal activity, I will not:

> make any comment that may cast doubt on my capacity to implement departmental policies and guidelines objectively
> participate in private political activities in the work environment
> claim to represent TAFE NSW and make public comments that are critical of the government, government policy or TAFE NSW. This includes commentary on social media and online networking sites
> use TAFE NSW resources (for example – stationery, printing supplies, mail services, phone, email, internet services and motor vehicles) to assist my political, community or personal activities
> use information obtained through my work at TAFE NSW to assist my political, community or personal activities, or make the information known to any other person
> intentionally misrepresent the position of TAFE NSW.

**LOBBYING**

As a member of staff I will not at any time permit lobbying by:

> a Lobbyist who is not on the Register
> any member of staff or person engaged by a Lobbyist to carry out lobbying activities if they do not appear on the Register
> a Lobbyist or member of staff engaged as a lobbyist to carry out lobbying activities who, in my opinion has failed to observe any of the requirements of the lobbying of Government Officials (Lobbyist Code of Conduct) Regulation 2014.
10.0 USING PUBLIC RESOURCES WISELY

The resources I use at work are publicly funded. This includes my time.

As a staff member, I have an obligation to:

> use public resources efficiently and effectively for official purposes

> make decisions relating to the use of public resources that are reasonable, are correctly authorised and can withstand public scrutiny

> treat departmental property with due care and ensure it is secured against theft and misuse.

I will be economical and avoid waste and extravagance in my use of resources such as office facilities and equipment, including the use of motor vehicles, travel and catering.

If I wish to use TAFE NSW property and facilities for personal use, I will obtain approval from my leader. To use TAFE NSW equipment off-site, I will seek approval from my immediate leader in writing.

I may take personal calls, respond to personal email and use internet tools and resources in my personal/lunch time and within reason at other times.

PERSONAL REFERENCES

A personal reference is a statement, which provides information or makes assertions about another person’s skills, conduct performance, character, and suitability or non-suitability for employment.

If a you wish to issue a personal reference in an official capacity, you must obtain written approval from your leader prior to doing so. You may provide a personal reference in a private capacity provided that TAFE NSW resources and letterhead are not used and clearly state that the opinions are expressed in a private capacity.

TIPS

Examples of inappropriate use of resources

> A staff member uses a TAFE NSW phone number on their private business card, and receives regular private business calls during work time. They spend extended periods of work time responding to their private business interests to the detriment of TAFE NSW

> A staff member appropriately takes a TAFE NSW car to attend a scheduled meeting. However, after the meeting, the staff member picks up two friends and drives into the city for dinner

> As a staff member who is teaching panel beating I ask my student to complete a repair on my car or that of a friend or family member. This is classified as a Foreign Order.
11.0 COPYRIGHT AND INTELLECTUAL PROPERTY

At TAFE NSW we rely on our intellectual property to deliver our services. All staff play an important role in ensuring this intellectual property is appropriately identified, protected, used and, where appropriate, shared to ensure its benefit to the organisation and stakeholders.

When developing resources I need to ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in the resource.

If I develop resources in the course of my employment with TAFE NSW, the copyright for that resource will belong to TAFE NSW. This may apply even if the resource was developed in my own time or at home.

I will not use TAFE NSW’s intellectual property (including copyright) for private purposes without obtaining written permission from the Institute or Directorate that created the resource.

TIPS

Examples of inappropriate use of resources may include:

> if I work part-time with another RTO and teach the same subjects and I use the same resources and assessments that I have developed with my colleagues at TAFE NSW

> sharing or licensing of TAFE NSW’s intellectual property

> I tutor students privately and use the TAFE NSW resources that I have developed as practice exercises for my students.
12.0 RECORD KEEPING

A record serves an essential administrative, legal and historical purpose.

Records may be class rolls, student assessment details, emails, electronic documents, digital images and audio recordings, correspondence, files, forms, plans, drawings, notes, photographs and films.

As a staff member I will:

> create and maintain full, accurate and honest records of my activities, decisions and other business transactions

> capture or store records in TAFE NSW’s records systems in line with the records management procedures and the State Records Act 1998 or other local arrangements.

I will not destroy records without appropriate authority.

If I am responsible for assessing and recording marks and results for students’ work I will do so accurately, fairly and in a manner that is consistent with relevant policy and the requirements of TAFE NSW or other local arrangements.

I will maintain the confidentiality of all official information and documents that are not publicly available or have not been published.

**If I am a leader** I will ensure that staff reporting to me comply with their records management obligations.
13.0 WORK HEALTH AND SAFETY DUTY OF CARE

A duty of care is a legal obligation to take reasonable care to ensure that any act or omission does not adversely affect the health and safety of others in the workplace, with the resources I have available.

Safety relates to both the physical and psychological well-being of people in the workplace.

My duty encompasses a wide range of matters, which may include:

> the provision of adequate supervision
> ensuring grounds, premises and equipment are safe for staff, students and the general public
> implementing strategies to prevent bullying from occurring in the workplace/Institute
> providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid any staff, student or community member who is injured or becomes sick in the workplace
> consultation with employees, their representatives and others on work health and safety issues
> complying with reasonable instructions such as evacuating from a building, when instructed
> cooperating with any reasonable policy or procedure relating to health and safety in the workplace, such as reporting incidents and hazards.

I will take reasonable care for the health and safety of myself and others in the workplace and cooperate with my leader so far as reasonably practical, to enable compliance with the Work Health and Safety legislation, regulations, codes and workplace policies and procedures.

As a member of staff, I have a duty to take reasonable care for the safety and welfare of any children and young people in my charge. That duty is to take all reasonable action to protect students, children and young people from risks of harm that can be reasonably predicted commensurate with students’ maturity and ability.

My duty of care to students applies during all activities and functions conducted or arranged by TAFE NSW where students are in the care of staff. The risks associated with any activity need to be assessed and managed before the activity is undertaken.

TIPS

I should consider the following in relation to health and safety:

> chemicals
> plant and equipment
> working at heights
> working with animals
> working alone or in an isolated area
> ergonomics and manual tasks
> students with special needs
14.0 PROFESSIONAL RELATIONSHIPS BETWEEN STAFF AND CHILDREN, YOUNG PEOPLE AND STUDENTS

All students, children and young people have a right to a safe physical and emotional environment.

As a staff member, I am expected to always behave in ways that promote the safety, welfare and well-being of students, children and young people. I will actively seek to prevent harm to children and young people, and to support those who have been harmed.

Whilst I may not be required to manage and supervise students, it is important for me to understand and observe all relevant legislation and policies that relate to child protection and to seek guidance from my immediate leader if needed.

I will not impose physical punishment on a student, child or young person in the course of my professional duties.

I will not develop a relationship with any student that is, or that can be misinterpreted as having a personal rather than a professional interest in a student.

As a TAFE NSW staff member, I will not enter into a sexual relationship with any student (including any adult student) that I am responsible for teaching, tutoring, advising, assessing, or for whom I provide pastoral or welfare support. To do so raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment.

I will not have a sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, and consensual or condoned by parents or caregivers.

Where a personal relationship, such as family relationship or close friendship exists between a student and I, or where there is a pre-existing sexual relationship with an adult student attending the same workplace, I will report the conflict of interest, to my immediate leader and it will be managed carefully.

Wherever practical, I will avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations, another member of staff will make any significant decisions relating to the students assessments and have those appropriately endorsed.
My professional relationship may be compromised if I:

> invite students to join my personal electronic social networking site or accept students’ invitations to join theirs
> attend parties or socialise with students
> invite a student or students back to my home or attend theirs without an appropriate professional reason and without the consent of their parent or carer (if under 18 years)
> transport a TAFE NSW student under the age of 18 years in my car without prior approval from my immediate leader and a parent or carer.

The boundaries of the professional relationship will be breached if I:

> have a sexual relationship or develop an intimate relationship with a student
> use sexual innuendo or inappropriate language and/or material with students
> hold conversations of an intimately personal nature, where I disclose private information about myself
> have contact with a student via written or electronic means including email, letters, telephone, text messages, social media or chat lines, without a valid context
> give students gifts of a personal nature that encourages them to think they have an individual and special relationship with me.

I am reminded of:

> the law prohibiting sexual relations with a person under the age of consent (16 years)
> the law prohibiting sexual relations between a teacher and their student under the age of 18 years
> the law prohibiting child pornography
> the legal obligation to report risks of significant harm under the Children and Young Persons (Care and Protection) Act 1998 (NSW).
15.0 COMMUNICATION AND SOCIAL MEDIA

When communicating with others in the course of my duties, including electronically, I will do so clearly, consistently and professionally.

TAFE NSW reserves the right to monitor and view any data stored or transmitted using TAFE NSW's facilities.

Specifically I am required to: (but not limited to)

> exercise good judgment when communicating and using electronic mail, following the principles of this Code

> use appropriate language in all communication and electronic messages

> be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be discoverable: that is, the court and all parties to the dispute would be entitled to see them

> be respectful in all my communications and not send messages that could be bullying, defamatory, threatening, abusive or obscene

> not invite students into my personal social network site

> remember that transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden.

TIPS

> Avoid getting personal in electronic communications and read what you have written before sending

> Remember, people can’t hear the tone of your voice in electronic messages and you can easily be misunderstood, particularly if your message is provided out of its original context.

I will never use work networks or devices to view, upload, download or circulate any of the following materials:

> sexually related or pornographic messages or material

> violent or hate-related messages or material

> racist or other offensive messages aimed at a particular group or individual

> malicious, libellous or slanderous messages or material

> subversive or other messages or material related to illegal activities.
16.0 ALCOHOL OR SUBSTANCE MISUSE

All TAFE NSW staff have a responsibility for ensuring the health and safety of themselves and others. In particular be responsible for ensuring that they do not, by consumption of alcohol or other drugs, endanger their own safety or the safety of any other person, including customers or clients, in the workplace.

I will:

> not attend work under the influence of alcohol, illegal drugs and/or restricted substances

> not endanger my own safety or the safety of any other person in the workplace by consuming alcohol, illegal drugs or non-prescribed and/or restricted substances

> take action to resolve any alcohol or other drug-related problems that I have (remember that I have access to counselling support form Employee Assistance Program (EAP))

> immediately notify my leader if I am concerned about working with other staff who may be affected by drugs or alcohol

> not purchase alcohol, tobacco or drugs for, or give alcohol, tobacco or drugs including e-cigarettes, to any student, child or young person

> not encourage or condone the use of alcohol by any student, child or young person during educational or community activities unless prescribed by the curriculum*

> not smoke or permit smoking, including e-cigarettes, in any TAFE NSW buildings, enclosed area or on TAFE NSW grounds. This includes all buildings, gardens, open areas, cars and car parks, except where there are clearly defined designated smoking area

> notify my leader if I am aware that my work performance or conduct could be adversely affected as a result of the effect of a prescribed drug.

In the case of cross-sectoral sites (e.g. joint school/TAFE NSW sites), the Executive staff may need to define the term “school premises”.

* Students 18 years or older may consume minimum amounts of alcohol to complete curriculum activities (such as TAFE NSW Hospitality courses).
17.0 BREACHES OF THE CODE

If I have any questions about interpreting or applying this Code or any TAFE NSW policies, directives or guidelines it is my responsibility to consult my immediate leader or HR representative. Any allegation of breach of The Code by me will be handled in accordance with the Guidelines for Management of Conduct and Performance.

Informal processes at a local level are encouraged when dealing with allegations of a minor or low level. For more serious allegations a formal investigative process will be initiated applying the principles of procedural fairness and confidentiality.
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