

# Code of Conduct

## Section 1 - Definitions

(1) For the purpose of the Code, the following definitions apply:

- a. 'Officers' are defined as:
  - i. University employees, including adjunct, visiting and conjoint academic appointees, whether full-time, part-time, continuing, fixed-term or casual ; and
  - ii. members of the University Council and other University committees, whether they hold office by election or appointment;
- b. 'Affiliates' include:
  - i. volunteers or representatives who contribute to or act on behalf of the University;
  - ii. consultants and independent contractors providing services for the University; and
  - iii. University students.

## Section 2 - Policy Statement

### Part A - Policy Declaration

(2) This Code of Conduct sets down a number of the University's minimum standards and obligations relating to the conduct and behaviour expected of members of the University community.

### Part B - Policy Description

#### Objectives

(3) This Code of Conduct ('the Code') is designed to act as a reference point for the University and those members of the community with whom the University has dealings from time to time. Its purpose is to affirm that the University expects that those who carry out work and related activities for the University will observe the highest standards of conduct and probity.

(4) Officers and affiliates of the University are expected to carry out their work in an ethical, collegial environment and perform their duties with efficiency, fairness, impartiality, integrity and honesty.

(5) Compliance with this Code will foster and maintain student, staff, and public trust and confidence in the integrity and professionalism of the University.

#### Scope

(6) The Code applies to officers and affiliates at all campuses and overseas locations as well as in any forum or setting, national or international where the person is representing Southern Cross University (SCU).

## Part C - Content and Implementation

### Respect for the Law and University Governance

(7) Officers and affiliates are required to observe and comply with all relevant Federal and State legislation, rules and regulations, as well as the laws, rules and policies of the University. Where officers and affiliates represent the University in international locations, they are also required to observe and comply with the relevant laws of that country.

(8) This Code does not exclude or replace the rights and obligations of officers and affiliates under general statutory or common law.

### Professional Conduct

(9) The personal and professional behaviour of officers and affiliates should conform to the standards that could be reasonably expected of such persons in those positions. This includes, but is not limited to:

- a. a commitment to professional standards in teaching and learning, research, administration and community involvement;
- b. the promotion of rights of staff and students within the University;
- c. conduct which is professional and which has regard to the University's interests;
- d. awareness of relevant legislation and adherence to policies and procedures developed by the University in compliance with relevant legislation and industrial agreements.

(10) For students, this includes, but is not limited to:

- a. a commitment to learning, appropriate methods of research, appropriate behaviours while on University premises and community involvement;
- b. the acknowledgement of rights of fellow students and staff within the University;
- c. conduct which is fair and which has regard to the University's interests;
- d. awareness of relevant legislation and adherence to policies and procedures developed by the University in compliance with relevant legislation and industrial agreements.

(11) In particular, officers and affiliates will not engage in 'corrupt conduct' as defined in the [Independent Commission Against Corruption Act 1988](#) (NSW) .

### Duty of Care

(12) Officers and affiliates must take every precaution reasonable in the circumstances to protect the health, safety and welfare of all those in the workplace. In particular, they must comply with the relevant state and federal Occupational Health and Safety legislation and relevant Codes of Practice as well as the University's Occupational Health and Safety policies and procedures. Where officers and affiliates represent the University in international locations, they are also required to observe and comply with the relevant laws of that country.

(13) Officers and affiliates should actively promote safe working practices and environments for everyone using University facilities. For example, officers teaching, researching or assisting in laboratories must dispose of hazardous or infectious material in accordance with defined safe work procedures for that area and ensure that students using laboratories are also instructed in safe handling and waste disposal procedures.

(14) Officers and affiliates should ensure that the personal use of alcohol or other drugs does not affect work performance or the health, safety and welfare of others. The University's Employee Assistance Program includes

services to assist in the resolution of employee drug related problems.

(15) The University must ensure that all contractors engaged on site are aware of the University's OHS legislative obligations and are compliant with the University's Occupational Health and Safety policies and procedures.

## **Respect for Individuals**

(16) Officers and affiliates should treat others with respect, courtesy, fairness and equity. This involves, but is not limited to:

- a. fairness in supervising staff or being supervised and in dealing with students and other staff;
- b. carrying out work with integrity and objectivity;
- c. making decisions that are procedurally fair;
- d. a client-centred approach to work;
- e. avoiding unlawful discrimination, for example on grounds such as: gender, sexual orientation, race, cultural background, disability, religion, or political conviction;
- f. avoiding behaviour which might reasonably be perceived as corrupt, harassment, bullying or intimidation;
- g. carrying out work in a safe manner and taking precautions to protect the health, safety and welfare of oneself and others;
- h. complying with any legislative, industrial or administrative requirements;
- i. avoiding behaviour which might reasonably be perceived as creating an unsafe or unhealthy environment;
- j. respecting an individual's right to privacy and undertaking to keep personal information in confidence; and
- k. respecting privacy laws and confidential information given to them in the course of their employment.

(17) Examples of behaviour that is unacceptable include (but is not limited to):

- a. continually communicating in screaming and loud tones;
- b. rude or insulting behaviour;
- c. persistent sarcastic behaviour;
- d. making decisions based on favouritism;
- e. stalking, threatening or menacing behaviour; and
- f. use of internet chat lines, Facebook, MySpace, Blogs, Wiki, or Twitter or similar vehicles to defame, stalk, threaten or menace.

## **Harassment, Bullying and Discrimination**

(18) As required by the University's Harassment, Bullying and Discrimination Policy, officers and affiliates must not harass or discriminate against their colleagues, students or members of the public on the grounds of (including but not limited to):

- a. race, including colour, ethno-religious background or nationality;
- b. sex or pregnancy;
- c. transgender;
- d. marital or domestic status;
- e. disability;
- f. carers' responsibilities;
- g. homosexuality or

(19) Such behaviour may constitute an offence under the relevant state or country anti-discrimination legislation and

a breach of the University's relevant policies and procedures. In addition, officers and affiliates must not harass or discriminate on the grounds of political or religious conviction.

(20) Supervisors must ensure that the workplace is free from all forms of harassment, bullying and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that the officers and affiliates they supervise are informed of these principles.

(21) Officers and affiliates must comply with the University's e-mail and Computer Conditions of Use policies and procedures.

## **Diligence**

(22) Officers and affiliates are expected to carry out their duties in a professional, responsible and conscientious manner, and to be accountable for their official conduct and decisions. They have an obligation to carry out official decisions and adhere to policies faithfully and impartially. This obligation applies even though employees have the right to institute Grievance Procedures where they believe a decision is improper or they seek to have decisions or policy changed through appropriate channels.

(23) Officers and affiliates should endeavour to maintain and enhance their skills and expertise and keep up-to-date the knowledge associated with their particular field or area of work. High standards of performance and a focus on client service are expected.

## **Confidential Information**

(24) Official information must only be used for the work-related purpose intended and not for personal benefit. Officers and affiliates must make sure that they do not disclose, disseminate or make use of any information marked confidential without prior authorization or unless specifically authorized by legislation. Officers and affiliates must take reasonable steps to ensure that any information marked confidential in any form (e.g. computer files), cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it. Unauthorised disclosure or use of confidential information may result in disciplinary proceedings for misconduct.

## **Use and Security of Personal Information**

(25) Officers and affiliates have a duty to maintain the confidentiality, integrity and security of information for which they are responsible.

(26) They have an obligation to:

- a. ensure that personal information concerning students or staff is secured against loss, misuse or unauthorized access, modification or inappropriate disclosure; and
- b. report to their supervisor, or another senior officer of the University, actual or suspected misuse of information.

## **Ethical Decision Making**

(27) When making decisions in the course of their work, officers and affiliates should consider the following:

- a. whether the decision is lawful;
- b. whether the decision is consistent with University policy and in line with the University's objectives and Code of Conduct;
- c. what are the likely outcomes for all concerned parties;
- d. whether the outcomes raise a conflict of interest or lead to private gain at University expense; and

e. whether the decision is justified in terms of the public interest and whether it would withstand public scrutiny.

(28) Officers and affiliates undertaking or assisting with research must do so in a manner consistent with intellectual honesty and the public interest. For example, ethical clearances must be gained where appropriate.

## **Responsible Conduct of Research**

(29) Officers and affiliates engaged in research are obliged to achieve and maintain the highest standards of intellectual honesty and appropriate standards of rigour in the conduct of their research as detailed in the Australian Code for the Responsible Conduct of Research.

(30) Officers and affiliates engaged in research should be committed to the highest standards of ethical and professional conduct. They need to be aware of all guidelines and legislation relating to the conduct of research as documented in the University's Academic Policies and on the Division of the Pro Vice Chancellor (Research)'s Website.

## **Intellectual Freedom**

(31) Intellectual freedom rights are linked to employee responsibilities as outlined in this Code. Rights are also linked to the responsibility of employees to support the role of universities as places of independent learning and thought, where ideas may be put forward and opinion expressed freely, and as institutions which must be accountable for their expenditure of public money.

(32) The principles of intellectual freedom should be observed and include the right of employees to:

- a. pursue critical and open inquiry;
- b. participate in public debates and express opinions about their discipline or profession, general social issues and higher education issues;
- c. participate in decision making processes within the University via appropriate representation on University committees;
- d. participate in professional and representative bodies, including trade unions, without fear of harassment or intimidation; and
- e. undertake all aspects of their role without fear of harassment, bullying, intimidation or unfair treatment.

(33) Officers and affiliates may make public comment (including via electronic means) on any issue in their capacity as individual members of the community. However, they should not use the title or by-line of SCU.

(34) Where the matter of any public comment relates directly to the academic or other specialised subject area of an employee's area of expertise, the officer may use the University's name and address and give the title of his or her University appointment in order to establish his or her credentials.

(35) When an officer or affiliate declares their association with the University they must disclose the limits of their research in making public comment.

(36) The University reserves the right to issue a public statement rejecting an officer or affiliate's statements.

(37) All officers and affiliates have the right to express unpopular or controversial views but this does not mean that they have a right to defame or slander, harass, vilify, bully or intimidate those who disagree with their views.

## **Conflict of Interest**

(38) Officers and affiliates must ensure that there is no conflict of interest between their personal interests and their duties, obligations and responsibilities to the University.

(39) They should be sensitive to the potential for conflicts of interest to arise between their personal interests and their University duties, obligations and responsibilities.

(40) Officers and affiliates are required to avoid situations in which private interests, whether pecuniary, non-pecuniary or otherwise, conflict with or might reasonably be thought to influence judgements made during the course of their professional duties to the University. Conflicts of interest should be assessed in terms of the likelihood that officers and affiliates possessing a particular interest could be improperly influenced, or might appear to be improperly influenced, in the performance of their duties on a particular matter.

(41) A conflict of interest might arise where an officer or affiliate engages in activities which advance his/her personal interests at the expense of the University's interests or the interests of other officers or affiliates. In many cases, only they may be aware of the potential for conflict.

(42) Academic employees have a responsibility to their students to assess their work fairly, objectively and consistently across the candidature for their particular subject/course. Because personal relationships between students and staff may involve serious difficulties arising from the unequal power of the parties concerned, as well as the difficulties in maintaining appropriate boundaries between professional and personal life, employees have a responsibility to declare conflicts of interest where they may exist.

(43) Officers and affiliates who believe that there could be a situation involving a conflict of interest must advise their supervisor or relevant committee chair, as the case may be, who will determine what action is to be taken. Where communication with the supervisor is inhibited, officers must advise the Director, HR Services.

(44) The following situations are provided as examples of where a potential for conflict of interest may occur. They are not exclusive:

### **Financial or Pecuniary Interest**

(45) An example of a financial or pecuniary conflict of interest is where an employee or affiliate, or a member of their family, owns or holds shares or a position in a company, partnership or other business and is in a position to influence procurement, contracts for business, engagement of consultants etc., between that business and the University.

(46) Under the University's Commercial Activities Guide , in relation to commercialisation of any of the University's resources, officers and affiliates will be required to register any interest in any company, institution or other entity which is involved in a commercial activity with the University and to keep that notification up to date. A notification may be made generally or with respect to a particular proposal.

(47) Under such procedures, any employee or affiliate who has an interest in any company, institution or other entity which is, or is proposed to be, involved in any commercial activity of the University must:

- a. not vote in respect of the commercial activity or the proposal;
- b. not participate in any discussion by the Council or the relevant committee about the commercial activity or the proposal.

(48) Officers and affiliates involved in commercial negotiations should ensure that they do not enter negotiations on their own on behalf of the University. Where any financial negotiations are undertaken with outside parties at least two employees of the University should normally be present, one of whom should be a University Executive Member or an approved nominee.

### **Personal and Family Relationships between Employees**

(49) The University's Personal Relationship Policy provides clarification where employees are working with family members or with persons with whom they develop close personal relationships.

(50) Employees or members of University committees will not take part in any of the following matters if a personal or financial relationship exists:

- a. Recruitment or appointment;
- b. Immediate supervision;
- c. Tenure, promotion or reclassification;
- d. Staff development, travel or other material benefit; or
- e. Benefits which may arise from unequal treatment in application of conditions of service.

### **Personal and Family Relationships between Employees and Students**

The University's Personal Relationship Policy also provides clarification where a personal or family relationship between an academic employee and a student has the potential to compromise this responsibility where the employee is responsible for the supervision, teaching and/or any level of assessment of that student, or indirectly by affecting a student's interaction with the University.

### **Recreational Associations**

(51) An example of a conflict of interest which may arise through officers' recreational associations is where they are in a position to influence University sponsorship of, or donations to that organisation.

(52) Officers are required to disclose as soon as possible any matter which could directly or indirectly compromise the performance of their duties, or conflict or seem to conflict with the University's interests.

### **Students**

(53) Officers should not take part in the following matters in relation to any student with whom they have a personal relationship:

- a. selection for entry to the University or to any of its courses (where this depends on a judgement other than a pre-determined score or grade);
- b. assessment procedures;
- c. classification for honours;
- d. selection for any scholarship or prize;
- e. honours or postgraduate supervision.

(54) Where officers declare the existence of, or the potential for, a conflict of interest, the relevant supervisor or Committee Chair should approve alternative arrangements to ensure that the officer does not participate in any of the matters listed above.

(55) Where it is not possible to avoid altogether the involvement of officers with any of the matters listed above, any arrangement made, e.g. cross-marking or co-supervision of the student's work, must be formally approved by the relevant Pro Vice Chancellor prior to implementation.

(56) Students who consider that they are actually or potentially involved in a conflict of interest with officers of the University should ensure that the matter is referred to the relevant Pro Vice Chancellor or other senior officer for appropriate action. Any officers involved in a conflict of interest with a student should advise the student that they have a right to consult with the employee's supervisor.

(57) Where officers are unsure as to whether a conflict of interest or perceived conflict of interest has occurred or may occur, advice should be sought from their supervisor or Head of Work Unit.

(58) Failure to disclose a potential or actual conflict of interest by officers can render decisions null and void, and can

lead to disciplinary procedures.

(59) For further relevant information, refer to the University's:

- a. Personal Relationships Policy
- b. Purchasing Policy
- c. Outside Work Policy

## **Gifts and Benefits**

(60) Officers should not solicit or encourage gifts or benefits in relation to their professional duties. Receipts of gifts may be perceived by others as an inducement, thus creating a potential conflict of interest, and may be an offence under legislation. The offence extends to the offering or seeking of a gift or benefit.

(61) Issues of cultural sensitivity are important in our environment as many students and employees are from different backgrounds where certain practices may be considered acceptable. However, employees are required to comply with contemporary Australian standards and relevant federal and state legislation such as the [Independent Commission Against Corruption Act 1988](#) (NSW) and Protected Disclosures Act 1994 (NSW) .

(62) Any gift must be declared to the Supervisor, but gifts of substantial value (estimated value of \$250 or more) or receipt of serial gifts from the same donor must be declared in writing to the Executive Director, Corporate Services and are University property to be dealt with at the Executive Director, Corporate Services's discretion. The following information is required to be registered:

- a. date gift received;
- b. officer's name;
- c. officer's position;
- d. cost centre;
- e. name of donor;
- f. organization and position of donor;
- g. description of gift;
- h. approximate value of gift; and
- i. current location of gift.

(63) Any tickets to lotteries, art unions, raffles or games of chance of whatever kind or value given to any officers must be surrendered to the University.

(64) Officers may give or accept an occasional gift which is offered in accordance with social or cultural practice, for example, when an employee retires or leaves the University or visits an overseas university.

(65) With respect to the giving of gifts by University officers, including gifts to other officers and third parties, the following guidelines should be observed:

- a. expenditure on gifts should be at a minimum level;
- b. as much as possible, gifts should be branded with the University logo;
- c. gifts in recognition of hospitality or other support are regarded as personal gifts which are not appropriate for funding from University funds; and
- d. the use of University funds for gifts valued at more than \$100 (ex GST) per recipient or organisation must be approved in advance by a member of the Executive in accordance with this Code.



## Reporting Corrupt Conduct

(66) Officers are urged to report suspected corrupt conduct, as well as maladministration and serious or substantial waste of public resources. The Protected Disclosures Act 1994 (NSW) and similar legislation in other states and territories provides certain protections against reprisals for employees who voluntarily report such matters either to the Vice Chancellor, or to one of the three investigative bodies: the [ICAC](#), the [Auditor General](#) or the [Ombudsman](#) (such protections do not apply in cases of vexatious or malicious allegations) Where officers and affiliates represent the University in international locations, they are also required to observe and comply with the relevant laws of that country.

(67) Disclosures may also be made to Nominated Disclosure Officers in accordance with the University's Internal Reporting Policy, Protected Disclosures .

(68) The following procedure should be followed if a member of the University Council believes or suspects they have been offered a bribe:

- a. notes should be taken immediately after the conversation has occurred;
- b. the Chancellor or Vice Chancellor should be informed of the offer, and all relevant details, as soon as possible. If they are involved in the offer, the incident should be reported to the Deputy Chancellor; and
- c. if a bribe has been offered, the University will inform [ICAC](#) and the police through the office of the Executive Director, Corporate Services.

## Use of University Resources

(69) Officers and affiliates are expected to be efficient and economical in their use and management of University resources, including their own work time. University resources should be used for the legitimate work purposes for which they are provided.

(70) The use of University resources for purposes other than work should be subject to appropriate arrangements approved by the Supervisor. Officers and affiliates should not remove University equipment from campus, except where this is necessary for University purposes and where appropriate permission has been given. Old or redundant University property must not be taken home or sold privately, it must be disposed of according to University policy.

(71) Electronic mail, access to the Internet, computerised information systems and other electronic facilities are provided to support University activities and should be used for these purposes in accordance with the University's Computing Conditions of Use Policy and other associated Information Technology policies. University facilities and equipment should be treated with appropriate care at all times.

## Outside Work and Private Practice

(72) The employment obligations of University employees who receive full-time salaries are to the University. Full-time University employees wishing to engage in outside work, including private practice, must make application to do so in accordance with the University's Outside Work Policy .

(73) All University employees, including those employed for less than full-time, must not accept outside work where it may cause a direct or indirect conflict with the employee's duties to the University or otherwise adversely impact the conduct of University work. If there is any doubt whatsoever, the potential direct or indirect conflict must be reported under the Outside Work Policy.

## Political and Community Participation

(74) Officers must ensure that any participation in party political activities does not cause conflict of interest or impede the performance of their duties.

## **Security Maintenance**

Officers and affiliates must maintain adequate security of the University premises in which they are working and must maintain security of keys and swipecards issued to them for the purposes of opening, accessing and using University buildings, vehicles, equipment and other facilities. Keys are to be maintained and used only in accordance with the provisions of the University's Key and Access Control Policy.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	13th August 2012
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<b>Approval Authority</b>	Vice Chancellor
<b>Approval Date</b>	10th August 2012
<b>Expiry Date</b>	9th September 2012
<b>Head of Work Unit</b>	Kath Drew Director, Human Resources
<b>Enquiries Contact</b>	HR Services