



# Policy: Code of conduct

## Purpose

To outline the policy framework for identifying and resolving issues of ethical conduct of staff and visitors.

## Overview

Policy outlining the principles that apply to the conduct of all staff and individuals who enter into a relationship with the University.

## Scope

This Policy applies across the University.

## Policy statement

### Principles

1. The Code of Conduct (the Code) applies to all staff members and to all individuals who enter into particular relationships with the University for a specified time period or time periods, for example members of Council and other University committees, visiting fellows, adjunct appointees, contractors, visitors and volunteers (referred to as 'staff' for the purposes of the Code). The Code provides a broad framework for the identification and resolution of issues concerning the conduct of staff.
2. It is intended to guide staff in their dealings with colleagues, students, the University and the local, national and international communities.
3. It does not address all possible situations that may arise in employment with the University but provides a set of principles that guide staff on acceptable and unacceptable behaviour.
4. The Code stands beside but does not exclude or replace the rights and obligations of staff under common and statute law and is not intended to inhibit academic freedom.

### Academic freedom

5. The University recognises the concept and practice of academic freedom as central to the proper conduct of teaching, research and scholarship.

6. Academic and professional staff are expected to use this freedom in a manner that is consistent with a responsible and honest search for knowledge and its dissemination.

7. Academic freedom does not extend to behaviour that is harassing, disruptive and intimidating or that interferes with the academic or work performance or freedom of others.

### **Protection from liability**

8. The University will indemnify its staff against liabilities incurred by them while carrying out their duties in good faith for the University.

9. The University will stand behind its staff and meet the costs of actions that might be taken against them personally as though the action had been taken against the University, provided that the staff member concerned was acting in good faith.

### **University responsibilities**

10. The University is responsible to staff, students and the community to ensure that it fulfils its obligations under all applicable laws and recognises that it is through staff and students that educational, research and organisational goals and objectives are achieved.

11. The University strives to protect the health and welfare of its people by providing an environment which is safe and free from discrimination and harassment and one which enables both staff members and students to balance their University life with their family responsibilities and outside activities.

### **Responsibilities of staff**

12. Responsibilities under the Code fall into four categories:

- \* respect for the law and University governance;
- \* fair treatment of people;
- \* personal and professional behaviour; and
- \* exercising care and diligence in employment.

### **Respect for the law and University governance**

13. All staff have an obligation to observe and comply with relevant State, Territory and Commonwealth law.

14. They are also required to act in accordance with University goals, policies and procedures and to respond positively to any lawful and reasonable directions given by persons who are authorised to give such directions.

15. They should also uphold the good name of the University and exercise judgement in the best interests of the University.

16. This obligation does not detract from the notion of academic freedom where members of the University examine social values and criticise and challenge societal beliefs in the honest search for knowledge and its dissemination.

17. In meeting this obligation, staff should be aware of:

- \* the University's goals, policies and procedures;
- \* laws, regulations and Industrial Awards and Agreements relevant to University employment;
- \* administrative and legal measures that are designed to enhance the accountability of the University and its staff; and
- \* conditions of access to the University's communication facilities, including email (see [Acceptable use of information technology policy](#)).

18. All officials of the University (which include staff, officers, employees and members of the University) must comply with the general duties of officials specified in the [Public Governance, Performance & Accountability Act 2013 \(Cth\)](#).

### **Duty of care and diligence**

19. An official must exercise their powers, perform their functions and discharge their duties with a degree of care and diligence that a reasonable person would exercise in the same position.

### **Duty to act in good faith and for proper purpose**

20. An official of the University must exercise their powers, perform their functions and discharge their duties in good faith and for proper purpose.

### **Duty in relation to use of position**

21. An official of the University must not improperly use their position to gain an advantage for themselves or any other person; or cause detriment to the University, the Commonwealth or any other person.

### **Duty in relation to use of information**

22. A person who obtains information because they are an official of the University must not improperly use the information to gain an advantage for themselves or any other person; or cause detriment to the University, the Commonwealth or any other person.

## **Duty to disclose interests**

23. An official of the University who has a material personal interest that relates to the affairs of the University must disclose details of the interest.

## **Respect and fair treatment of people**

24. This obligation covers the conduct of staff in their dealings with others including students, staff of the University and members of the community.

25. All staff are required to:

- \* treat other staff and students with respect;
- \* treat other staff and students with courtesy, fairness and equity;
- \* engage in conduct that is respectful of differences and not discriminate on the basis of sex, race, sexuality, disability, cultural background, religion, marital status, age, union affiliation, political conviction or family responsibilities;
- \* avoid behaviour that may be reasonably perceived as harassing, intimidating, overbearing, bullying or physically or emotionally threatening (see [Prevention of discrimination harassment and bullying procedure](#), [Working safely away from campus](#));
- \* refrain from acting in a way that would unfairly harm the reputation and career prospects of other staff or students;
- \* be responsive, courteous and prompt in dealing with other staff, students and members of the community;
- \* refrain from insulting the personal beliefs of other staff and students and respect their legitimate right to practice their beliefs; and
- \* recognise that increased obligations apply when dealing with minors, including obligations to protect minors from harassment, discrimination and abuse (see [Child protection policy](#) and [procedure](#)).

## **Personal and professional behaviour**

26. Staff are placed in a position of trust and are expected to be honest in carrying out their duties.

27. This trust is placed at risk when the staff fail to recognise and avoid:

- \* conflicts between their private interests and University responsibilities, and
- \* situations where there is a reasonable basis for the perception of such a conflict (see [Conflict of interest and commitment policy](#)).

28. Situations that may give rise to conflict of interest include:
- \* financial interest in matters the University deals with - University staff may find themselves in a position in which fulfilment of their functions and duties may confer material benefits to themselves, their families, relatives or close associates;
  - \* personal relationships with students - staff should avoid and must disclose to the University any situations which may require them to supervise or assess a student with whom they have or have had a personal, commercial, familial or other significant relationship;
  - \* personal relationships with other staff – staff should avoid and must disclose to the University any situations which may require them to supervise another member of staff with whom they have or have had a personal, commercial, familial or other significant relationship. It is also expected that staff will disclose to the University any personal relationships with current or prospective staff which may give rise to a conflict of interest;
  - \* personal relationships with people the University is dealing with e.g. contractors or tenderers;
  - \* nominating for and contesting political elections (see [Political elections policy](#));
  - \* secondary employment that compromises the integrity of the University. (i.e. outside work must not be accepted where it may cause a conflict between the staff's private interests and duties to the University); (see [Outside work for professional staff policy](#), and [Paid outside work policy](#)).
29. Staff should ensure that when expressing any views outside their field of expertise, that these views are not attributed to the University.

30. Staff should discourage the receipt of any gift or benefit in connection with the performance of their duties (apart from in an official capacity). If individual staff are presented with a gift or benefit in connection with the performance of their duties in an official capacity, such gifts belong to the University. These gifts or benefits should be declared to their supervisor. If the value of the gift is equal to or less than \$299 and the gift has no obvious inscription/indication that it is a presentation to the University, the Delegate may re-gift the gift to the individual. The combined value of such gifts should not exceed \$299 within a fringe benefit tax year (otherwise fringe benefit liability will be incurred).

### **Exercising care and diligence in employment**

31. Staff are expected to carry out their duties honestly, responsibly and impartially to the best of their ability.

32. For example, all staff should:

- \* carry out their duties in a professional, responsible and conscientious manner;
- \* carry out official directions and policies in a faithful, impartial and transparent manner;
- \* ensure decisions can be seen to be reasonable, fair and appropriate to the circumstances based on consideration of all the relevant facts and supported by adequate documentation;
- \* report genuinely suspected or known fraud or corrupt conduct to appropriate University staff/authorities through the appropriate channels (see [Public interest disclosure policy](#) and [Fraud control procedure](#));
- \* refrain from any conduct including alcohol or substance abuse or misuse, which could adversely affect personal work performance or the safety and well-being of others;
- \* take reasonable steps to ensure adequate protection of all confidential information;
- \* take reasonable steps to ensure compliance with intellectual property policy (see [Intellectual property policy](#));
- \* maintain as appropriate the confidentiality of University dealings when interacting with outside organisations and others within the University;
- \* ensure that any official University information is not used, without University authorisation, in order to gain a financial or other benefit for themselves or any other person or group;
- \* be aware that occasional use University resources, such as a telephone call for private purposes is permitted, and endeavour to ensure that such use is kept to a minimum. In some instances, authorisation by the relevant Research School Director, College Dean, Head of Service Division or Head of University Centre for the personal use of University resources may be granted;
- \* give due credit to the contributions of other staff and students;
- \* assess any student's work fairly, objectively and consistently in any particular subject/course;
- \* maintain adequate security over University property, facilities and resources and information;
- \* ensure that University resources are managed effectively, efficiently and for their specified purpose;
- \* ensure that resources are used in a manner which does not harm the environment;  
and

- \* ensure their research activities conform to the University's policies (see [Responsible conduct of research policy](#) and [Code of research conduct policy](#)).

### **Process for determining whether a breach of the Code has occurred**

33. An essential part of a safe and fair work and study environment is to ensure that individuals with concerns are encouraged to come forward in the knowledge that the University will:

- \* consider and, if appropriate, investigate allegations of behaviour that may breach the Code or other University policies;
- \* take all reasonable steps to provide protection for staff who make disclosures in good faith regarding conduct that is inconsistent with the Code (see [Public interest disclosure policy](#)); and
- \* follow the appropriate procedures depending on the issues raised.

34. Not all issues will be dealt with under the procedure detailed below. Some, for example those covering harassment and discrimination concerns, are dealt with by the processes outlined in the [Staff grievance resolution](#) and [Student complaint resolution](#) policies and procedures.

### **Resolving issues of concern under the Code of conduct**

35. It should be noted that minor or isolated breaches of the Code may not warrant action but, as part of a pattern of behaviour, may be viewed more seriously.

36. As a general principle, and wherever it is possible to do so, staff should attempt to resolve an issue at the local level. This may involve a staff discussing the matter directly with their immediate supervisor. If the matter is not able to be resolved at that level, or if the matter directly concerns the supervisor, discussions should be held with their supervisor's supervisor. Staff may also seek advice from the Human Resources Division, the University Employee Assistance Program, or their relevant staff representative.

37. The relevant supervisor will assess the issue to determine the most appropriate course of action to follow, which could involve referring the matter directly to the Deputy Vice-Chancellor. If the matter is related to work performance or employment conditions, the supervisor will follow the relevant procedures (see the [Unsatisfactory performance and misconduct policy](#), [Managing unsatisfactory performance procedure](#) and the [Managing misconduct, serious misconduct and suspension procedure](#)).

38. Record keeping: Notes should be taken at all stages of the resolution process, including where staff raise a concern under the Code and the supervisor intervenes to resolve it without otherwise formally managing the concern. Records or notes of the

supervisor, local manager, Deputy Vice Chancellor (DVC) or Director - Human Resources (DHR) and copies of relevant communication during the resolution process should be stored on a confidential University file.

## **Examples**

### *Respect for the law and University governance*

- \* A staff member attends a work-related conference. Staff from other universities and businesses are also at the conference. The staff member has issues with the University and other staff members that he/she works with. It is expected the staff member will not defame the University to others at the conference, but will uphold the good name and reputation of the University.
- \* A staff member has been instructed by his/her supervisor not to smoke on campus. The expectation is that the staff member will comply with the direction given by the supervisor, in line with the University's [Smoke-free policy](#).
- \* A staff member is responsible for counting money and placing it in the safe at night. It is expected that the staff member will exercise due care and responsibility and will observe University policy and procedures when undertaking this task.
- \* A staff member has been supplied with University equipment for the purpose of enabling them to complete their duties. The staff member also studies part-time and wishes to use this University equipment on the weekend to complete a class presentation. It is expected that the property will not be removed without authorisation from the appropriate delegate/supervisor.
- \* A staff member wishes to make a tax-deductible donation to the University. In order to be tax-deductible, the donation must be unsolicited and may not provide any benefit to the donor. The donor may request that funds be used for specified purposes, and the University, whilst being under no obligation, may take into account the wish of the donor. University policy further requires that tax-deductible donations cannot be paid into a Special Purpose Fund controlled directly or indirectly by the donor. These requirements only apply if the donor wishes to secure the tax-deductibility status of the donation.

### *Fair treatment of people*

- \* An individual asks another staff member for advice on a certain issue, but is dissatisfied with the answer given. It is expected that both staff members will continue to be polite and courteous to each other whilst seeking to resolve the matter.



- \* A supervisor receives details about a course. It is expected that the supervisor will not deny opportunities unreasonably for training and development to any staff member and that in making the decision, the supervisor will consider the needs of all staff members within the work area.
- \* A staff member is teaching a class of students from diverse backgrounds. One of these students is causing problems in the lecture. It is expected that the staff member will not make derogatory, racist comments about that student to the class. All students, regardless of their race, will be treated with respect.
- \* A staff member takes a phone message for a fellow worker. The two staff members do not have an amicable relationship. It is expected that the staff member who takes the message will pass it on and not deliberately withhold information in order to affect the other staff member's work negatively.
- \* A staff member has been working on group project and is the group representative/leader. The supervisor is particularly impressed with a certain aspect of the project and calls the staff member in to tell him/her that. The staff member did not contribute to this aspect of the project. It is expected that the staff member will not take credit for the work done by another staff member.
- \* A staff member approaches the Library service staff with a late fine or the Parking Office with a query regarding a parking infringement notice. After having the University policy explained in the correct manner, the staff member becomes verbally abusive to the counter staff. All staff members should recognise that office staff are not responsible for the policies and are simply carrying out their duties as required by the University. Staff members who abuse or intimidate fellow staff members in this situation are breaching their obligation under the Code. Where there is an objection to University policy, or a desire to dispute the late fine or parking infringement, the staff member should pursue this through the normal administrative processes.

### *Personal and professional behaviour*

- \* A staff member has a financial interest in a company from which the University purchases equipment or services. The staff member has an obligation to disclose this relationship if they are in a position to influence contracts for business between that company and the University.
- \* A staff member is teaching a student with whom they have a close personal relationship. It is expected that the staff member will declare the conflict of interest and request that another colleague supervise or assess the student (see [Working](#)

[safely away from campus](#), [Prevention of discrimination, harassment and bullying procedure](#), and [Conflict of interest and commitment policy](#)).

- \* A staff member is on a selection panel for a newly created position and has a personal relationship with one of the candidates. It is expected that the staff member will disclose to the University any personal relationships with a current or prospective staff member that may give rise to a conflict of interest.
- \* A staff member regularly has contact with a supplier of goods to the University as part of his/her responsibilities. On one occasion, the supplier offers the staff member tickets to the final of a major sporting event. It is expected the staff member will discuss this offer with their supervisor, as the receipt of the tickets may be perceived as an inducement to act in a certain way. This is particularly the case if negotiations for tender or contract are in progress in this area. A staff member may accept an occasional gift of nominal value.
- \* An academic staff member is asked to perform outside consultancy work in his/her area of expertise, for which they will be paid a fee. It is expected that the staff member will declare this work and that it will be undertaken within the University's policy on applying for and accepting research grants, contracts and consultancies (see [Paid outside work policy](#)).
- \* Two lecturers working in the same college are known to have differing intellectual viewpoints on certain issues. It is expected that the lecturers will not openly criticise and attack each other.
- \* A staff member suspects that another staff member is stealing money or goods from the University. The staff member is expected to report genuinely suspected or known fraud or corrupt conduct to appropriate University delegates through the correct procedures (see [Public interest disclosure policy](#)).

### *Exercise care and diligence in employment*

- \* In the course of their duties, a staff member is entrusted with personal information. The staff member concerned has a duty to maintain the confidentiality of personal and official information. All staff and students have the right to expect confidentiality and privacy with respect to personal information. For example:
- \* A person claiming to be a close friend or relative of a student asks a staff member for the student's current address which they claim to have lost. It is expected that this information would not be given without the permission of the student. The staff member could offer to pass on a message to the student from the enquirer (see [Privacy policy](#)).

- \* A list of students and their assessment results is put on the file of each listed student. It is expected that the names of all those except the file subject will be blanked out, as students may at some stage have access to their own file and should not see details of others (see [Privacy policy](#)).
- \* A staff member is given a University mobile phone to use for official University business. It is expected that the staff member will reimburse the University for any personal calls should they be requested to do so. The same would apply for fixed telephone usage.
- \* A staff member works in a scientific lab at the University. On one occasion the staff member turns up to work, apparently affected by alcohol. It is expected that the supervisor will not allow the staff member to stay at work and affect their own health and safety or that of others.
- \* A staff member is alleged to have bullied another staff member. It is expected that those investigating the allegations will provide the staff member against whom allegations have been made an opportunity to respond to the allegations, and will follow the correct procedures and will make any recommendations and decisions without bias (see [Staff grievance resolution procedure](#)).
- \* A student requests information regarding a course or enrolment procedures. The staff member answering the request should ensure that any information provided is accurate, complete and timely.
- \* A staff member coaches a sporting team in their spare time. Each member of the team is provided with a copy of the season draw and rule book. It is expected that the staff member will not use the work photocopier in order to make multiple copies of the draw and rule book.

## Document information

Title	Code of conduct
Document Type	Policy
Document Number	ANUP_000388
Version	
Purpose	The Australian National University Code of Conduct is a guide to identify and resolve issues of ethical conduct.
Audience	Staff, Prospective Staff, Students, Prospective Students
Category	Administrative
Topic	Staff
Subtopic	Conduct
Effective Date	1 Apr 2019
Review Date	30 Jun 2024
Responsible Officer	Chief People Officer
Approved By	Vice-Chancellor (eo.vc@anu.edu.au)
Contact Area	People and Culture Division (cpo@anu.edu.au)
Authority	The Australian National University Enterprise Agreement 2023-2026 Public Governance, Performance and Accountability Act 2013 Public Interest Disclosure Act 2013 091020230311
Printed On	14 Jan 2025

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