

**Policy Title: Staff Code of Conduct**

**Policy Owner: Director, Human Resources Service Centre**

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**Policy Code: PL159**

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**1. INTENT**

This Code of Conduct is aligned to the University's values of Integrity, Respect, Rational Inquiry and Personal Excellence, and provides a framework for appropriate behaviour for all Edith Cowan University staff. It is not intended to cover all issues that may arise, but rather to provide a framework within which staff can consider issues as they arise and make informed decisions reasonably expected to demonstrate understanding of and commitment to the University's values and align with the University's cultural, behavioural and professional expectations.

This Code establishes a standard by which staff and management:

- a. conduct themselves towards other staff or colleagues, staff representatives, the student body and their representatives, government authorities and the general community;
- b. perform their duties and obligations to the University;
- c. fulfil the purpose, goals and objectives of the University; and
- d. practice fairness and equity.

**2. ORGANISATIONAL SCOPE**

This policy applies to all Edith Cowan University staff.

**3. DEFINITIONS**

TERM	DEFINITION
<b>Coercive</b>	Using force or improper threats or intimidation to persuade someone to do something they are unwilling to do.

<b>Close Personal Relationships</b>	A close personal relationship may involve a friendship, immediate family member or household member, partner, cultural family relationship or financial dependent.
<b>Conflicts of interest</b>	Assessed in terms of the likelihood that staff possessing an interest of some form could be influenced, or might appear to be influenced, in the performance of their duties.
<b>Exploitive</b>	Making use of a situation or treating others unfairly in order to gain a personal advantage or benefit.
<b>Immediate Family Member or Household Member</b>	<ul style="list-style-type: none"> <li>• An immediate relative by blood, marriage, adoption, fostering, traditional kinship (including guardian, ward of the state, grandparent, foster grandparent, step grandparent and in-law relative); or</li> <li>• A person who stands in a bona fide domestic or household relationship with the employee including situations in which there is implied some dependency or support role for the employee, including same gender relationships; or</li> <li>• A person who, due to cultural or religious beliefs is considered a member of the employee's family.</li> </ul>
<b>Intimate Personal Relationship</b>	An intimate personal relationship is a relationship which goes beyond the bounds of a platonic or working relationship, regardless of gender. For example, dating, romantic, sexual etc. which is consensual.
<b>Personal information</b>	Information about an identified or identifiable individual that is not available in the public domain.
<b>Public comment</b>	Includes public speaking engagements, expressing views in letters to newspapers, journals, or notices, and comments on radio, television, social media platforms or in other public forums for mass communication where it might be expected that the publication or circulation of the comment will spread to the community at large.
<b>Record</b>	Recorded information in any form, including data in computer systems, created or received by any staff member of the University in the course of his/her duties.
<b>Records management</b>	The control and management of records to meet business, legal, fiscal and administrative requirements. It is a business imperative, a corporate responsibility and a critical function performed through the collective actions of individuals.
<b>Staff</b>	For the purpose of this document 'staff' includes all people holding ongoing, fixed term and casual

positions with the University, adjuncts and honorary/joint appointments.

## **4. POLICY CONTENT**

### **4.1 General Principles**

- a. The Code of Conduct is established on the following organisational values: Integrity, Personal Excellence, Respect and Rational Inquiry.
- b. The successful development of an ethical environment relies on individuals being responsible for their own professional behaviour within the provisions of this Code, policies of the University, and obligations within relevant legislation.
- c. Where there is doubt as to the application of the Code, or the appropriate course of action to be adopted, staff affected should discuss the matter with their line manager.
- d. The University expects staff to be diligent, impartial, courteous, conscientious and respectful in the performance of their duties and obligations to the University, students and the community.
- e. In dealing with other staff, students and the community, staff should be guided by the University's purpose to transform lives and enrich society through education and research.
- f. When using any authorised powers, staff should ensure that they take all relevant factors into consideration and have regard to the merits of each case.
- g. Staff who are required to investigate complaints against other staff or students, or issues affecting staff or students, are expected to act consistently, promptly, and fairly. There is an obligation to maintain the principles of Procedural fairness in dealing with issues relating to any investigation.
- h. As far as reasonable and practicable the University will not intentionally, or without due cause, involve itself in the private lives of staff and students. The University will only intervene or involve itself in the private lives of staff and students where it is reasonably believed the University has a duty of care to act to protect the safety and wellbeing of the University Community, there is a legal justification to do so, or it is in the University's best interests to do so.

### **4.2 Use of University Facilities and Equipment**

- a. Staff should take all possible care in the use of University property, goods, services and information and ensure they are used efficiently, carefully and honestly.
- b. University resources are primarily provided for educational, research, professional and business purposes. Private use must be kept to a level that is reasonably believed to be a minimum, and not in any way impact or impede the

primary reason for which the resource was provided. This includes not using resources in a way that results in an expense to the University.

#### **4.3 Privacy and Use of Personal and Official Information**

- a. Staff have an obligation to ensure that personal information concerning students or staff is secured against loss, misuse or unauthorised access, modification or disclosure.
- b. Staff have a duty to maintain the confidentiality, integrity and security of official information for which they are responsible in accordance with University policies and their associated operational documents including the Privacy policy, Acceptable Use of Information Systems policy and the Information Technology policy.

#### **4.4 Records Management**

- a. Staff need to be aware of their record keeping responsibilities and are reminded there is a legal requirement to adhere to proper records management practices and procedures.
- b. All staff must ensure that documents which form part of the University's public record are not placed in unofficial or private filing systems. All such documents are to be placed on official files.
- c. Staff must not remove or delete documents from official files. They are controlled records, and must be complete, up-to-date and capable of providing organisational accountability when officially scrutinised.
- d. Staff members 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 the University's Records Management policy.

#### **4.5 Information Technology**

- a. Staff must use the authorised information systems or parts of the authorised system only for the purpose for which the authorisation was given.
- b. Staff who have access to an information systems or part of an information system, will not allow any unauthorised person access to that system for any reason.
- c. Staff must not access information which they are not authorised to access or use and must not allow any other person access for any reason.
- d. Staff must take all reasonable precautions, including password maintenance and file protection measures to prevent unauthorised access.
- e. Staff have an obligation to maintain the security and confidentiality of the information systems over which they have responsibility or control and that are owned, leased or used under licence or by agreement by the University.

#### **4.6 Conflicts of Interest**

- a.** The University recognises that identifying, disclosing and managing conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes. The University also recognises that conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided.
- b.** Conflicts of Interest include situations or actions which will, may or can reasonably be perceived to enable a staff member to:
  - i. Use their position with the University to their personal advantage;
  - ii. Engage in activities that either directly or indirectly generate profit to a competitor, including when equity such as shares are held and helping a competitor to increase their profit will result in personal gain;
  - iii. Use the resources of the University to support an external business; or
  - iv. Act in a way that may compromise the University's legal, reputational or professional standing.
- c.** In general, staff are required to refrain from letting personal and/or financial interests and external activities come into opposition with the University's vision, purpose or values.
- d.** Conflicts of interest are not wrong in themselves, cannot always be avoided, and the potential for a conflict of interest exists in all aspects of University operations, including research, teaching, assessment, staffing, administration, and commercial activity. It is important that staff act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in the University.
- e.** Responsibility for identifying and disclosing a real, perceived or potential Conflict of Interest rests with the individual staff member. Where doubt exists as to whether a conflict exists, the individual staff member is responsible for seeking advice and guidance from their line manager.
- f.** Where it is reasonably believed a conflict of interest has been deliberately concealed action may be taken in accordance with the relevant Industrial Instrument.

#### **4.7 Acceptance of Gifts**

- a.** Staff must not accept a gift from any person or organisation within or outside the University if the intent of the gift is to induce the staff member to waive or lessen academic or professional standards or requirements or to extend a financial or other benefit to a person or organisation to the detriment of the University's interests.
- b.** A staff member should not accept a gift or benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause that person to:
  - i. perform their job in a particular way, which the person would not normally do, or
  - ii. deviate from the proper or usual course of duty.

- c. In accordance with University's Acceptance of Gifts Policy staff may accept token gifts or benefits, provided there is no possibility that the staff member might be, or might be perceived to be, compromised in the process. Gifts of a nominal value generally used for promotional purposes by the donor, or moderate acts of hospitality may be accepted by staff. As a general rule gifts valued at \$100 or less would be considered nominal.
- d. The onus is on a staff member to lodge a declaration in accordance with the Acceptance of Gifts Policy and submit this information in accordance with all the requirements of the Policy, including prescribed timeframes.
- e. Staff must not take advantage or seek to take advantage of their University position to obtain a benefit, either for themselves or for someone else.

#### **4.8 Influence to Secure Advantage**

- a. No staff member will elicit the improper influence or interest of any person to obtain promotion, transfer or other advantage.

#### **4.9 Public Comment and Use of Official Information**

- a. As members of the community, staff will, from time to time, contribute to public debate on political and social issues. All public comment or media interaction must be carried out in accordance with the ECU Media and Social Media Policies.
- b. There are some circumstances in which public comment is inappropriate, especially where staff are privy to University information and/or University resources of a restricted nature. Where use of University information and/or University resources may compromise the position of the University or infringe on the privacy of members of the University no public comment should be made.
- c. Use of University information and/or University resources, including University name and logo, other than to discharge the staff member's official duties requires the written approval of the Vice-Chancellor or an authorised officer.
- d. Staff members commenting publicly in a professional or expert capacity may identify themselves using their University appointment or qualifications and must indicate that their opinions should not be regarded as representing the views of the University. The University expects that staff will maintain professional standards when they associate themselves with its name in public statements and/or forums.
- e. Only persons authorised by the Vice-Chancellor or their nominee may make public statements on behalf of the University.
- f. Staff members may disclose official information, with due regard to confidentiality, in order that:
  - i. colleagues may discharge their official duties;
  - ii. students may be able to meet the academic and administrative requirements of their study programme; or
  - iii. reporting requirements to government bodies are met.

- g.** A staff member should disclose confidential or restricted information or documents acquired in the course of their employment only when required to do so by law, in the course of their duty, when called to give evidence in court, or when proper authority has been given. Approval to release confidential information on staff should be sought from the Director, Human Resources Services Centre. Approval to release confidential information on students should be sought from the Director, Student Life.
- h.** In circumstances where staff are requested to provide information they should provide it in a timely and accurate manner and which complies with the principles of Freedom of Information, confidentiality, and the rights of the individual.
- i.** Staff acting in honorary capacities may be asked by third parties to make comment on University policy or procedure and in such cases, staff should confine comments to factual information.
- j.** Staff using social media platforms are personally responsible for the comments and content they make. Staff should be mindful of what they post, and consider when making such comments the personal implications, privacy issues and possible consequences, as posts can be viewed and located anywhere and may remain available forever.
- k.** Staff must refer to the University's Media and Social Media policies, for advice and guidance in matters relating to public comment and use of social media. Where appropriate it may be necessary for staff to obtain University approval prior to participating in public comment activities.

#### **4.10 Close Personal Relationships**

- a.** The University is aware that situations may occur where staff are working with family members or with persons with whom they have close personal relationships. Where such relationships exist between staff, with prospective staff or with students, there may be situations where there is potential for conflict of interest.
- b.** Staff whose role requires them to engage with a student with whom they have a close personal relationship must treat this as a Conflict of Interest and ensure it is formally reported to allow for consideration of the situation and appropriate action as required.
- c.** Staff must not be involved in employment related decisions or in decisions related to appointment, selection, granting of tenure, performance appraisal, promotion, academic progress, transfer or termination of any person with whom they have, or have had, a close personal relationship.
- d.** The existence of a close personal relationship does not constitute a bar to appointment, selection, granting of tenure, performance appraisal, promotion, academic progress, transfer or termination of a person.

#### **4.11 Intimate Relationships Between Staff and Students**

- a. Staff hold a position of trust and power relative to students. Staff must maintain professional boundaries, protect the interests of students and avoid real or perceived power differentials and conflicts of interest.
- b. Staff must not pursue an intimate personal relationship with a student whilst involved in a role that requires them to interact and engage with that student. Equally, staff are required to protect and enforce these boundaries and respectfully reject and report to a line manager any advances made to them by a student.
- c. Relationships that could reasonably be suspected to be coercive or exploitive will not be tolerated.
- d. Where staff and students do not have a requirement to engage or interact with each other as a formal aspect of their role with the University, and should an intimate personal relationship exist, develop or end, consideration must be given as to whether a real, potential or perceived Conflict of Interest exists and, if it is reasonably suspected to exist, it must be reported using the appropriate channels.

#### **4.12 Personal Safety and students**

- a. Staff should not accept workplace abuse or harassment. If a staff member is abused or harassed by a student or other person, the staff member should report the circumstances to their Line Manager or Executive Dean, and the Line Manager or the Executive Dean will take appropriate action to stop the abuse or harassment, which for a student may involve invoking Statute No. 22.
- b. Staff must not share personal information such as their home address or use their personal devices, internet and accounts, including Social Media, messaging applications, personal mobile phones or other tools designed to support private communication between parties, to initiate or continue contact, that could reasonably be perceived to be of an exploitative, coercive or intimate personal nature, with a student.

#### **4.13 Personal and Professional Behaviour**

- a. Staff must perform the duties associated with their position to the best of their ability diligently, impartially and conscientiously. In the performance of their duties, staff are required to act lawfully and to:
  - i. comply with legislative and industrial obligations and administrative policies, including ethical or compulsory codes of conduct or practice;
  - ii. fulfil their Equal Employment Opportunity and Workplace Safety and Health obligations;
  - iii. strive to keep up to date with advances and changes in the knowledge of their discipline and the professional and ethical standards relevant to their areas and expertise;
  - iv. maintain adequate documents to support decisions made;
  - v. treat all persons with courtesy and sensitivity to their rights and provide all necessary and appropriate assistance;
  - vi. strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources;



- vii. not take or seek to take improper advantage of any official information gained in the course of University employment;
- viii. not harass, discriminate, victimise or condone other unlawful and inappropriate behaviours in theirs or others work practices or in the provision of education on the grounds of sex, pregnancy, race (including colour, ethnic background or national identity), marital status, disability, sexual preference, political or religious belief, or age;
- ix. not ignore or overlook unethical behaviours or actions which do not align with the University's values and take action, such as seeking advice from an HR Business Partner or using one of the University provided reporting channels;
- x. continuously improve work performance. All staff should actively pursue quality improvements; and
- xi. not make disparaging remarks about other staff members.

#### **4.14 Alcohol or Substance Abuse or Misuse**

- a. The University expects that staff will carry out their duties safely and refrain from any conduct including, alcohol or substance abuse or misuse, that would adversely affect their performance, in accordance with the Alcohol and other Drugs Management Policy.
- b. Staff must also ensure that the health and safety of other staff members and students is not endangered by such misuse. The University expects its staff to perform their job with skill, care and diligence. Staff members should not perform any act or omission that is likely to have a detrimental effect on their work performance and that of other staff members and students. Accordingly, staff should not be under the influence of alcohol or other substances while they are at work or delivering a core function of their role, be that after-hours and/or at work related events and activities. Staff must at all times be sufficiently capable of carrying out their duties safely and properly, and conducting themselves in a manner which aligns with the University's values and reflects positively on the University.

#### **4.15 Secondary Employment**

- a. The University will not restrain the activities of staff performing work outside of their normal ECU duties provided staff obligations to the University are not undermined or compromised.
- b. Staff may only engage in secondary employment after declaring any actual, potential or perceived conflicts of interest in accordance with the University's Conflicts of Interest policy, including satisfying the University the secondary employment will not:
  - i. place them in conflict with their official duties, or could lead to the perception that they have placed themselves in conflict with their University duties;
  - ii. affect their efficiency in the performance of their University duties; or
  - iii. involve the use of University resources for private purpose without authorisation and recompense.
- c. Subject to the Consultancy and Secondary Employment policy, staff may not accept outside payment for activities which could be regarded as part of their

normal work activities. Prior to accepting any non-University made appointment to a partnership, directorship of a company, board membership or involvement in the affairs of a trust, an employee must obtain written consent in accordance with the Consultancy and Secondary Employment policy.

#### **4.16 Breaches of the Code of Conduct**

- a. Staff are responsible for knowing, understanding and abiding by the Code of Conduct. Breaches of the Code of Conduct may result in sanctions being applied by the University. Any sanction(s) for breaches of the Code of Conduct will be in accordance with relevant disciplinary procedures prescribed in relevant legislation, applicable industrial instruments or contracts of employment / engagement as applicable.
- b. Staff will be made aware of the Code of Conduct on commencement of their employment or engagement with the University.

### **5. ACCOUNTABILITIES AND RESPONSIBILITIES**

- 5.1. The Director Human Resources Services Centre has the authority for approving alterations to the Code subject to consideration by appropriate stakeholders and the approval of the Vice-Chancellor or nominee.
- 5.2. This Policy will come into effect when approved by the Vice-Chancellor.
- 5.3. All staff are required to comply with the Code of Conduct and to seek guidance in the event of uncertainty as to its application.

### **6. RELATED DOCUMENTS**

- [Acceptable Use of Information Systems Policy](#)
- [Acceptance of gifts by ECU Staff Policy](#)
- [Alcohol and other Drugs Management Policy](#)
- [Conflicts of Interest Policy](#)
- [Consultancy and Secondary Employment Policy](#)
- [Information Technology Policy](#)
- [Management of Misconduct and/or Serious Misconduct policy](#)
- [Media Policy](#)
- [Privacy Policy](#)
- [Records Management Policy](#)
- [Social Media Policy](#)
- [Fraud and Misconduct Prevention and Management Policy](#)
- [Prevention of Harassment, Bullying, Discrimination and Violence Policy](#)
- [Statement on Academic Freedom and Freedom of Speech](#)
- [Staff/Student Personal Relationships FAQ](#)

## 5. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director Human Resources Services Centre
All Enquiries Contact:	Manager, Safety and Employee Relations
Telephone:	08 6304 2362
Email address:	<a href="mailto:l.roza@ecu.edu.au">l.roza@ecu.edu.au</a>

## 6. APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor
Date Policy First Approved:	26 June 1998
Date last modified:	11 December 2020
Revision History:	<p>November 2005: HEWRRs Compliance</p> <p>July 2007</p> <p>July 2009:</p> <ul style="list-style-type: none"> <li>• Policy amended to comply with University Guidelines re Drafting of Policy Documents</li> <li>• Conflict of Interests clause amended</li> <li>• Public Comment and Use of Official Information clause amended</li> </ul> <p>May 2011:</p> <ul style="list-style-type: none"> <li>• Definition 'Public Comment' amended</li> <li>• Public Comment and Use of Official Information clause amended</li> </ul> <p>May 2019: Policy amended to reflect changes to organisational structure and positions, and changes to other related policies</p> <p>December 2020:</p> <ul style="list-style-type: none"> <li>• Policy amended to provide greater clarity around staff/student professional boundaries.</li> <li>• General improvements to reflect contemporary language and organisational structure</li> </ul>
Next Revision Due:	December 2023
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