

<b>Name of Guidelines</b>	<b>Code of Conduct for All Staff</b>	
<b>Description of Guidelines</b>		
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**Human Resources Directorate**

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## **1. University Policies**

The Code of Conduct is an articulation of the way in which the staff of the Australian Catholic University (ACU) community relate to one another in the common endeavour that is its Mission. The ethical underpinnings of the Code are governed by the principles of respect for human dignity, integrity, collegiality, impartiality and service which are consistent with and reflect the University's Catholic ethos. These principles underpin the professional relationships that staff have with each other, their students, the broader community and the conduct of their work, and illustrate gospel values in action.

The Code of Conduct complements, but does not replace, the standards of behaviour and performance required by University policies, industrial agreements and relevant legislation.

Through this Code the University is establishing standards of conduct which it requires of all staff. As an employer, the University may from time to time issue directions with which staff are required to comply. This Code illustrates such a direction. The University may amend, replace or withdraw it.

## **2. The Mission Statement**

Australian Catholic University shares with universities world-wide a commitment to quality in teaching, research, and community engagement. It aspires to be a community characterised by free inquiry and academic integrity. The University's inspiration, located within 2,000 years of Catholic intellectual tradition, summons it to attend to all that is of concern to human beings. It brings a distinctive spiritual perspective to the common tasks of higher education.

Through fostering and advancing knowledge in education, health, commerce, the humanities, the sciences and technologies, and the creative arts, Australian Catholic University seeks to make a specific contribution to its local, national and international communities. The University explicitly engages the social, ethical and religious dimensions of the questions it faces in teaching and research, and community engagement. In its endeavours, it is guided by a fundamental concern for justice and equity, and for the dignity of all human beings.

Australian Catholic University has a primary responsibility to provide excellent higher education for its entire diversified and dispersed student body. Its ideal graduates will be highly competent in their chosen fields, ethical in their behaviour, with a developed critical habit of mind, an appreciation of the sacred in life, and a commitment to serving the common good.

## **3. Principles of Ethical Practice**

- 3.1** The dignity of the human person as it is revealed to Christian faith and affirmed in Catholic tradition and gospel values will be the foundation and criterion for mutual relationships in the life of the University. It is expected that this will be expressed by a responsible commitment to justice, equity and concern for mutual well-being, actively informed by a sensitivity to personal need, individual and collective responsibility and situations of injustice.
- 3.2** The ethical principles articulated in this Code are governed by the Mission-based principles of universal respect for human dignity, integrity, collegiality, impartiality and service. This Code recognises the reciprocal relationship between individual and community rights and responsibilities.
- 3.3** ACU is an academic institution which aspires to foster an inspiring community context for the achievement of personal, professional and organisational goals. Staff of the University are obliged to uphold the responsibilities and accountabilities inherent in their contract of employment as members of the University staff.
- 3.4** Staff of the University must demonstrate a commitment to the highest standards of professional integrity and service. This should be evident in their pursuit of excellence in their individual roles and commitment to the importance of mutual respect for colleagues and for the life and work of the University. This will be expressed through the competence and personal accountability of all members of the University.

- 3.5 Members of the University community are encouraged to realise the values and benefits of free enquiry, critical thought and collaborative activity and be open to explore the social, ethical, spiritual and religious dimensions of their chosen field of endeavour. As a University in the Catholic tradition, ACU brings a distinctive Mission-based perspective to the common tasks of higher education, which it seeks to express both in its academic and associated administrative and professional activities and in the quality of positive relationships among its members.
- 3.6 Staff must be impartial in all aspects of their professional practice. Impartiality involves a consideration of all relevant facts and the need to be fair, just and equitable in providing advice and making decisions.

#### 4. Introduction

- 4.1 ACU is committed to maintaining and developing its Catholic ethos and respecting the traditions which have evolved within the University, together with the values which have guided it and its predecessor institutions since their foundation. In particular, this addresses the principles embodied in the published Mission Statement of the University which is provided in **Section 2**.
- 4.2 This Code aims to clarify and elaborate for all staff, the values which guide the University and the conduct expected of them in the performance of their duties.
- 4.3 This Code is to ensure that:
- 4.3.1 the values underpinning the University are upheld;
  - 4.3.2 public trust in the University is assured; and,
  - 4.3.3 there is confidence in the integrity and professionalism of the services offered by the University.
- 4.4 The Code applies to all members of the University staff, and includes religious members of the University. The Code embodies principles that apply to persons engaged as external contractors or consultants by the University while they are involved in University-commissioned work.
- 4.5 The Code cannot address all possible issues which staff may face in their employment at the University. Therefore, if there is any doubt as to the applicability of the Code, or as to the appropriate course of action to be adopted in particular circumstances, the staff member regardless of level (non supervisory or supervisory) must promptly discuss the matter with the appropriate person (their supervisor).

#### 5. Definitions

- 5.1 **"Academic staff"**: means any member of University staff employed as an academic and whose salary and conditions of employment are those which apply to academic staff in accordance with the relevant provisions of an Enterprise Agreement or Australian Workplace Agreement.
- 5.2 **"Administrative staff"**: means any member of the University staff who is engaged in activity required for the effective administration of the University.
- 5.3 **"Australian Catholic University"**: means Australian Catholic University Limited (ABN 15050192660), a company limited by guarantee.
- 5.4 **"Australian Workplace Agreement"** means an agreement made and approved under the Workplace Relations 1996 between the University as the employer and an existing or prospective staff member setting out the terms and conditions of that staff member's employment.
- 5.5 **"Casual staff"**: means a staff member of the University who is employed and paid by the hour.
- 5.6 **"Close personal relationship"**: means a relationship of friendship, association or otherwise which could give rise to or be perceived as giving rise to a real or potential conflict of interest between the staff member and their obligations to the University.
- 5.7 **"Code"**: means this Code of Conduct.

- 5.8 **"Company"**: means Australian Catholic University Limited (ABN 15 050 192 660), a company limited by guarantee.
- 5.9 **"Consultant"**: means any person who is engaged as an independent contractor to assist and/or advise the University.
- 5.10 **"Continuing staff"**: means a member of the University staff who is employed on a continuing basis as set out in an Enterprise Agreement or Australian Workplace Agreement.
- 5.11 **"Contract"**: means a legally-enforceable relationship entered into between two or more parties.
- 5.12 **"Contractor"**: means a person who is not employed by the University but who is engaged to provide a service to the University under a contract service.
- 5.13 **"Executive Dean"**: means any person appointed to a position so designated at the University (including Executive Deans of Faculties and Executive Dean of Students).
- 5.14 **"Delegated senior University manager"**: means a senior manager of the University who is delegated to perform specific roles in relation to this Code of Conduct. These officers are specified in Clause 18.3 of this Code.
- 5.15 **"Director"**: means any person holding a position so designated at the University.
- 5.16 **"Enterprise Agreement"**: means any enterprise agreement in force at any time covering any category of staff member of the University.
- 5.17 **"Executive Team"**: means a person who is formally assigned a position that is a part of the Executive Team of the University.
- 5.18 **"Family relationship"**: means a relationship between a staff member and a member of their family or a member of their household (which includes de facto relationships).
- 5.19 **"Financial relationship"**: means a relationship which could give rise to, or be perceived as giving rise to, a financial benefit being received by a staff member (or any person with whom the staff member has a family or close personal relationship).
- 5.20 **"Fixed-term staff"**: means a person who is employed by the University on a contract for a specified and finite period.
- 5.21 **"General staff"**: means any member of the University staff employed in a position classified by the Higher Education Worker Classification Scheme operating in the University and whose salary and conditions of employment are those which apply to general staff in accordance with the relevant provisions of an Enterprise Agreement or an Australian Workplace Agreement.
- 5.22 **"Harassment"**: means behaviour that is not wanted and not asked for and that a reasonable person would have anticipated would cause humiliation, offence or intimidation.
- 5.23 **"Head of School"**: means any person assigned academic leadership and management responsibilities in a role so designated in a School of the University.
- 5.24 **"Manager"**: means a person who is the head of an organisational unit as defined by the University structures as determined from time to time.
- 5.25 **"Member of the public"**: means any person who is not a member of the University community.
- 5.26 **"Member of the University staff"**: means all persons employed or engaged by the University and all persons assigned to the University.
- 5.27 **"Mission"**: means the Mission as set out in the Mission Statement of Australian Catholic University as endorsed by the University Senate.

- 5.28 **"Nominated supervisor"**: means a person who is formally assigned the responsibility of supervising one or more staff or a group of staff.
- 5.29 **"Occupational health and safety legislation"**: means all legislation enacted by the Commonwealth or a state / territory government which addresses the health and safety of persons at or visiting the workplace.
- 5.30 **"Outside work"**: means work performed by a staff member which is performed in addition to her/his contract of employment with the University.
- 5.31 **"Primary employer"**: means the University which as the main employer of a staff member has first call on their services and loyalty in their employment role.
- 5.32 **"Privacy Act 2000"**: means the Privacy Amendment (Private Sector) Act 2000.
- 5.33 **"Private practice"**: means work of a private nature performed by a staff member with the approval of the University in addition to, and outside of, their contract of employment.
- 5.34 **"Procedurally fair practices"**: means practices that are impartially applied, free from bias, prejudice or injustice in line with established processes or conventions.
- 5.35 **"Deputy Vice-Chancellor"**: means any person holding such a senior academic leadership and management position so designated at the University.
- 5.36 **"Public comment"**: means speaking engagements, conference presentations, comments on radio or television and expressing views in letters to newspapers or in books, journals or notices made in the public arena or made where it might be expected that the publication or circulation of the comment will spread to the community at large.
- 5.37 **"Reasonable care"**: means that level of attention required as appropriate in a particular set of circumstances.
- 5.38 **"Campus Deans"**: means any person appointed to a position so designated at the University.
- 5.39 **"Religious member of the University"** : any member of a Congregation whose services are subject to the terms of a Deed of Agreement between the University and the Congregation for the provision of services, and who is consequently involved in the life of the University.
- 5.40 **"Senior managers, line managers and supervisors"**: means all Deputy Vice-Chancellors, Executive Deans, Directors, Campus Deans, Managers, Heads of Schools and nominated supervisors of the University.
- 5.41 **"Students"**: means any persons effectively enrolled in any course of study, program or other learning activity offered by the University.
- 5.42 **"University"**: means Australian Catholic University Limited (ABN 15050192660), a company limited by guarantee.
- 5.43 **"University community"**: means any person who is either employed/engaged by, assigned to, enrolled at, or involved in the governance of the University.
- 5.44 **"Vice-Chancellor"**: means the chief executive officer of Australian Catholic University.
- 5.45 **"Workplace"**: means any place where the work of the University is conducted.

## 6. Personal and Professional Behaviour

- ***In its endeavour, ACU is guided by a fundamental concern for justice and equity, and for the dignity of all human beings - staff co-operatively exercise the highest levels of personal and professional behaviour and practice in teaching, research and work***

- 6.1 In performing their duties all staff must:

- 6.1.1 uphold the Mission, policies and procedures adopted by the University, including this Code;
- 6.1.2 act equitably, fairly and reasonably;
- 6.1.3 comply with all applicable statutory and industrial requirements applying to the operation of the University;
- 6.1.4 respect the confidentiality of information entrusted to them in the course of their employment;
- 6.1.5 maintain appropriate standards of conduct and behave in a way that upholds the reputation and name of the University and respects its ethos;
- 6.1.6 not engage in unlawful behaviour as defined by statute;
- 6.1.7 treat students, other staff members and members of the public with respect, impartiality, courtesy, compassion and sensitivity with due regard for their needs, dignity and aspirations;
- 6.1.8 maintain knowledge and understanding of their area of expertise for the efficient performance of their duties;
- 6.1.9 exercise their best professional and ethical judgement, making decisions fairly, objectively and without bias, using the factual information available, and where appropriate documenting those decisions;
- 6.1.10 maintain a co-operative and collaborative approach to all working relationships;
- 6.1.11 exercise positional and supervisory power and responsibility properly, respecting the dignity, rights and entitlements of both students and staff;
- 6.1.12 perform duties diligently and conscientiously and in accordance with proper, reasonable and lawful supervisory directions;
- 6.1.13 ensure efficient and effective use of University resources;
- 6.1.14 be accessible to their students and/or colleagues for meetings and consultations so facilitating a constructive learning environment, the effective teaching of students and the effective operation of the University; and,
- 6.1.15 act responsibly on becoming aware of possible unethical behaviour or wrongdoing by another staff member. Responsible action may include making a report to a delegated senior University manager in accordance with **Section 18** of this Code.

## 7. Conflicts of Interest

- ***Consistent with and reflecting the University ethos, decision-making in relation to teaching, research and work is guided by the principles of respect for human dignity, integrity, impartiality and service with due respect for the Mission of the University***

- 7.1 In general terms, staff members must avoid all situations in which a potential or actual conflict of interest arises in relation to the performance of their duties. However, where this is not possible, the staff member will, in writing, inform the delegated senior University manager responsible for the area in which they work if a potential or actual conflict of interest arises.
- 7.2 Examples of conflicts of interest include, but are not limited to, situations where staff members' private arrangements, benefits, interests (whether pecuniary or otherwise), personal circumstances or personal or family relationships could, or could be perceived to, impinge on a staff member's ability to act in the best interests of the University, including:
  - 7.2.1 influencing the selection, appointment or promotion of staff;
  - 7.2.2 impinging on employment-related decisions, particularly where one staff member is in a formal supervisory relationship to another;

- 7.2.3 compromising the objectivity and impartiality of teaching, supervision, assessment of or provision of services to students;
- 7.2.4 any possible misuse of power or trust (whether actual or perceived) particularly in the context of teaching, supervision, assessment of or provision of services to students;
- 7.2.5 compromising the objectivity and impartiality of the supervision or evaluation of staff, or the provision of teaching/learning services to staff, students or the community at large;
- 7.2.6 influencing a financial transaction or business dealing undertaken by, in the name of, or on behalf of the University; or,
- 7.2.7 impinging on the effective operations of, or formal decision-making processes within the University.

### 7.3 Responsibility for Students

- ***ACU's primary responsibility is to provide excellent higher education for its entire diversified and dispersed student body – staff, in working with and relating to students uphold the welfare and interests of the students they teach and otherwise support***

7.3.1 Because of the unique position they hold:

7.3.1.1 academic staff have a responsibility to each student to teach and assess the student's work professionally. In all such cases the academic staff member has a responsibility to provide appropriate educational services fairly, impartially and objectively, consistent with the principles enunciated in the University's Code of Ethics in Teaching; and,

7.3.1.2 those general staff who support the teaching/learning of students directly by providing services, support and assistance, for example, administratively, or in laboratories, libraries or during fieldwork have a responsibility to provide such services, support and assistance fairly, impartially and objectively, consistent with the principles enunciated in this Code.

7.3.2 To avoid any conflicts of interest (whether perceived or actual), all members of the University staff in their position of trust recognise that sexual relationships between a member of staff who is directly engaged in teaching, supervising, assessing or supporting a student, and that student are not permitted.

7.3.3 Members of staff, who are directly engaged in teaching or assessing a student or members of the general staff involved in directly supporting teaching/learning should not be involved in the teaching, supervision, assessment or direct teaching/learning support of any students with whom they have, or have had, a close personal, family or financial relationship or with whom they have, or have previously had a sexual relationship.

7.3.4 Where a relationship outlined in **Sections 7.3.2 and 7.3.3** exists, has existed or emerges, the staff member directly involved:

7.3.4.1 must immediately notify a delegated senior University manager, in writing; and,

7.3.4.2 in consultation with the Head of School or nominated supervisor formally terminate any academic staff teaching, supervisory, assessment or general staff direct teaching/learning support role in which case, the Head of School or other nominated supervisor (or next most senior officer if the relationship is between the Head of School/nominated supervisor and the student) will make alternative arrangements for the teaching, supervision, assessment of the student's work, or for the direct teaching/learning support of that student as appropriate.

7.3.5 If for any reason it is not feasible to avoid altogether the involvement of an academic member of staff in teaching, supervising or assessing, or a general staff member being involved in directly supporting teaching, where the member of staff is, or has been, involved in a sexual, family, financial or close personal relationship with a student in the teaching, supervision, assessment or direct teaching support of that student, the academic or general staff member and the delegated senior University manager shall prepare and both shall countersign an

arrangement for appropriately managing the situation so as not to compromise the parties involved or the good name of the University.

#### **7.4 Responsibility to Other Staff Members**

##### **■ *Members of the ACU workplace community individually and collectively work to uphold the welfare and best interest of their colleagues***

**7.4.1** Staff members, at all times, have a responsibility to each other, especially when in a supervisory role, to work together and assess work performance fairly, impartially and objectively. They must:

**7.4.1.1** not be involved in the recruitment or selection of a potential staff member with whom they have, or have had, a sexual, family, financial or close personal relationship;

**7.4.1.2** not be involved in the supervision or assessment of any other staff member with whom they have, or have had, a sexual, family, financial or close personal relationship.

**7.4.2** Where such relationships exist or emerge, the staff members must notify a delegated senior University manager, in writing, without delay and consideration will be given to the termination of the supervisory and/or assessment roles after consultation with the nominated supervisor. (If the conflict of interest or potential conflict of interest is between the supervisor and the staff member, consultation should occur with the next most senior officer to make alternative arrangements for the supervision and/or assessment of the staff member's work).

**7.4.3** If for any reason it is not feasible to avoid altogether the involvement of a member of staff who is or has been involved in a sexual, family, financial or close personal relationship with another member of staff in the supervision or assessment of that other staff member, the member of staff who has been so involved and the delegated senior University manager shall prepare and both shall countersign an arrangement for appropriately managing the situation so as not to compromise the parties or the University.

**7.4.4** The University recognises that where a consensual and lawful sexual relationship or close personal relationship exists or has existed between a student and a member of staff or between two staff members and:

**7.4.4.1** does not fall within **Sections 7.3.2, 7.3.3 and 7.4.1**; and,

**7.4.4.2** could not be perceived to have the potential to compromise the fundamental duties inherent in the employment relationship between the staff member and the University, a relationship described in this section is a private matter and not the province of this Code.

**7.4.5** Staff shall disclose immediately to a delegated senior University manager, in writing, any matter relating to their personal circumstances which could directly or indirectly relate to a perceived or actual conflict of interest or compromise the performance of the staff member's duties, or conflict with the University's interests.

**7.4.6** If staff are unsure whether a conflict of interest exists, has occurred or may occur, advice should be sought (in writing) from a delegated senior University manager without delay.

**7.4.7** A staff member should declare any actual or potential interest in any matter under discussion by a University committee or body, of which he or she is a member, prior to the committee or body discussing that matter. The staff member should withdraw from the meeting unless given explicit leave to remain. Moreover, the staff member must abstain from commenting on the particular matter both in and outside of the meeting.

#### **8 Outside Employment and Private Practice**

##### **■ *Staff contribute to the objectives of ACU through engagement with the broader community including appropriate approved outside work***

**8.1** Subject, in the case of casual staff, to **Section 8.2**, before they may engage in Outside Work all full-time and part-time continuing or fixed term staff and casual staff members must:

- 8.1.1 first obtain the prior approval, in writing, of the member of the Executive Team who is responsible for their work area (**See Section 18.2**);
  - 8.1.2 ensure that the Outside Work does not conflict with their normal work for the University;
  - 8.1.3 give primary consideration to the University as their employer during their contracted hours of employment;
  - 8.1.4 perform the Outside Work outside their normal University working hours and not involve the use of University resources or equipment; and
  - 8.1.5 ensure the outside work is not in direct opposition to or in competition with the University's interests, business or otherwise (this is not interpreted as prohibiting contributions to general academic life and activity).
- 8.2 Casual staff who work at the University are not required to obtain approval for other work outside of the University but must comply with the other provisions of **Section 8.1**.

## 9 Acceptance of Gifts or Benefits

### ■ *In explicitly engaging the social, ethical and religious dimensions of the questions that ACU faces, staff carry out their teaching, research and administrative duties professionally, objectively, equitably, and free from extraneous influences*

- 9.1 Staff must not solicit any gifts, benefits or favours for themselves, or any person with whom they have a family, sexual, financial or close personal relationship or accept personally gifts, benefits or favours which might in any way compromise or influence them in carrying out their duties, or which might reasonably be seen by others as an inducement which places a staff member under any obligation.
- 9.2 No gifts should be accepted where there is a possibility, that the recipient may be, or might appear to be, compromised in the process, or where the gift could be seen by others as either an inducement or reward which might place a member of staff under any obligation. Where a member of staff is in doubt, the facts should be made known to the delegated senior University manager (**see Section 18.3**) at the earliest possible time and an appropriate opinion sought as to propriety.
- 9.3 Subject to **Section 9.2** gifts of nominal value (being gifts worth less than \$100), generally used for promotional purposes by the donor, or moderate acts of hospitality, may be accepted by staff members.
- 9.4 Subject to **Section 9.2**, all other gifts must be referred to the member of the Executive Team (**see Section 18.3**), who is administratively responsible for the organisational or functional unit in which the person who has received the gift works, so that they may be acknowledged and formally accepted on behalf of the University, as appropriate; any such gifts to family members must also be reported to the delegated officer.
- 9.5 accepting gifts, favours or hospitality, offered as an inducement is, in all of the following cases unethical and prohibited:
  - 9.5.1 for grades or other course-related benefit;
  - 9.5.2 to purchase or provide a business advantage;
  - 9.5.3 for any recruitment or employment-related benefit or advantage; or,
  - 9.5.4 to access or to provide to any person information of a private nature pertaining to any current or past staff or student of the University or to confidential information concerning the University.
- 9.6 Gratuities, commissions or any other tangible benefits received by any staff member (directly or indirectly) in respect of any copyrighted, patented or protected article or process used in any work

with which they are connected as employees of the University, are subject to the Outside Work Policy of the University.

## **10 Use and Security of University Information**

### **■ *University information is secured and used solely for the purposes it is collected, and in strict regard for the privacy and dignity of staff and students***

**10.1** The University is an organisation that is covered by the Privacy Act 2000. As a consequence, the University and its staff are obliged to comply with the terms of the Privacy Act 2000 when handling personal information.

**10.2** Staff members should only collect and disclose information that they are authorised to collect and disclose in the course of their duties.

**10.3** In addition to any requirements imposed by the Privacy Act 2000, staff members must not infringe the privacy of any individual or disclose information (relating to individuals or the University) unless it is information which:

**10.3.1** would normally be available to the public;

**10.3.2** is provided in the normal course of duty;

**10.3.3** is required by law;

**10.3.4** has been officially approved for release; or,

**10.3.5** is provided with the authority or consent of the relevant staff member or student.

**10.4** Staff members must take care to maintain the integrity and confidentiality of information concerning other staff members or students, to which their duties allow them access, in order to comply with the Privacy Act 2000.

**10.5** Staff members have a duty which they must uphold to maintain the confidentiality, integrity and security of information held by, or on, the University to which they have access in the normal course of their duties. Staff are not permitted to access information regarding a staff member or student for personal or private use.

**10.6** Staff members must not disclose information which is the sole intellectual property of the University or Company or any third person without proper authorisation or permission from the appropriate person (their nominated supervisor).

**10.7** Staff members must not store information which is the sole intellectual property, including personal information, of the University on personal computers without the express permission of the relevant Executive Team member.

**10.8** Staff may access information, including that on information systems and files, only for the purpose for which authorisation has been given. In addition, staff must:

**10.8.1** not allow any unauthorised person access to such information;

**10.8.2** not disclose information to which they are privy in their job to any person who would not themselves be entitled to access such information;

**10.8.3** take all reasonable precautions to prevent unauthorised access or misuse of information which includes password and file protection measures as well as locking up screen devices on occasions when staff are away from their workplaces;

**10.8.4** refrain from disclosing, in conversation with others or other communications, personal information about fellow staff or students that may become known to them other than disclosure that is necessary for the proper performance of their duties; and,

**10.8.5** following the termination of their employment, continue to comply with their obligations relating to confidentiality.

**10.9** Staff should be aware that vexatious, malicious and/or frivolous comment against students or staff may amount to unlawful harassment or cause a breach of the Privacy Act 2000. Staff must not transmit, in conversation or other communication, information that might vilify, defame, slander or denigrate other staff or students.

**10.10** Staff participating on committees of the University should respect committee confidentiality and only use or disclose information obtained in the course of their committee duties for appropriate University business.

## **11 Public Comment**

■ ***ACU aspires to be a community characterised by free inquiry and academic integrity - staff make public comment and enter into public discourse from the basis of expertise and within appropriate University parameters***

**11.1** A university is traditionally a place where freedom of speech is respected and where free and open discussion and intellectual debate are encouraged.

**11.2** Staff may make public comment subject to the following:

**11.2.1** if the public comment purports to represent the official views or authority of the University, staff must ensure they hold proper authority to make such comment, and that such authority has been given to them by a person holding actual authority on behalf of the University;

**11.2.2** if the public comment relates directly to, and is stated to emanate from, the academic or the specialised area of a staff member's appointment, the staff member 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; and,

**11.2.3** if the public comment does not relate directly to the academic or the specialised area of a staff member's appointment, the staff member should clearly indicate that his or her comments are being made in a private capacity and should not be attributed as official comment by the University.

**11.3** Staff may only respond to unsolicited media enquiries about the University as an institution, when authorised to do so by the Director of Marketing. All such comment shall be made in line with official University Media Response Policy and Procedures.

**11.4** To protect the integrity of official University information, no University information may be released by staff members with any expression of opinion on official University policy or practice attached to it. Furthermore, staff members must not release information in a manner which is misleading or where such information is likely to be misused.

## **12 Use of University Facilities, Equipment and Information Systems**

■ ***Staff of the University uphold the responsibilities and accountabilities inherent as members of the University community - ACU finances, facilities, equipment and information systems are maintained and utilised to optimally support the operations of the University***

**12.1** The use of University facilities and equipment by staff members is subject to the following.

**12.2** Staff members must:

**12.2.1** safeguard all University resources (materials, funds, personnel, information systems, equipment, plant, time, facilities, etc) and use them properly to advance the University's interests in an efficient, careful and honest manner;

**12.2.2** not tamper or interfere with University information and/or communication systems;

**12.2.3** use individual items of University equipment only for the purpose(s) for which the particular item was designed;

- 12.2.4 not, unless express permission has been granted by a duly authorised University officer, use University resources for private purposes; and,
  - 12.2.5 adhere to all financial procedures and systems to ensure that the University can discharge its accountabilities for expenditure of monies entrusted to it. Fraud or theft by a staff member may result in dismissal and, where appropriate, legal action being taken.
- 12.3 Staff members have a responsibility to use University information systems and telecommunications only for official University business. Electronic equipment and copying devices represent particular areas where staff are obliged to act responsibly. University information systems, including software and computer equipment, may be used only by staff of the University pursuant to University policy.

### 13 Health, Safety and Welfare

- ***Staff collectively share responsibility and commitment for maintaining a healthy and safe workplace in which the welfare and dignity of students, staff and visitors is held uppermost***

13.1 Every staff member must while working:

- 13.1.1 take reasonable care for the health and safety of themselves and of other persons at their place of work and who may be affected by their acts or omissions at work;
  - 13.1.2 co-operate with any person, so far as is necessary, to enable any requirement imposed on the University or on any other person or institution by or under occupational health and safety legislation to be complied with;
  - 13.1.3 immediately notify their supervisor of any work related injury or accident;
  - 13.1.4 maintain a safe, healthy and productive workplace by ensuring strict adherence to all legislative requirements;
  - 13.1.5 comply with all University policies relating to occupational health and safety; and,
  - 13.1.6 seek the assistance of their supervisor if they are unsure of any aspect of the University's occupational health and safety requirements. (The supervisor may consult the Occupational Health & Safety Project Officer should he or she require specialist advice).
- 13.2 Staff members must not compromise their ability to maintain workplace safety or associate the University with any activity which could be regarded as likely to compromise the health, safety or welfare of students or staff of the University through unnecessary physical risk, the consumption of alcohol or the use of drugs.

### 14 Harassment and Unlawful Discrimination

- ***ACU is a learning and workplace community free from harrassment and unlawful discrimination and guided by a fundamental concern for justice and equity***

14.1 All staff must:

- 14.1.1 respect the person and privacy of students, other staff and members of the public;
  - 14.1.2 not engage in offensive behaviour, actions and/or comments; and,
  - 14.1.3 practice tolerance in all regards and, in particular, in relation to the beliefs and cultural values of students, other staff and members of the public.
- 14.2 The University wishes to provide an environment which is free from unlawful discrimination, including harassment. Therefore, staff must refrain from any form of unlawful discrimination or harassment based on existing legislative requirements relating to:

- race, colour, ethnicity or Aboriginal and Torres Strait Islander background;
- gender or sexuality;
- pregnancy or likelihood of pregnancy;
- marital status;
- status as parent or carer, or family and parental responsibilities (including breastfeeding);
- age;
- physical features;
- disability or impairment (including, for example, physical disability, mental illness, or medical status);
- HIV status;
- political affiliation;
- membership or non membership of an association or organisation of employers or employees and associated activities;
- membership of a profession, trade, occupation or calling;
- religion; or,
- association with, or relation to, a person identified on the basis of any of the above attributes.

**14.3** Each of these grounds or attributes is covered by legislation in one or more of the States or Territory in which the University operates.

**14.4** At all times, staff are required to comply with all applicable anti-discrimination legislation and established University guidelines on these matters.

## **15 Responsibilities of Executive Team-Level Managers and Nominated Supervisors**

- ***ACU managers and supervisors exercise their responsibilities ethically, justly, fairly and actively, informed by a sensitivity to personal need, individual and collective responsibility and in accord with University policies and procedures***

**15.1** Executive Team level managers and nominated supervisors have management responsibility for the smooth functioning of the University's operations and for the implementation and application of University policies within their area of responsibility. In appropriate circumstances this responsibility may be effectively undertaken through appropriate delegation and regular reporting.

**15.2** In discharging their responsibilities Executive Team level managers and nominated supervisors, as staff members, must:

**15.2.1** uphold the standards of Personal and Professional Behaviour set out in **Section 6** of this Code;

**15.2.2** apply procedurally fair practices in their dealings with staff under their supervision, students and members of the public;

**15.2.3** deal with any conflicts that arise between staff members or between a staff member and a student ethically, professionally and carefully, recognising that situations of this nature can be serious;

**15.2.4** resolve any such conflicts reasonably, promptly, as close to source as feasible and where possible, to the satisfaction of all parties, such that the effective functioning of their area of responsibility is not impaired; and,

**15.2.5** familiarise themselves with and ensure they understand the University's special ethos, equal opportunity principles, privacy obligations, and occupational health and safety requirements and model, apply and uphold them in the workplace.

## **16 The Supervisory Relationship**

- ***The dignity of the human person will be the foundation and criterion for mutual relationships in the life of the University and through which effective and quality - imbued University operations are achieved***

- 16.1** Staff members are required to co-operate and collaborate with their supervisors, including Deputy Vice-Chancellors, Executive Deans, Directors, Campus Deans, Managers, Heads of School and other supervisors, to achieve the smooth non-discriminatory functioning of the work of the University and the effective implementation of the plans, strategies and policies adopted for the operation of the University.
- 16.2** In their relationships with their supervisor and with managers in general, staff must observe the standards of Personal and Professional Behaviour set out in **Section 6** of this Code.
- 16.3** Fundamental to the supervisory relationship is the requirement that staff will perform their duties in accordance with all proper, reasonable and lawful supervisory directions. If the nature of such a direction causes a staff member concern as to the reasonableness of the direction, those concerns may be raised in line with the processes provided in the University Grievance Management Policy on approval or in the interim as outlined in **Section 20**. It is expected that such staff concerns would normally be resolved through this process. It is recognised that any reasonable resolution decided upon may not wholly satisfy either or both parties to a particular issue of concern. The outcome in line with the spirit of this Code should, however, be ethical and fair, given respect for the University's ethos and in accordance with industrial agreements operating at the University, its policies and procedures and relevant legislative requirements as these impinge on the University.

## **17 Breach of Code and Related Disclosures**

- ***This Code recognises the reciprocal relationships between individual and community rights and responsibilities - breaches of the Code are heard and dealt with fairly and appropriately***

- 17.1** This Code is designed to promote and enhance the ethical behaviour of ACU staff in the workplace. A failure to comply with this Code will be viewed seriously and may, in line with the enterprise agreement(s) in place at any time, result in disciplinary action, including dismissal.
- 17.2** Staff must report breaches of this Code to the delegated senior University manager (**see Section 18.3**) who is administratively responsible for the functional or organisational unit in which they work.
- 17.3** The University will use its utmost endeavours to protect staff who in good faith and with good grounds report breaches referred to in **Section 17.2**.
- 17.4** If, upon inquiry, it is found that a purported disclosure pursuant to **Section 17.2** is untrue and was made with malicious, frivolous or mischievous intent, the action disclosure will in itself constitute misconduct and a breach of this Code, warranting the possible commencement of disciplinary action.

## **18 Delegated Senior University Managers**

- 18.1** Throughout this Code reference is made to "delegated senior University managers". These delegates are given specific roles that they are required to fulfil in relation, but not limited to, issues such as:

- Conflict of Interest
- Outside Employment
- Acceptance of Gifts

Delegated senior University managers are required to exercise appropriate discretion and confidentiality in carrying out these and other roles as necessary.

- 18.2** The delegated senior University managers are the persons occupying or acting in the positions listed below:
- Vice-Chancellor (as Chief Executive Officer)
  - Deputy Vice-Chancellor, Administration and Resources

- Deputy Vice-Chancellor (Academic)
- Deputy Vice-Chancellor (Research)
- Deputy Vice-Chancellor (Students, Learning and Teaching)
- Executive Dean, Faculty of Arts and Sciences
- Executive Dean, Faculty of Education
- Executive Dean, Faculty of Health Sciences
- Campus Dean (Ballarat), Aquinas Campus
- Campus Dean (Canberra), Signadou Campus
- Academic Registrar
- Director, ACUcom
- Director of Finance
- Director, Information Technology
- Director, International Education
- Director, Libraries
- Director of Marketing
- Director, Human Resources

These positions also comprise the Executive Team of the University.

**18.3** All staff and managers in the supervisory line who report to the above-listed officers of the University should raise any matters as specified in this Code with the relevant delegated senior University manager.

## **19 Related Legislation and University Policies**

**19.1** This Code is to be read in conjunction with relevant legislation as amended and University policies.

**19.2** The principal legislation, which is relevant to staff members and which should be read in conjunction with this Code, includes:

### **19.2.1** *Commonwealth*

- Crimes Act 1914
- Disability Discrimination Act 1992
- Equal Opportunity for Women in the Workplace Act 1999
- Privacy Amendment (Private Sector) Act 2000
- Racial Discrimination Act 1976
- Sex Discrimination Act 1984
- Trade Practices Act 1974
- Workplace Relations and Other Legislative Amendment Act 1996

### **19.2.2** *New South Wales*

- Anti-Discrimination Act 1977
- Anti-Discrimination (Compulsory Retirement) Amendment Act 1990
- Child Protection (Prohibited Employment) Act 1998
- Commission for Children and Young People Act 1998
- Crimes Act 1900
- Fair Trading Act 1987
- Fair Trading (Amendment) Act 1990
- Occupational Health and Safety Act 2000
- Privacy and Personal Information Protection Act 1998

### **19.2.3** *Australian Capital Territory*

- Crimes Act 1900
- Discrimination Act 1991
- Fair Trading Act 1992
- Occupational Health and Safety Act 1989

#### **19.2.4** *Queensland*

- Anti-Discrimination Act 1991
- The Commission for Children and Young People Act 2000
- Criminal Code Act 1899
- Fair Trading Act 1989
- Invasion of Privacy Act 1971
- Workplace Health and Safety Act 1995

#### **19.2.5** *Victoria*

- Crimes Act 1958
- Equal Opportunity Act 1995
- Occupational Health and Safety Act 1985
- Whistleblowers Protection Act 2001

**19.3** This Code touches on the principles contained in a broad range of University policies such as:

- Sexual Harassment Policy
- Disability Policy
- Computer and Internet Acceptable Use Policy
- Media Policy and Media Response Procedures
- Employment of Close Relatives
- Occupational Health and Safety Policy
- Staff Recruitment Procedures
- Paid Outside Work Policy
- Position Classification for General Staff
- Privacy Policy
- Code of Ethics in Teaching
- Grievance Management Policy (on approval)

**19.4** Details of all University policies that relate to the employment of staff members can be found on the University website.

## **20** **Review**

The University may make changes to this policy and procedures from time to time. In this regard any staff member who wishes to make any comments about this policy may forward their suggestions to Director, Human Resources.

## **21** **Further Assistance**

Any staff member who requires assistance in understanding the Code of Conduct for All Staff should first consult their nominated supervisor. Should further advice be needed, they should contact the Executive Team manager responsible for their organisational unit.