Purpose

The Code of Conduct (the Code) outlines the standard of behaviour expected of employees of the University. It is designed to assist staff to understand their responsibilities and obligations and provide guidance on expected behaviour in the workplace, or if faced with an ethical dilemma or conflict of interest in their work involving colleagues, students, the University and the local, national and international communities.

The Code does not seek to encompass all possible scenarios arising in employment with the University however, it provides a set of principles to guide staff on acceptable and unacceptable behaviour.

The Code should be read in conjunction with University legislation, policies, procedures and workplace agreements.

Scope

This policy applies to all employees of the University, members of Council and other University committees, and persons holding an honorary, visiting or adjunct appointment with the University.

Volunteers, contractors and sub-contractors are expected to comply with the Code as a condition of their engagement with the University.

Legislative Context

Federation University Australia Act 2010


Equal Opportunity for Women in the Workplace Amendment Act 2012

Commonwealth Disability Discrimination Act 1992

Commonwealth Crimes Act 1914
Commonwealth Fair Work Act 2009
Commonwealth Copyright Act 1968
Commonwealth Age Discrimination Act 2004
Victorian Public Administration Act 2004
Victorian Education and Training Reform Act 2006
Victorian Equal Opportunity Act 2010 (from 1 August 2011)
Victorian Financial Management Act 1994
Victorian Freedom of Information Act 1982
Victorian Information Privacy Act 2000
Victorian Occupational Health and Safety Act 2004
Victorian Health Records Act 2001
Victorian Racial and Religious Tolerance Act 2001
Victorian Protected Disclosures Act 2012
Victorian Public Records Act 1973

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Conflict of Interest:</td>
<td>Conflict of interest is assessed in terms of the likelihood that staff members possessing a particular interest could be improperly influenced, or might appear to be improperly influenced in the performance of their duties.</td>
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<td>Disciplinary Action:</td>
<td>Measures taken by the University in relation to unsatisfactory performance, misconduct or serious misconduct and includes but is not limited to:</td>
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<td>a) Formal counselling of an employee by an appropriate supervisor or internal or external counsellor;</td>
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<td>b) Giving an employee a written warning (including where appropriate, a final warning);</td>
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<td>c) Suspension with or without pay;</td>
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<td>d) Formal censure;</td>
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<td>e) Withholding of an increment;</td>
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<td>f) Demotion by one or more classification levels or increments;</td>
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<td></td>
<td>g) Transfer or redeployment to another position within the University;</td>
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<tr>
<td>Term</td>
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<td>h) Removal from Office while remaining an employee of the University;</td>
<td>i) termination of employment (except in cases of misconduct).</td>
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<td>Ethics:</td>
<td>The guiding values, principles and standards that enable people determine how things should be done and how they should act. Ethics refers to the judgements that people make and the process that determines those judgements. It is the process by which people make value based decisions which ultimately guides their actions and behaviours.</td>
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<td>Ethics Systems:</td>
<td>The policies, codes, management structures and processes an organisation devises to encourage appropriate behaviour, including values; codes of ethics/conduct, performance management and rewards systems, corporate governance systems including risk analysis, performance evaluation and reporting protocols, risk audits and fraud and corruption policies.</td>
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<tr>
<td>Gifts, Benefits and Hospitality</td>
<td>The term “gifts” should be used in its broadest context (for example, plaques, jewellery or an invitation to a corporate event).</td>
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<td></td>
<td>The University does not encourage the proffering of gifts in the workplace. However, subject to the University Conflict of Interest Procedure, a staff member may give or accept a gift that is offered as part of a social, cultural or ceremonial practice. If an acceptance of a gift in direct or indirect relation to performance of a member of the University community may be regarded as acceptance of inducement to act in a certain way, thereby creating a real or perceived conflict of interest, a member of the University community should not accept the gift. Does not include the receipt of:</td>
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<td>• standard promotional material distributed by an organisation, or business, free of charge, equally to all, where its primary purpose is to promote the organisation or business; or</td>
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<td>• a small gift or gesture of goodwill given solely in the spirit of a festive celebratory event that could not be reasonably deemed as a conflict of interest.</td>
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<td>Misconduct:</td>
<td>Misconduct means dereliction of duty or unacceptable behaviour. This includes:</td>
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<td>(as defined in the University Collective Agreement)</td>
<td>• conduct which is an impediment to the satisfactory performance of the work of the employee or other employees in the university;</td>
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<td>• failure to comply with a reasonable instruction given by a person in the line management of the employee;</td>
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<td>• behaviour that may be reasonably perceived as bullying, harassing, intimidating, overbearing or physically or emotionally threatening;</td>
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<td>• an action of the employee which is prejudicial to the health or safety of other employees, students or members of the public;</td>
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<td>• conduct of the employee that results in a conviction, sentence or other order imposed by a court which restricts the activities of an employee in a manner that constitutes an impediment to the employee carrying out their duties;</td>
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<td>Term</td>
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<td>Serious Misconduct:</td>
<td>Means misconduct of such a nature that it would be unreasonable to require the University to continue the employment of the employee, and is conduct of a kind which constitutes: 1. a recurrence or continuation of conduct which has been found to be misconduct on the part of the employee; and/or 2. serious misbehaviour, which may be a single occurrence, of a kind which constitutes:  • (a) a serious impediment to the carrying out of an employee’s duties, or to other employees carrying out their duties;  • (b) a serious risk to the safety of employees, students or visitors to the University;  • (c) a serious risk to University property;  • (d) dishonest behaviour in academic works, research and assessment;  • (e) a serious dereliction of duties; or,  • (f) a conviction by a court of an offence which constitutes a serious impediment to the carrying out of their duties.</td>
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<tr>
<td>Value</td>
<td>Description</td>
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<tr>
<td>Access</td>
<td>Creating equitable educational opportunities based on inclusiveness and diversity.</td>
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<tr>
<td>Respect</td>
<td>Respect for each other, our students and for the communities we serve.</td>
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<tr>
<td>Engagement</td>
<td>Build collaborative relationships of mutual benefit at the local, national and international level.</td>
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</table>

underpin the Code of Conduct.

Federation University Australia’s values guide how we behave towards our students, and the wider community. These principles are what we stand for and we will bring these principles to life in everything we do.

This Code of Conduct confirms that commitment and outlines the expectations of all staff members of the University and is designed to promote a culture of fair, respectful and ethical behaviour and to ensure the University meets its obligations under state and commonwealth legislation.

The Code will assist the University safeguard public trust and confidence in the integrity and professionalism of its staff by ensuring that all staff:

• maintain appropriate standards of conduct;
• exhibit fairness, impartiality, honesty and equity in decision making; and
• foster and protect the reputation of the University.

Staff can expect that members of the University Council and senior management will lead by example in actively promoting and complying with the Code.

All staff are expected to act with integrity, which includes being aware of and acting within the laws that apply to their conduct.

Essentially the Code is a public statement about how the University expects to be perceived and, ultimately, judged. All staff are required to comply with the Code.

a) Fair, Safe and Ethical Environment

An ethical environment relies upon individuals having responsibility for their own professional behaviour. The University has a responsibility to provide a safe, encouraging and supportive work environment that recognises and values staff diversity, abilities and contributions. All members of staff are entitled to be treated with respect and work in an environment free from discrimination, harassment, bullying, violence (or threats of violence) or vilification. Equally, staff have a responsibility to act with integrity, honesty, transparency and impartiality in their dealings with colleagues, students and members of the wider community.

Staff members are required to perform their duties in a safe and competent manner in accordance with relevant Occupational Health and Safety legislation and University policies and procedures. Staff must take care not to put themselves or other members of the University community at risk or reduce their ability to carry out their duties through unsafe practices, inappropriate behaviours or the misuse of alcohol or drugs. Every effort should be made to ensure that students (particularly those under 18 years of age) are safe and secure on campus or at external University functions or activities.

b) Personal and Professional Behaviour

Staff members are to perform any duties associated with their position diligently, impartially and conscientiously, to the best of their ability.

In the performance of their duties, staff members are to:
• Treat members of the public, students and other staff members with courtesy and sensitivity to their rights;
• Provide all necessary and appropriate assistance;
• Strive to keep up-to-date with advances and changes in the body of knowledge and the professional and ethical standards relevant to their area of expertise;
• Comply with any relevant legislative, industrial or administrative requirements, and all University rules, policies and procedures;
• Maintain adequate records to support any decisions made;
• Strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources;
• Conform with the University’s commitment to sustainability;
• Maintain the confidentiality of official information in accordance with the University’s Privacy Statement;
• Avoid undertaking any activity that could potentially compromise the performance of their duties; and
• Comply and adhere to this Code.

c) Equity, Diversity and Social Inclusion

Staff will be instrumental in creating a work and study environment where all members of the University community are able to participate fully, find a sense of belonging, and have opportunity to engage meaningfully with the broader community.

Staff will act to create a fair, respectful, inclusive and safe University environment, where diversity is valued and where unlawful discrimination, violence (or threats of violence), bullying, harassment and victimisation in any form are considered unacceptable.

Staff will seek to understand their rights and responsibilities in relation to State and Federal anti-discrimination legislation and integrate the principles of equality of opportunity, natural justice and inclusivity into their day-to-day practices and behaviours.

d) Conflict of Interest

The potential for a conflict of interest arises when a staff member has private interests that could influence or appear to influence judgements made during the course of their professional duty. Staff members must ensure that there are no real or apparent conflicts of interest with respect to:

• The misuse of influence to further personal, sexual and financial relationships, whether with other staff, students or members of the community;
• Making decisions and providing advice;
• External, private work including directorships and board memberships; and
• Use of confidential information.

Staff must not solicit gifts or benefits that might in any way compromise or influence them in their capacity as employees of the University. In accordance with the Conflict of Interest Policy and Procedure, a staff member may give or receive a gift which is offered as part of a social, cultural or ceremonial practice.

Should a staff member have a financial interest in a company that is in a position to influence a contract for business between that company and the University, this interest should be declared to their supervisor before acting for the University in matters with the company.

Where staff are working with family members or with persons with whom they develop a close personal relationships or such relationships exist with prospective staff they must be aware that this has the potential to create a conflict of interest if one staff member is:

• Involved in a decision relating to the selection, appointment or promotion of another;
• In a supervisory relationship to another and is responsible for employment related decisions. These decisions may include but are not limited to provision of opportunities and resource allocation for research, conferences and staff training and development, referee report or annual performance development review.

• A personal or family relationship between a staff member and a student for whom they have direct teaching or assessing responsibility will compromise the staff members obligation to assess all students fairly. Such responsibility may include but is not limited to supervision and/or assessment of students, selection of students for ad- mission, the awarding of medals or scholarships or the provision of referee reports.

In such cases the staff member must bring the matter to the attention of their supervisor and take immediate steps to resolve the conflict.

When conducting research, conflicts of interest may occur when a staff members responsibilities conflict with their private or personal interests which may raise questions of objectivity and/or improper gain. Staff members should advise their supervisor immediately. Most conflicts can be successfully resolved without impeding research activity.

Any staff member who is unsure if a conflict of interest exists must seek advice from a more senior member of staff.

In some cases, only the individual staff member will be aware of the potential for conflict of interest. If so, or if in doubt, the onus is on the staff member to declare any possible conflict to their supervisor in writing. Where there is a potential or real conflict of interest, staff must act in accordance with the Conflict of Interest Policy and Conflict of Interest Procedure.

Staff members found to be in breach of the Conflict of Interest Policy and Conflict of Interest Procedure may face disciplinary action.

e) Gifts, Benefits and Hospitality

Staff members have a responsibility to behave with integrity and impartiality. This includes responding appropriately to offers of gifts, benefits and hospitality, including when travelling overseas on University business.

Staff must not seek or accept gifts that could be reasonably perceived as influencing them, particularly from people or organisations about whom they are likely to make decisions involving:

• tender processes;
• procurement;
• enforcement;
• licensing;
• regulation;
• recruitment processes; or
• student enrolment/ University entry procedures.

Gifts of money may not be accepted in any circumstances. If a staff member is offered a bribe, the incident must be reported to the relevant manager immediately. If a staff member is unsure how to respond to an offer of a gift, benefit or hospitality, they should seek advice from their manager/supervisor.

The University’s Conflict of Interest Policy and Conflict of Interest Procedure, stipulates that a staff member may give or receive a gift that is offered as part of a social, cultural or ceremonial practice. Such gifts will remain the property of the University (not the individual staff member). If the gift could be construed as an inducement to act in a certain way, the staff member should not accept the gift.

f) Outside Activities, Employment and Private Practice

The University encourages staff to contribute and engage with the community by providing assistance to government, community agencies, the professions and industry through a range of activities including consulting
work, collaborative research and participation on committees. In undertaking these activities, staff must observe the following requirements:

- Staff members must have approval from their supervisor for activities undertaken during normal working hours and/or if these activities could conflict with their employment at the University;
- Outside activities must not involve the use of University resources without prior permission and reimbursement to the University where appropriate; and
- All consultancies must comply with the University Staff Consultancy Policy. Failure to comply will result in disciplinary action.

g) Intellectual/Academic Freedom

Academic freedom does not include a protected privilege to speak out on any matter, to deride or defame individuals, groups or the University or to ignore the policies or decisions that have been formally made within the University community, or those which the University is required to observe at law.

All staff members are encouraged to actively participate in professional and representative bodies. This may include employer/employee associations or bodies and engaging in community service.

h) Public Comment

Staff are encouraged to speak to the media about issues relating to their area of specialisation in teaching and/or research, as well as contribute to public debate about political and social issues. If commenting on matters outside of their discipline or area of professional expertise or on political or social issues staff may do so on their own behalf and must not claim such views represent the University. On matters of University policy or management decisions, only the Vice-Chancellor (or nominee) can speak on behalf of the University as its official spokesperson.

Staff should refer to the Media Guidelines and must advise the Manager, Public Relations or the Media Officer when planning to speak to the media.

i) Use of Social Media

Staff members must be mindful of their use of social media and ensure their interactions are respectful to the University and members of the University community and in accordance with University legislation, policies and procedures. Staff members are required to comply with the University's Social Media Guidelines and a breach of the Social Media Guidelines may result in disciplinary action.

j) Intellectual Property and Copyright

Staff members are required to comply with Statute and Regulation 8.2 Intellectual Property, the Copyright Procedure, Use of Computing and Communication Facilities Policy and Guidelines and relevant agreements in relation to Intellectual Property and Copyright.

k) Research

In the first instance, any cases of research misconduct or breaches as outlined in the Australian Code for the Responsible Conduct of Research will be dealt with under the Research Integrity Policy and the Research Integrity and Misconduct Procedure.

l) Confidential Information and Privacy

Students and staff are entitled to confidentiality and privacy with respect to information relating to them. Staff should ensure they are aware of the legal and ethical requirements relating to Information Privacy including the University’s Information Privacy Statement and the use of commercially sensitive and confidential information.

m) Records Management
The University is legally bound to adhere to proper records management practices and procedures. All documents that form part of the University’s public record must be placed on official files. Employees must not damage, dispose of, or in any other manner interfere with official documents or files. The destruction of records may only take place in accordance with a disposal and retention schedule that has been approved by the Victorian Public Records Office. For further information staff should refer to the Records Management Policy and associated guidelines.

n) University Resources

All members of the University are accountable for the efficient and effective use of funds and must only act within delegated authority and in accordance with the University’s Delegations – Contract, Financial, Staffing and Tender Policy. Staff are expected to maintain proper documentation and records of financial transactions, report instances of misuse or misappropriation of University funds, and not use University funds or credit cards for personal use or benefit. If there is any confusion about delegation or expenditure, staff should seek clarification from their supervisor.

All University facilities, equipment or vehicles must be used efficiently and in accordance with University policy. Staff must report damaged or defective equipment and facilities to the appropriate University officer and ensure that where the damage or defect is a danger to health and safety, action is taken to protect the staff member and others from danger.

All staff are required to observe University policies and procedures for the use of information technology, including the University’s Use of Computing and Communication Facilities Policy. Staff must not allow any unauthorised access to the University’s information systems.

Failure to comply will result in disciplinary action.

o) Demonstrating Leadership

University staff members should model their behaviour based on the University’s values and this Code of Conduct and at all times act in an ethical manner. Leadership is about positive influence, inspiring and empowering others.

Breaches/Complaints Provision

Any person, whether or not a member of the University, who on reasonable grounds believes that the University has breached this Policy may complain in writing to the Director, Human Resources (or nominee) specifying details of the alleged breach.

Breaches of the Code may result in disciplinary action. Complaints will be dealt with in accordance with relevant University policy and procedure.

Failure to behave in the ways described in the Code may lead to action under the University Collective Agreement-Academic and General Staff Employees, Managing Under Performance; Managing Unsatisfactory Performance; or Disciplinary Action for Misconduct/Serious Misconduct provisions, or action under the relevant policy, procedure or guidelines. Allegations of serious misconduct will be dealt with in accordance with University legislation.

Where breaches of this Code occur and the staff members employment conditions are affected by the Public Administration Act 2004, the Code of Conduct for the Victorian Public Sector will take precedence to the extent of any inconsistency.

Supporting Documents

- Bullying Prevention and Management Policy and Bullying Prevention and Management Procedure
- Code of Conduct for Victorian Public Sector Employees
Responsibility

Council is responsible for the review and on-going audit maintenance of the Code to ensure ensuring the Code reflects current good practice in ethical behaviour and complies with relevant legislation.

The Director, Human Resources is responsible for the on-going maintenance of the Code.

The Vice-Chancellor is responsible for the effective implementation of the Code.

All University Staff are responsible for complying with the Code.

Promulgation

The Staff Code of Conduct Policy will be communicated throughout the University via:

1. an Announcement Notice under ‘FedNews' on the ‘FedUni’ website and through the University Policy - ‘Recently Approved Documents’ webpage to alert the University-wide community of the approved Policy;
2. inclusion on the University's online Policy Library; and
3. distribution of e-mails to Deans/Executive Directors / Heads of School / University staff; and
4. documentation distribution, eg. posters, brochures.
5. inclusion in Online Corporate Induction and Academic Induction.

Implementation
The \textbf{Staff Code of Conduct Policy} will be implemented throughout the University via:

1. Announcements on FedNews
2. Information Sessions; and/or
3. Training Sessions; and/or
4. Corporate Induction information sessions for new staff members.