

CODE OF CONDUCT REDRAFT

Overview

- All staff of Macquarie University are expected to perform their duties with efficiency, fairness, impartiality, integrity, honesty, and compassion. This code aims to clarify for all staff the conduct expected in the performance of their duties. To this end we expect every staff member to conduct the academic and business activities of the University with the utmost honesty, accuracy and fairness. We need to examine our actions in accordance with this standard and where this generates concerns we should raise them with the appropriate manager and resolve them before proceeding.
- A number of the obligations and standards set out in this Code are also to be found in legislation. All staff are expected to act with integrity which includes being aware of and acting within the laws that apply to their conduct at the University. **The University recognises that questioning and criticising laws can be a valid part of academic work. Such questioning and criticism is to be undertaken with in the spirit of respect for individuals.**
- Staff are required to comply with this Code.

Ethics Statement

- The University's Ethics Statement incorporates fundamental principles that apply to the university and members of the University community.
- Staff should be familiar with the Ethics Statement.
- An ethical environment relies upon individuals having responsibility for their own professional behaviour. Behaviour should be informed by the provisions of this Code and the Ethics Statement, policies of the University, expectations of the University Community and advice of senior colleagues.
- If there is any doubt as to the applicability of the Code, or the appropriate course of action to be adopted, the matter should be raised and resolved with an appropriate senior member of staff.

Personal and Professional Behaviour

- Staff members should perform any duties associated with their positions diligently, impartially and conscientiously, to the best of their ability.
- In the performance of their duties, staff members should:

- treat members of the public, students and other staff members with courtesy and sensitivity to their rights and 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;
- maintain adequate documentation 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 principles of sustainability, as enunciated in the University's Sustainability Policy; and
- maintain the confidentiality of official information gained in the course of employment.

Equity, Diversity and Social Inclusion

- Staff will act to create a fair, inclusive and safe university environment, where diversity is valued and where discrimination, harassment and victimisation in any form are considered unacceptable. The university is bound by State and Federal anti-discrimination legislation which aim to protect people from certain kinds of discrimination in public life and from breaches of their human rights.
- Staff will seek to understand their rights and responsibilities in relation to these, and integrate the principles of equality of opportunity, natural justice and inclusivity into their day to day practices and behaviours.
- A central tenet of the University tradition is respect for a range of views and opinions. 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.

Conflicts of Interest

- Staff should avoid any financial or other interest or undertaking that could directly or indirectly compromise, or appear to compromise, the performance of their duties. Staff faced with a potential conflict of interest must seek advice from their supervisor or other senior member of the university.
- The University will not routinely involve itself in the private lives of its staff and students. However, a conflict of interest will arise where a staff member engages in activities or advances personal interests at the expense of the University's interests or the interests of other staff members or students. In these circumstances, the staff member

must declare the conflict to their supervisor and take immediate steps to resolve the conflict of interest.

- The following situations are provided as examples of where a potential for conflict of interest exists.

A. Financial Interests

- A staff member who has a financial interest in a company and is in a position to influence contracts for business between that company and the University should declare this potential conflict before acting for the University in matters with the company.

B. Personal and family relationships between staff members

- Where staff are working with family members or with persons with whom they develop 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. Such decisions could include the provision of opportunities and resource allocation for research, conferences and staff training and development; and referee reports, or annual performance development reviews.

C. Personal and family relationships between staff members and students

- Staff members have the obligation to assess student's work fairly, objectively and consistently across the candidature for their particular subject/unit/course. A personal or family relationship between a staff member and a student for whom they have direct teaching or assessment responsibility will compromise this obligation. Such responsibility may include the supervision of students; the assessment of students; the selection of students for admission; the award of medals or scholarships; or the provision of referee reports.
- In such cases, the academic staff member must bring the matter to the attention of their supervisor and take immediate steps to resolve the conflict.
- Staff members, in many cases will be best placed to identify such potential or actual conflict. Therefore, the onus is on the staff member to notify the appropriate senior member of staff if a potential or actual conflict of interest arises.

D. Conflicts of interest in research

- **Conflicts of interest in research may occur when a staff member's responsibilities conflict with their private or personal interests, raising questions of objectivity and / or improper gain. Conflicts of interest are inevitable in modern universities and do**

not, of themselves, imply impropriety. Most conflicts can be successfully resolved without impeding research activity.

- **Conflicts of interest include the following examples**
 - **A staff member undertaking research trials which are sponsored by a company in which the researcher or associate has a financial interest or holds an executive position.**
 - **A staff member holding an equity interest or executive position in a start-up company that has contracted with the University to conduct further research.**
 - **A staff member who chairs a committee responsible for allocating internal funding for research at a faculty of university level where funding is granted to the chairs' academic unit.**

Staff members who are unsure about whether a conflict of interest in research exists must seek advice from a senior member of staff.

Acceptance of Gifts or Benefits

- Staff members should only accept gifts of nominal value and where there is no perceived effect on the performance of their duty. A gift or benefit could be seen to cause the staff member to do her or his job in a particular way, or deviate from the proper course of duty if it is accepted outside the boundaries of the University's gifts and benefits policy.
- Staff members should refer to the University's gifts and benefits policy for more detailed information on this issue.
- Staff members should not solicit or encourage gift giving or benefits in relation to their professional duties.

Public Comment

- Public comment includes official or other statements by way of public speaking engagements, comments on radio and television and expressions of views in letters to the newspapers or in books, journals or notices or where it might be expected that the publication or circulation of the comment will spread to the community at large.
- The Council, the Chancellor, **and members of the University executive** are the only Officers authorised to make official statements in the name of the University.
- Staff members may use the University's name and address and give the title of their University appointment in order to establish their credentials, where the matter of a media statement or letter relates directly to the academic or other specialised subject area of a staff member's appointment.
- Staff members have the right to express their views publicly on any matter of public interest as private citizens. Statements made or letters written in this context **MUST** not

include the name and address of the University (or any part of it) or the title of her or his University appointment.

- Staff members should refer to the University's Public Comment policy for more detailed information **and guidance** on this issue.

Use of Official Information

- Staff members have a duty to maintain the confidentiality, privacy, integrity and security of official information that they have access to in the course of their employment.
- **The collection, retention and release of personal or proprietary information must only occur in accordance with relevant legal authority.**

Use of Official Facilities and Equipment

- **Macquarie University recognises that some reasonable private use by staff of University facilities and equipment (which include phones, PDA's and computers) is appropriate, but such usage remains at all times at the discretion of the University. Staff who are uncertain about personal usage must seek the advice of their supervisor.**
- **University equipment and facilities must not be used for the purposes of private or individual commercial business. University facilities and equipment are the property of the University and are provided for University business.**

Outside Work

- Staff members are permitted under certain conditions to engage in outside work. Such matters are governed by the provisions of the University's Outside Work Policy and enterprise agreement provisions on outside work.

Non-Compliance with the Code

- Breaches of standards or obligations in this Code may lead to criminal or civil proceedings or to disciplinary action, which can involve the possibility of dismissal, demotion or suspension.
- Staff should also be aware that the NSW ICAC has the power to investigate potential corrupt behaviour by employees of the university and to recommend prosecution in cases of potential criminal behaviour and activity

Reporting guidelines

- **If staff become aware of actual or potential breaches of this Code, they should deal with them in an appropriate manner.**
- **There are a number of avenues available to staff who wish to report actual or potential breaches of this Code.**

- **These avenues include senior members of University staff, Equity and Diversity Manager, NSW Ombudsman, NSW Independent Commission Against Corruption, Protected Disclosure, Human rights and Equal Opportunity Commission.**
- **Staff should, wherever possible, raise concerns or allegations internally in the first instance. Such actions do not preclude later referrals of matters to bodies external to the University.**

References

The main legislation which is relevant to University staff includes:

Anti-Discrimination Act 1977 (NSW)
Crimes Act 1900 (NSW)
Disability Discrimination Act 1992 (Cwlth)
Freedom of Information Act 1989 (NSW)
Protected Disclosures Act 1994 (NSW)
Independent Commission Against Corruption Act 1988 (NSW)
Occupational Health and Safety Act 1983 (NSW)
Public Finance and Audit Act 1983 (NSW)
Macquarie University Act 1989 (NSW)
Sex Discrimination Act 1984 (Cwlth) with amendment 1992,1995
Equal Opportunity for Women in the Workplace Act 1999 (Cwlth)
Age Discrimination Act 2004 (Cwlth)
Child Protection Legislation (NSW) – various
Racial Discrimination Act 1975 (Cwlth)
Privacy Committee Act 1975 (NSW)
Ombudsman Act 1974 (NSW)
Transgender (Anti-Discrimination and other Acts Amendment) Act 1996 (NSW)

Responsible officer
Director, Human Resources

Review of code
Three years after approval