



CODE OF CONDUCT

1. Objective

- 1.1. It is important that a culture of inclusiveness, fairness, and respect for all is fostered. As such all members and guests participating in any VFPA event are expected to behave in a manner reflective of these principles and any applicable State or Federal law in force.
- 1.2. This means:
 - 1.2.1. Diversity in people and opinion is welcomed
 - 1.2.2. People will be treated with respect irrespective of their views
 - 1.2.3. Equal treatment for all regardless of who they are
 - 1.2.4. People are welcome to participate and contribute to the organisation, and
 - 1.2.5. Patience is shown for those that may be less comfortable or able to express their views.

2. Code of Conduct

- 2.1. The following process outlines the way inappropriate behaviour is to be reported and the process that will be followed in investigating a complaint.
- 2.2. The behaviours outlined below are subject to possible sanction through the VFPA complaints process:
 - 2.2.1. Sexual Harassment
 - 2.2.2. Discrimination
 - 2.2.3. Abusive language towards a guest, member or VFPA staff
 - 2.2.4. Bringing the VFPA into disrepute
 - 2.2.5. Discourtesy or rudeness to a fellow member or participant at a VFPA event
 - 2.2.6. Actual or threatened violence
 - 2.2.7. Conduct endangering the life, safety, health or well-being of others

- 2.2.8. Bullying
- 2.2.9. Taking unfair advantage of another person, or
- 2.2.10. Psychosocial abuse.
- 2.3. Recording of VFPA meetings without the express knowledge and consent of all present, excluding any recording devices approved by the VFPA Chair, is forbidden.
- 2.4. Any recordings, or parts thereof, must be treated as confidential and must not be distributed without the express knowledge and consent of anyone pictured in, recorded, mentioned or otherwise represented in the recording or part thereof.
- 2.5. Possible sanctions include termination of membership.
- 2.6. Any member who has been subject to, or witnessed, such behaviours can lodge a confidential complaint with the VFPA CEO.

3. Events Declaration

- 3.1. To ensure members and guests at VFPA events are aware of the VFPA policy, the following statement will be conveyed:

VFPA highly value your attendance at this event and that you will share in our desire to ensure that our staff and guests have only positive experiences at our events, including any other venues that may be visited by attendees after a formal VFPA event. We ask that you join us in committing to maintaining the highest standards of behaviour including a zero tolerance of inappropriate or unacceptable conduct. This includes verbal comments that may cause offence and any form of inappropriate or unwelcome behaviour or other conduct that could lead to someone feeling uncomfortable.

4. Complaints Process

- 4.1. The complaints process is not intended to be definitive, or prescriptive. Instead, it describes some options and processes which may be used to resolve complaints and may be applied flexibly and with discretion to suit each complaint.
- 4.2. Reporting a Complaint
 - 4.2.1. Any complaint should be initially reported to the VFPA CEO in writing, specifying concisely the allegations made.

- 4.2.2. VFPA Governing Council will establish a Complaints Committee to manage each complaint. For serious complaints, the Complaints Committee must include an independent person appointed from the legal profession.
 - 4.2.3. As secretariat for the Committee, the CEO will inform all relevant people involved of the Complaints Committee members.
 - 4.2.4. If the complaint involves:
 - 4.2.4.1. the CEO - the complaint should initially be reported to the Chair
 - 4.2.4.2. the Chair - then the CEO will involve the Deputy Chair, or
 - 4.2.4.3. any two, or all three, of the CEO, the Chair and Deputy Chair -the AFPA CEO should be notified, who will instigate an AFPA led process.
 - 4.2.5. If a member of the Complaints Committee considers they have any material conflict of interest, it should be disclosed immediately.. The VFPA Governing Council may then appoint another member to take their place.
 - 4.2.6. The Complaints Committee should report any formal findings it (or an external party the VFPA Governing Council engages for the purpose) makes to the Council, who will have the final say on the formal action(s), if any, because of the complaint.
- 4.3. Confidentiality
- 4.3.1. VFPA will take the utmost care to keep any complaint as confidential as reasonably practicable,
 - 4.3.2. Those involved in or investigating the complaint must be careful with whom they discuss a complaint given this can impact adversely on everyone involved.
 - 4.3.3. Any person who has raised a complaint, is the subject of a complaint, is involved in an investigation as a witness to a complaint or otherwise knows of the complaint must always, unless required as part of an investigation, keep confidential **all** matters relating to the complaint.
 - 4.3.4. This confidentiality obligation does not preclude:

- 4.3.4.1. a complainant initially discussing his or her complaint in confidence with another person within VFPA or an external advisor, seeking legal advice, or reporting the matter to authorities such as the police, as part of deciding whether to raise the complaint
 - 4.3.4.2. any matter relating to a complaint being disclosed to the VFPA Governing Council to discuss the complaint to determine any appropriate action to be taken
 - 4.3.4.3. the Complaints Committee disclosing any complaint to its advisors or consultants for the purpose of an investigation or to seek legal advice
 - 4.3.4.4. the VFPA Governing Council disclosing any disciplinary sanction taken following completion of all due process, and/or
 - 4.3.4.5. any person disclosing any matter relating to a complaint if required to do so by law or in the context of legal proceedings.
- 4.3.5. Wilful breach of the above confidentiality obligations with respect to a complaint will constitute a breach of the Code of Conduct.
- 4.4. Procedure once the Complaint has been raised
 - 4.4.1. To ensure the complaint is dealt with in a timely manner, once a complaint is raised, the Complaints Committee will initially speak to the Complainant with a view to establishing the basis and details of the complaint.
 - 4.4.2. The Complaints Committee will decide how the complaint will be managed, with options including but not limited to:
 - 4.4.2.1. accept and/or engage in any complaint resolution through a formal or informal process, and/or
 - 4.4.2.2. engage external specialist advisors to assist it to resolve a complaint within either the formal or informal process.
 - 4.4.3. As a principle, there is an onus to call out less offensive behaviour at the time of the incident (do not be a passive bystander), as this often leads to more offensive behaviours. To this end, an informal process may be used where the complaint is of a relatively minor nature

(including, but not limited to, rudeness or personality clashes). The process may include discussions, exchange of correspondence and/or externally facilitated mediations. Informal resolution will not require an investigation, formal decision or determination of what the consequences should be.

- 4.4.4. Formal process will be used in instances of serious misconduct or conflict between the parties, including sexual harassment, bullying, discrimination, when personal safety is seriously compromised, or when there is an accusation of fraudulent or unlawful conduct. This will require a formal decision on the consequences to apply.
- 4.4.5. When a complaint results in a formal process, in addition to any legal representation, both parties will be invited to have a support person to assist them through the process.
- 4.4.6. The Complaints Committee will be required to:
 - 4.4.6.1. Undertake an investigation in a timely manner
 - 4.4.6.2. Take a detailed written statement from the complainant that is specific, clear and comprehensive
 - 4.4.6.3. Provide details of the allegation to the respondent and provide them a reasonable opportunity to respond
 - 4.4.6.4. Interview witnesses
 - 4.4.6.5. Record interviews and collect relevant documents, and
 - 4.4.6.6. Make a finding in writing on the balance of probabilities.
- 4.4.7. If during an investigation it becomes apparent that a serious reportable offence has occurred, the Complaints Committee should consider ceasing its investigation and consult with the complainant to seek their consent to refer the matter to the appropriate authority.
- 4.4.8. Regardless of clause 4.4.7 above, where the complaint relates to an allegation of unlawful conduct that requires VFPA to mandatorily report the incident to the appropriate authority, the VFPA will make the report as required by the law.
- 4.4.9. If the Complaints Committee considers that this is appropriate, the Complaints Committee may provide a brief report of the complaint to the VFPA Governing Council with a recommendation on actions

to be taken. To ensure confidentiality, the information to be tabled should be brief and only sufficient to facilitate a decision.

4.4.10. The VFPA Governing Council is to consider these recommendations but is not bound by them in determining actions it might take.

4.4.11. There may be circumstances in which some of the steps outlined above are not appropriate. The Complaints Committee should seek advice from the VFPA Governing Council on the most appropriate method of handling the complaint.

4.5. Mediation

4.5.1. At any point in the process of resolving a complaint, whether informally or formally, the VFPA Governing Council may request the parties attend mediation.

4.6. Outcomes

4.6.1. The outcome of both types of complaint process may be:

4.6.1.1. a compromise between the parties involved about the issues raised

4.6.1.2. a solution in which both parties benefit to some extent

4.6.1.3. a decision that a complaint is substantiated or unsubstantiated

4.6.1.4. a decision that one of the parties has breached the Code of Conduct or another of VFPA's policies

4.6.1.5. referral to police if there is a probability of unlawful conduct

4.6.1.6. a public statement by VFPA

4.6.1.7. A substantiated complaint against an employee of a VFPA member may be disclosed to the member, and/or

4.6.1.8. no action being taken.

4.6.2. VFPA will keep a record of the complaint and the outcome.

4.6.3. If it is established that a breach of the Code of Conduct or another of VFPA's policies has occurred, or if a party has otherwise acted inappropriately, the Complaints Committee may recommend actions, which may include one or more of the following:

4.6.3.1. an apology to the person who made the complaint

4.6.3.2. if appropriate, apologise to others who may have been offended by the actions that led to the complaint being made, and/or

4.6.3.3. attend training on discrimination, harassment and/or bullying, or any other relevant training program.

4.6.4. If the inappropriate behaviour is particularly serious, or the person refuses to follow the VFPA Governing Council's direction, particularly if the complaint involves allegations of discrimination, harassment, vilification, bullying or other inappropriate behaviour, then the VFPA Governing Council on behalf of VFPA may take whatever action it considers appropriate, including terminating the membership (if relevant).

4.7. Appeal

4.7.1. The person subject to sanction shall have the right to appear before the VFPA Governing Council to give their personal explanation or have delivered to the VFPA Governing Council an explanation in writing within fourteen (14) days of becoming aware of the sanction being imposed.

4.7.2. The VFPA Governing Council will consider the evidence brought forward by the member and may amend or reaffirm its original decision.