

Staff Code of Conduct

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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

Commonwealth Human Rights and Equal Opportunity Commission Act 1986

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 Racial Hatred Act 1995

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

Term	Definition
Academic freedom	<ul style="list-style-type: none">• The freedom of academic staff to teach, discuss, exhibit artistic works or public performances, research, as well as disseminate and publish the results of their research• The freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research• The freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled• The freedom of academic staff, without constraint imposed by reason of their employment by the university, to make lawful public comment on any issues in their personal capacities

	<ul style="list-style-type: none"> • The freedom of academic staff to participate in professional or representative academic bodies • The freedom of students to participate in student societies and associations
Conflict of Interest:	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.
Disciplinary Action:	<p>Measures taken by the University in relation to unsatisfactory performance, misconduct or serious misconduct and includes but is not limited to:</p> <ul style="list-style-type: none"> a) Formal counselling of an employee by an appropriate supervisor or internal or external counsellor; b) Giving an employee a written warning (including where appropriate, a final warning); c) Suspension with or without pay; d) Formal censure; e) Withholding of an increment; f) Demotion by one or more classification levels or increments; g) Transfer or redeployment to another position within the University; h) Removal from Office while remaining an employee of the University; i) termination of employment (except in cases of misconduct).
Ethics:	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.
Ethics Systems:	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.
Freedom of speech	The freedom of staff, students, and invited visitors to the University to express lawful opinions publicly, without undue restriction
Gifts, Benefits and Hospitality	<p>The term “gifts” should be used in its broadest context (for example, plaques, jewellery or an invitation to a corporate event).</p> <p>The University discourages the acceptance and/or proffering of gifts to and/or from the members of its community. See: Gifts, Benefits, Hospitality, Foods and Beverage Procedure and the Managing of Conflicts of Interest Procedure</p>

	<p>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.</p> <p>Does not include the receipt of:</p> <ul style="list-style-type: none"> • 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 • 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.
<p>Misconduct:</p> <p>(as defined in the University Collective Agreement)</p>	<p>Misconduct means dereliction of duty or unacceptable behaviour. This includes:</p> <ul style="list-style-type: none"> • conduct which is an impediment to the satisfactory performance of the work of the employee or other employees in the university; • failure to comply with a reasonable instruction given by a person in the line management of the employee; • behaviour that may be reasonably perceived as bullying, harassing, intimidating, overbearing or physically or emotionally threatening; • an action of the employee which is prejudicial to the health or safety of other employees, students or members of the public; • 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; • deceptive behaviour of a minor nature related to research, learning and teaching
<p>Serious Misconduct:</p> <p>(as defined in the University Collective Agreement)</p>	<p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.

	Serious misconduct, as defined by the University Collective Agreement 2015-2018 shall apply for TAFE teaching staff other than where that definition is inconsistent with the provisions of the Fair Work Act 2009.
Staff Member:	Any person who is an employee of the University. This includes full-time, part-time, sessional and casual staff.
Student:	Any person enrolled as a student of the University. This includes full-time, part-time, block-mode, distance education and students studying at Partner Provider locations.
Supervisor	A staff member who has designated responsibility for managing and/ or overseeing the performance and workplace behaviour of other workers.
Other Members of the University Community:	Members of Council; members of any board, committee or other body established by or constituted under the University Statutes and Regulations; Companions and Fellows of the University; members of the Professoriate; and Honorary, Visiting and Adjunct appointments and graduates.

Policy Statement

The University's principles of:

Value	Description
Excellence	Pursuit of excellence in education and research through the development of critical thinking, logic and reasoning.
Responsibility	Intellectual responsibility through ethical practice and effective stewardship of our resources and the environment.
Access	Creating equitable educational opportunities based on inclusiveness and diversity.
Respect	Respect for each other, our students and for the communities we serve.
Engagement	Build collaborative relationships of mutual benefit at the local, national and international level.

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 [Managing Conflicts of Interest 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 admission, 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 [Managing Conflicts of Interest Procedure](#).

Staff members found to be in breach of the [Managing Conflicts 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.

The principles relating to the acceptance and preferring of gifts and other benefits are set out in the Gifts, Benefits, Hospitality, Foods and Beverage Procedure and must be strictly adhered to. See also the Managing of Conflicts of Interest Procedure.

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 [Staff Consultancy Procedure](#) Failure to comply will result in disciplinary action.

g) Intellectual/Academic Freedom

The University will promote and protect academic freedom as defined in the Academic Freedom and Freedom of Speech Policy 2021 and definitions above.

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 Relations Guidelines and must consult the Communications Manager, Corporate Communications and Government Relations when planning to speak to the media.

The University will promote a culture of freedom of speech as defined in the Academic Freedom and Freedom of Speech Policy 2021 and definitions above.

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 Part 7 of the Federation University Australia Statute 2021, Part 4 of the Part 7 of the Federation University Australia (Operations) Regulations 2022, the Intellectual Property Policy, the Copyright Policy and the [Copyright and Takedown Procedure](#).

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 set out in the Information Privacy Policy including its Policy Statement 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, People and Culture (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

- Academic Freedom and Freedom of Speech Policy 2021
- Bullying Prevention and Management Policy and [Bullying Prevention and Management Procedure](#)
- Code of Conduct for Victorian Public Sector Employees
- Conflict of Interest Policy and Conflict of Interest Procedure
- Copyright Procedure
- [Delegations - Contract, Financial, Staffing and Tender Procedure](#)
- [Equal Opportunity and Valuing Diversity Guidelines](#)
- [University Collective Agreement](#) - Academic and General Staff Employees
- Fraud & Corruption Control Policy and [Fraud & Corruption Control Procedure](#)
- [Gifts, Benefits, Hospitality, Food and Beverages Procedure](#)
- Harassment Complaint Procedure
- Information Privacy Policy and [Information Privacy Procedure](#)
- Information Privacy Statement - Collection, Use and Disclosure of Personal Information
- Managing Under Performance and Misconduct for Casual Employees
- Managing Unsatisfactory Performance of TAFE Teachers
- Media Relations Guidelines
- Records Management Policy and [Records Management Procedure](#)
- Responsible Conduct of Research Policy and Responsible Conduct of Research Procedure
- Staff Consultancy Policy and [Staff Consultancy Procedure](#)
- Staff Grievance Policy and [Staff Grievance Procedure](#)
- Social Media Guidelines
- Use of Computing and Communications Facilities Procedure
- University of Ballarat Act Regulation 8.2
- Victorian TAFE Teachers Multi-business Agreement 2009

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, People and Culture 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 [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.