

## 7.3 CODE OF CONDUCT

### 1. INTRODUCTION

As staff of UTS we are expected to perform all duties associated with our positions skilfully, impartially and diligently to the extent possible in order to contribute to the efficient and economic achievement of the University's goals.

This code aims to clarify for all staff of the University community the conduct expected in the performance of our duties and the consequences of not doing so, thereby maintaining public trust and confidence in the integrity and professionalism of the services provided by the University.

This code of conduct is written as a set of general principles rather than detailed prescriptions. The code cannot address all possible issues which we may face in our employment at the University. The successful development of an ethical environment relies upon our having responsibility for our own professional behaviour taking into consideration the provisions of this code, policies of the University and advice of senior colleagues. Staff should be guided in their conduct by the principles established by this code. If there is any doubt as to the applicability of the code, or the appropriate course of action to be adopted, the matter should be discussed with an appropriate senior member of staff.

### 2. PERSONAL AND PROFESSIONAL BEHAVIOUR

As UTS staff, our personal and professional behaviour must contribute to a productive and harmonious workplace and reflect favourably on us, our profession and the University. As UTS staff members we are required to:

- (a) comply with legislative, industrial or administrative requirements, and lawful and reasonable directions given by persons in authority
- (b) maintain and develop knowledge in our professional fields and areas of responsibility
- (c) exercise our best judgment in the interests of the University
- (d) be aware of the requirements of Anti-Discrimination and Occupational Health and Safety legislation and the responsibilities these place on each of us
- (e) make decisions fairly and without bias using the best factual information available
- (f) maintain adequate documentation to support decisions made
- (g) respect the dignity of the public, students and other staff by treating them with courtesy, honesty and sensitivity to their rights
- (h) implement and abide by University policy
- (i) comply with any and all conditions of access to the University's communication facilities
- (j) act responsibly when becoming aware of any unethical behaviour or wrong doing by any other staff member. This may involve a report to a senior member of staff. Known or suspected corrupt conduct or activities must be reported to a senior member of staff
- (k) treat others in the workplace fairly and with respect, and not harass, victimise or discriminate against staff, students or others in work practices or the provision of educational services on the grounds of sex (including pregnancy), sexuality, transgender status, race, colour, ethnic or ethno-religious background, descent or

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national identity, marital status, disability, age, political conviction or religious belief, carers' responsibilities or other grounds covered by relevant legislation

- (l) comply with the University's Human Research Ethics Committee policies and guidelines in relation to the ethical conduct of research for both students and staff and the National Statement on Ethical Conduct in Research Involving Humans.

### 3. USE AND SECURITY OF OFFICIAL INFORMATION

All staff have a right to expect confidentiality and privacy with respect to personal information obtained by other members of the University community in the course of their employment. Similarly, each of us has a duty to maintain the confidentiality, integrity and security of official information for which we are responsible.

As staff we are expected to respect the personal privacy of others. Staff must comply with University data protection and privacy policies and staff and student records policies.

Official information may occur in the form of paper, documents, registers, files photographs, microfilm, data or information stored in hardcopy or electronic form, or passwords. Unless formal authority is granted you must not disclose or use official information which would not normally be available to the public other than as part of official duties. Formal disclosure mechanisms include Freedom of Information legislation or court orders such as subpoenas.

As staff we must not take, or seek to take, improper advantage of any official information which we may have access to as a result of our job, in order to gain a financial or other benefit for oneself or any other person or group. To do so may be in breach of privacy legislation and lead to criminal action which may result in fines and imprisonment.

### 4. PUBLICATION OF INFORMATION

Care should be taken when publishing information, in paper form, or electronically to ensure that staff do not engage in practices which would be considered unethical and/or unlawful. Staff are expected to comply with the University's policies and codes of conduct on electronic communication usage.

When publishing academic work and the results of research, staff should be aware of the ethical and legal requirements with regard to authorship and the acknowledgement of work done by others, in particular students.

### 5. CONFLICTS OF INTEREST

The University's adherence to the principle of respect for the individual entails a strict regard for the privacy and dignity of each staff member and student. The University will therefore not routinely involve itself in the private lives of its staff and students. However, a conflict of interest may arise where a staff member engages in activities or advances or inhibits personal interests at the expense of the University's interests or the interests of other staff.

It is often difficult to avoid placing ourselves in situations where there is a potential conflict of interest. However, as staff we are required to disclose to our supervisor or senior manager immediately any financial, personal or other interest or potential interest which could directly or indirectly compromise the performance of our duties or conflict with the University's interest, and take action to avoid the conflict. It should be recognised that hostility as well as friendship can be perceived as a conflict of interest.

Managers must effectively resolve any conflicts of interest that arise in their work areas. Possible action may result in arrangements being made to remove the staff member from the duties where the conflict has arisen or employees may be directed to cease providing support to a third party whose actions may conflict with the University's interest. Conflicts of interest may include, but are not limited to, the following:

- (a) financial interests

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An example of a financial conflict of interest which may arise is where a staff member who has a financial interest in a company is in a position to influence contracts for business between that company and the University

- (b) personal interests  
Staff are expected not to use or manipulate their official position in order to gain personal benefit. For example, arranging paid overseas travel ostensibly for work purposes as a means to undertake personal study or to visit relatives
- (c) personal and family relationships between staff  
The University is aware that situations may well occur where staff are working with family members or with persons with whom they develop close relationships (of hostility as well as friendship).

Where such relationships exist between staff or with prospective staff the University does not wish to interfere unnecessarily but stresses that they may have the potential to create a conflict of interest if a staff member is:

- (1) involved in a decision relating to the selection, appointment or promotion of another
  - (2) in a supervisory relationship to another and is responsible for employment related decisions
- (d) personal and family relationships between staff and students  
As staff we have a responsibility to our students to assess their work fairly, objectively and consistently across the candidature for their particular subject/course. A personal or family relationship between a staff member and a student has the potential to compromise this responsibility directly by creating a conflict of interest where the staff member is responsible for the supervision, teaching and/or administration and assessment of that student, or indirectly by affecting a student's interaction with the University.

In many cases only the individual staff member will be aware of the potential conflict and each individual's situation will be different. All senior staff assisting the resolution of conflict of interest must ensure that the process is conducted fairly, that information disclosed is treated confidentially (where appropriate) and that where possible, a resolution is arrived at which is agreed to by the individual staff member concerned. Managers will appropriately record all reports of actual or potential conflict of interest and all directions given about handling each case. Reports will be kept on the staff members personal file in the Human Resources Unit.

### **6. DISCLOSURES**

The University protects and supports staff making any disclosures under the Protected Disclosures Act, 1994 from any reprisals. (Human resources policy *Reporting of Suspected Corruption Maladministration and Waste with UTS sets out the reporting procedures for handling complaints made under the Act*).

### **7. PUBLIC COMMENT**

We should ensure that our public comments (either verbal or written) made in a private capacity are not attributed as official comment of the University. In this regard, we should not use official stationery for private correspondence or for purposes not related to our official duties.

### **8. USE OF THE UNIVERSITY'S RESOURCES**

Our aim as staff should be to ensure that resources (ie materials, funds, personnel, equipment, plant, facilities, electronic communications, University logo and letterhead etc) entrusted to us are used efficiently, carefully, lawfully and honestly. Unless permission has been granted, University resources are not to be used for private purposes.

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### 9. ACCEPTANCE OF GIFTS AND BENEFITS

It is unethical for us as staff to solicit any gifts, benefits or additional money for ourselves or another employee. Nor should we accept gifts or benefits which might in any way compromise or influence us in our official capacity. We must not influence or try to influence our colleagues by giving them gifts, or other inducements.

As a general rule, a line can be drawn in situations where a gift could be seen by others as an inducement which could place a staff member under an obligation. Gifts of nominal value generally used for promotional purposes by the donor or moderate acts of hospitality may be accepted. Often it is difficult for individuals to determine whether they have been compromised through receipt of a gift or benefit. Gifts of more than nominal value and benefits or other inducements offered or received by staff should be reported to the staff member's supervisor. If in doubt, guidance should be sought from supervisor(s) in specific instances.

### 10. OUTSIDE WORK AND PRIVATE PRACTICE

UTS staff are permitted under certain conditions to engage in outside work, provided such employment does not adversely affect their work performance at the University or does not give rise to a conflict or potential conflict of interest. (Human resources policy *Outside Work* sets out the conditions under which staff may undertake consulting and private professional practice).

### 11. RESPONSIBILITIES AFTER LEAVING UTS

As staff we must not disclose any official information after leaving the University that was our duty not to disclose while employed by the University.

Staff must not use their position to advance their prospects for future employment, or allow their work to be influenced by plans for, or offers of, external employment which would conflict or compromise in any way the best interests of the University.

Former members of staff should not use or take advantage of personal, confidential or official information they have obtained in their capacity as university staff. Furthermore, all staff must be careful in their dealings with former staff members and make sure they do not give them favourable treatment or access to personal, confidential or official information.

### 12. RESPONSIBILITIES OF MANAGERS

Managers responsibilities include, but are not limited to:

- (a) ensuring that staff have access to copies of the Code of Conduct and other relevant documents and policies
- (b) ensuring that the requirements of the Code of Conduct are reflected in the day-to-day management of staff
- (c) ensuring staff maintain high standards of conduct in the workplace
- (d) supporting staff who disclose information regarding corrupt conduct
- (e) taking all necessary steps to resolve any conflicts that arise in the workplace and ensuring any conflict is avoided in the future
- (f) appropriately recording all reports of actual or potential conflict of interest and all directions given about handling each case.

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### **13. FAILURE TO COMPLY WITH REQUIREMENTS**

This code of conduct is designed to promote and enhance the ethical behaviour of all staff at UTS. If you are found to have breached the Code, the University may decide to take action against you. Such action may include disciplinary action for "misconduct" or "serious misconduct" under the University's Enterprise Agreements for support and academic staff. Any such action may result in sanctions imposed, including and up to, termination of employment. Action may also be taken under the University's General Rules (G4 – Rules Relating to Discipline and Appeals Committees).

Breaches of the Code may also result in action being taken by a statutory authority and/or agency where breaches of relevant legislation may be evident and may result in criminal action, fines or imprisonment.