

Overview

Employment at the University carries with it an obligation to the public interest. It requires standards of professional behaviour and economy from staff members that promote and maintain public confidence and trust in the work of the University.

All staff members of the University are accountable through the Vice-Chancellor to the University Council and the New South Wales and Federal Parliaments. Similarly, University staff members have all the normal rights of employees under common and statute law.

This document provides an ethical framework for the decisions, actions and conduct of all staff members. While it is recognised that no one set of rules can answer all ethical questions, the principles and expectations covering appropriate conduct in a variety of contexts is outlined, along with the minimum standard of behaviour expected of University staff members.

Staff members should be aware that breaches of this Code may result in disciplinary action being taken in accordance with the University's Misconduct policies and procedures.

In order to assist in fostering the desired outcomes as outlined in the University's Strategic Plan, the staff and students of the University, together with its communities, have a right to expect the business of the University to be conducted with efficiency, economy, fairness, impartiality and integrity and in accordance with the highest ethical and moral standards. All staff members should be aware of and act within the spirit of the Strategic Plan and values of the University.

Policy

General Principles

17.01.01 All staff members need to abide by the following principles when doing their work:

a) Responsibility to the University

Staff members are to implement the policies and decisions of the University in an impartial manner. In particular, staff members must comply with any relevant legislative, industrial and administrative requirements.

b) Respect for people

Staff members are to treat their colleagues, students and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, staff members should perform their duties in a professional and responsible manner.

They should also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation and in accordance with University policies.

c) Integrity and public interest

Staff members are to promote confidence in the integrity of the University and always act in the public interest and not in their private interest.

Reference should be made to the *Model of Public Duty* http://www.icac.nsw.gov.au/documents/doc_download/3440-model-of-public-duty which has been provided by the ICAC for practical use by public officials in NSW to assist them in making better decisions for the public good.

Staff members should protect the reputation of the University. They should not engage in activities, at work or outside work that would bring the University into disrepute.

d) Responsive service

Staff members are to provide a relevant and responsive service to students, other staff members and members of the public, providing all necessary and appropriate assistance.

They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, current and complete.

e) Economy and efficiency

Staff members should keep up to date with advances and changes in their area of expertise, and look for ways to improve performance and to ensure efficient decision making and best possible outcomes for the University.

Staff should use their authority, available resources and information only for the work-related purpose intended.

Guide to ethical decision making

17.01.02 To assist in determining whether or not a proposed action or decision is appropriate, staff members and/or their supervisors should consider the following five questions:

Is the decision or conduct lawful?

Is the decision or conduct consistent with University policy and in line with the University's Strategic Plan and code of conduct?

What will the outcome be for the staff member; colleagues; students; the University; and other parties?

Do these outcomes raise a conflict of interest or lead to private gain at the University's expense?

Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny and the standards set by the NSW Ombudsman's Office and ICAC?

Conflicts of interest

17.01.03 Staff members must ensure that there is no actual or perceived conflict between their personal interests and their University duties and responsibilities. Conflicts of interest are assessed in terms of the likelihood that staff members possessing a particular interest could be improperly influenced, or might appear to be improperly influenced, in the performance of their duties.

Examples where conflicts of interest could arise include:

- a) Being involved in matters where the other person/people involved are family members or close personal friends, or where the staff member has a personal relationship that goes beyond the level of a professional working relationship. This could include areas such as:

employment matters as set out in the University's policy **9.08** *Employment of Close Relatives*

performance appraisal

disciplinary matters

financial matters, e.g. contracts and/or transactions between the University and yourself, or your family either directly or indirectly. (This may include being involved in a tender process where you or your family have a vested interest in the outcome.) This also extends to any partnership or business undertaking in which you or your family have a material interest as major shareholders, directors or principals, or a close business relationship.

- b) a personal, sexual or family relationship between a staff member and student, (see **17.06** *Staff/Student Relationships*);
- c) personal beliefs or attitudes that influence the impartiality of advice given;
- d) secondary employment that compromises the integrity of the employee and the University.

- 17.01.04** It should be noted that enmity as well as friendship can give rise to perceptions of a conflict of interest.
- 17.01.05** In many cases only the individual staff member will be aware of the potential for a conflict of interest to arise. It is therefore their duty to disclose any potential or actual conflicts of interest to their supervisor or other senior staff member. If staff members are uncertain whether a conflict exists, they should discuss the matter with their supervisor.
- 17.01.06** Staff members should refer to **17.02** *Conflict of Interest* guidelines
- 17.01.07** Disputes over alleged conflicts of interests may be resolved through the University's grievance procedures.

Secondary employment and outside earnings

17.01.08 The University encourages all staff members in their contribution to society, not only through teaching, research and professional contribution, but also by providing assistance to government, the professions and industry through a range of activities which may include such elements as consulting work, contracting, collaborative research and participation on committees.

17.01.09 Outside work generally falls under two categories:

paid private work which is performed on their own behalf and for personal gain (which is outside of this policy); or

work which can or should be carried out by the staff member on behalf of the University to an outside organisation.

- 17.01.10** Academic staff members should refer to **11.10** *Paid Outside Work* policy.
- 17.01.11** For General staff members, work outside University employment, must be performed outside the staff member's normal University working hours, must not conflict with University work, must not adversely affect their University work performance and not involve the use of University resources without prior written consent.

Acceptance of gifts or benefits

- 17.01.12** Staff members must not solicit gifts or benefits, nor accept gifts or benefits either for themselves or for another person, which might in any way, either directly or indirectly, compromise or influence them in their official capacity. For instance, gifts or hospitality offered as an inducement to purchase are not acceptable.
- 17.01.13** Senior managers may approve the acceptance of token gifts or benefits under certain circumstances provided that there is no possibility that the recipient might be, or might appear to be,

compromised in the process (see **17.03 Acceptance of Gifts or Benefits** guidelines).

17.01.14 Staff members should act in accordance with the University's **17.03 Acceptance of Gifts/Benefits** policy if they believe they have been offered a bribe, or if they have been offered or received a favour or benefit, as defined under Section 2.49 of the NSW Crimes Act 1900

17.01.15 Staff members' dealing with, or having access to, sensitive investigations or commercially sensitive information, should be particularly alert to inappropriate attempts to influence them.

Rights and responsibilities of intellectual freedom

17.01.16 The concept and practice of intellectual freedom is recognised by the University as essential to the proper conduct of teaching, research and scholarship. While intellectual freedom is a right, it carries with it the duty of staff members to use the freedom in a manner consistent with a responsible and honest search for, and dissemination of, knowledge and truth.

Public comment about the University and/or its activities

17.01.17 Within the ambit of intellectual freedom lies the traditional role of academics in making informed comment on societal mores and practice and in challenging held beliefs, policies and structures. Where such comments are offered by academics as members of the University, it is expected that those commentaries will lie within the individual academic's expertise.

17.01.18 The University supports the right of staff members to speak publicly on any issue and it is not the intention of this Code of Conduct to restrict the right of any staff member to freely express their opinions in their private capacity as an individual member of society. However employees should refrain from representing themselves as spokespersons for the University unless authorised to do so (see *UNE Media Policy* <http://www.une.edu.au/policies/pdf/unemediapolicy.pdf>).

17.01.19 Comments made on matters pertaining to industrial issues by staff members in their capacity as a **staff representative** or office holder within the University, are appropriate under this Code.

Use, security and confidentiality of information retained by the University

17.01.20 Staff members must maintain the security, integrity, confidentiality and privacy of University records and information to which they have access. Staff members must not disclose, or offer to supply, confidential or private University information except when authorised to do so as a part of their normal duties, or when required or permitted to do so by University policy, State or Commonwealth law, court order or other legal instrument.

- 17.01.21** All staff members must make sure that confidential information, in any form (eg. computer files, documentation), cannot be accessed by unauthorised people and that sensitive information is only discussed or otherwise communicated with people, either within or outside the University, who are authorised to have access to it (see *University of New England Privacy Statement* <http://www.une.edu.au/rmo/policies/privacystatement.htm>).
- 17.01.22** Staff members are to be aware of their record-keeping responsibilities under the *NSW State Records Act 1998*, and are required to create adequate records of their official activities to ensure transparency and accountability of the University in all its functions. (See *UNE Records Policy* <http://www.une.edu.au/policies/pdf/recordsmanagement.pdf>).

Use of official University resources

- 17.01.23** Staff members are expected to be efficient and economical in their use and management of University resources, including their own work time. They should be scrupulous in their use of University property and services, which should be reserved for University purposes only, unless express official permission has been granted for non-University private usage.
- 17.01.24** Official facilities and equipment such as the University's mail, telephone, mobile phones, facsimile machines, email and internet are provided for University use. A staff member must not make excessive and/or unauthorised personal use of any of these facilities.
- 17.01.25** Access to and/or transference of pornographic or other offensive material through University communication resources is forbidden (other than with the specific approval of the University's Human Research Ethics Committee for bona fide research purposes)

Procedures for ensuring the appropriate use of communication resources can be found in the various University's IT policies on computing and communications and can be found on the IT web site at: <http://www.une.edu.au/policies/itc.php>

- 17.01.26** Directors/Heads of School/Managers may approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which staff members are volunteers as long as there is no significant cost to the University.

Reporting corrupt conduct, mal-administration and serious and substantial waste of University resources

- 17.01.27** Staff members are encouraged to report suspected corrupt conduct, as well as maladministration and serious and substantial

waste of University resources (public money) and should make disclosures to this effect and receive protection under the University's **18.03 Internal Disclosures** policy.

Occupational Health and Safety

- 17.01.28** The University seeks to provide a safe and healthy workplace. Staff members must aim to ensure that best practice OH&S procedures are adopted in all University activities and that the requirements of the relevant OH&S legislation are complied with.
- 17.01.29** Staff members must take care not to put themselves or other University community members at risk or reduce their ability to carry out their duties through the misuse of alcohol or drugs.
- 17.01.30** Staff members are obliged to advise their supervisor (and/or the University's Occupational Health and Safety Officer) of any physical or intellectual impediment (permanent and/or temporary) that may potentially endanger themselves, other staff members, students or visitors whilst the staff member is carrying out his or her normal duties.

Discrimination and harassment

- 17.01.31** The University is committed to the elimination of harassment and discrimination, and to the right of all staff and students to be treated with dignity and respect, regardless of background, beliefs or culture.
- 17.01.32** Staff members must not discriminate against, cause harm or detriment, bully or harass their colleagues, students or members of the public because of their race, colour, ethnic or ethno-religious background, descent or nationality, sex, marital status, pregnancy, political opinion, a decision to either join or not join an organisation or association of their choice, sexual preference, disability, age, social origin, medical record, carer or family responsibilities, religious belief or transgender status. (see **3.05 Anti-Racism**, **3.06 Grievance Mediation**, and **3.11 Sex-Based Harassment**)

Fairness and equity

- 17.01.33** Issues or cases such as grievances, complaints etc. being considered by staff members should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved University procedures, in a non-discriminatory manner, and in conformity with the principles of natural justice.
- 17.01.34** When using any discretionary powers, staff members should ensure that they take all relevant facts into consideration, have regard to the particular merits of each case, and do not take irrelevant matters or circumstances into consideration.

Behaviour

17.01.35 Staff members must not be physically or verbally intimidating or abusive to other staff, students or members of the public. Any staff member whose behaviour is called into question in this regard may be subject to the University's disciplinary procedures.

Post separation employment

17.01.36 Former staff members should not use, or take advantage of, confidential information that may lead to gain or profit obtained in the course of their official duties, until it has become publicly available.

17.01.37 All University property made available for the use of the staff member, must be returned at the end of their employment with the University, such as corporate credit cards, motor vehicles, computers and mobile phones.

17.01.38 All staff should be careful in their dealings with former staff members of the University and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

Further Information

Director, Human Resource Services	ext. 2100
Manager, Employment Equity and Diversity	ext. 3242
Manager, Workplace Relations	ext. 2452

References

Independent Commission Against Corruption (ICAC) Act 1988

(website: www.icac.nsw.gov.au e-mail: icac@icac.nsw.gov.au)

Protected Disclosures Act 1994

<i>Approved Vice-Chancellor</i>	<i>25 May 2007</i>
<i>RMO Document No.:</i>	<i>D06/46389</i>
<i>Policy Review Date:</i>	<i>30 June 2008</i>
<i>Responsibility for Review:</i>	<i>Human Resource Services</i>