

# Staff Code of Conduct - Governing Policy

## 1. Purpose of policy

1.1 This Code of Conduct sets out the University's expectations with respect to staff, contractors and visitors professional and personal conduct. It reflects the University's Mission and Values in its Strategic Plan as well as the ethical principles detailed in the *Public Sector Ethics Act 1994 (Qld)*.

## 2. Policy scope and application

2.1 This policy applies to all staff in circumstances where they are performing work, duties or functions for the University, engaging in related activities such as work-related functions, travel, conferences and any circumstances where they are attending as a staff member. The policy may also apply in circumstances where private activities may have the potential to adversely impact the University's reputation.

2.2 This policy provides a set of principles to guide staff on acceptable and unacceptable behaviour and is supported by other relevant policy documents which provide more detail on the University's expectations and requirements. As it is not possible to provide definitive answers to all the integrity issues which may confront staff from time to time, staff are required to exercise reasonable judgement regarding their professional and personal conduct and when necessary, consult their supervisor or relevant work area if they are unsure about how to act or respond to a particular situation or issue.

2.3 For the purposes of this Code of Conduct, staff means current employees and people representing the University, including visiting, honorary and adjunct academics, members of University Council, external members of University committees, and individuals acting in a voluntary capacity.

2.4 It is an expectation of the University that contractors and other members of the University community will also act in accordance with this Code of Conduct while undertaking work for or on behalf of the University.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Bullying is repeated and unreasonable behaviour, whether intentional or unintentional, directed towards an individual or a group that creates a risk to health and safety.

Bullying also includes work-related bullying, which is defined in the *Work Health and Safety Act 2011 (Qld)* as repeated, and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Work-related bullying is not a simple abuse of power from supervisors to subordinate employees: for example, staff or students can bully their supervisors, and bullying can occur between members of an ostensibly equal group.

It is possible for a person to be bullied, harassed and discriminated against at the same time.

Detailed below are examples of behaviours, whether intentional or unintentional, that may be regarded as bullying or work-related bullying if they are repeated, unreasonable and creates a risk to health and safety. This is not an exhaustive list – however, it does outline some of the more common types of behaviours. Examples include:

- abusive, insulting or offensive language or comments;
- unjustified criticism or complaints;
- deliberately excluding someone from the workplace or work and/or study-related activities;
- withholding information that is vital for effective work or study performance;
- setting unreasonable timelines or constantly changing deadlines;
- setting tasks that are unreasonably below or beyond a person's skill level;
- denying access to information, supervision, consultation or resources to the detriment of a worker or student;

### APPROVAL AUTHORITY

Council

### RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

### DESIGNATED OFFICER

Director, People and Culture

### FIRST APPROVED

14 October 1997

### LAST AMENDED

31 March 2023

### REVIEW DATE

31 March 2028

### STATUS

Active

- spreading misinformation or malicious rumours;
- changing work arrangements to deliberately inconvenience a particular worker or workers.

Bullying, including work-related bullying, does not include reasonable management action that is carried out in a reasonable manner. Bullying, including work-related bullying, can be carried out in a variety of ways including through email and text messaging or social media channels.

Conduct means the personal behaviour of a person.

Conflict of interest occurs when there is a conflict between a member of the University Community private interests and their university duties where they could be influenced, or appear to be influenced, in the performance of their official duties and responsibilities with the University. A conflict of interest involves:

Actual Conflict of interest involves a direct conflict between a member of the University's community current duties and responsibilities and existing private interest.

Perceived conflict of interest can exist where it could be perceived, or appears, that a private interest could improperly influence the performance of their duties – whether or not this is in fact the case.

Potential conflict of interest arises where a member of the University's community has private interests that could conflict with their official duties in the future.

Discrimination, as defined in the *Anti-Discrimination Act 1991* (Qld), means to treat or propose to treat, an individual less favourably because of an attribute listed in that Act, or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Attributes include:

- sex;
- relationship status;
- pregnancy;
- parental status;
- breastfeeding;
- age;
- race;
- impairment;
- religious belief or activity;
- political belief or activity;
- trade union activity;
- lawful sexual activity;
- gender identity;
- sexuality;
- family responsibilities;
- association with, or relation to, a person identified on the basis of any of these attributes.

Unlawful workplace discrimination, as defined in the *Fair Work Act 2009* (Cth), occurs when an employer takes adverse action against a person who is an employee or prospective employee because of the person's race, colour, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

For the avoidance of doubt, discrimination includes antisemitism, which is defined by the International Holocaust Remembrance Alliance (IHRA) as "a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender-based harassment. Examples include:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about someone's race;

- asking intrusive questions about someone's personal life, including their sex life.

Human Rights are those rights defined in the *Human Right Act 2019* (Qld), based on human rights that are recognised in international covenants including the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In particular, section 15 of the Act protects the right to recognition and equality before the law, which entitles every person to be effectively protected against discrimination.

Maladministration means the gross mismanagement of risk leading to death, injury or the culpable wastage of University resources that adversely affects a person's interests in a substantial and specific way.

Misconduct means conduct which is not serious misconduct but which is nonetheless conduct which is unsatisfactory.

Natural Justice provides that all parties must be given the opportunity to present their case, be fully informed about allegations and the decisions made and have the right of representation by another person. A decision-maker in relation to the matter should have no personal interest in the matter and should be unbiased in making decisions.

Reasonable management action means management action taken to direct and control the way work is carried out. It is expected that staff will at times have to discuss inadequacies of performance with other staff and may have to instruct them in more effective ways of performing their duties. These acts do not constitute work-related bullying when undertaken in a professional manner. Similarly, providing guidance, conducting performance counselling, commencing unsatisfactory performance procedures or misconduct procedures does not in itself constitute work-related bullying when undertaken in a professional manner. It is appropriate and expected that both managers and supervisors will offer constructive and legitimate advice and comment as part of their role in a way that does not demean or humiliate. Examples of reasonable management action include:

- setting reasonable performance goals, standards and deadlines
- rostering and allocating working hours in accordance with the UniSC Enterprise Agreement
- implementing organisational change or restructuring
- deciding not to select a staff member for promotion or appointment where a reasonable process is followed
- informing a staff member about unsatisfactory work performance in an honest, fair and

constructive way

- informing a staff member about unreasonable behaviour in an objective and confidential way
- taking disciplinary action, including suspension or terminating employment.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Sexual harassment is a form of harassment and means conduct of a sexual nature that is unwelcome and is done either with the intention of offending, humiliating or intimidating the target person or in circumstances where a reasonable person would have anticipated the possibility that the target person would be offended, humiliated, or intimidated. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or assault. Sexual harassment includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations and is not limited to the following examples: unwelcome physical touching; sexual or suggestive comments, jokes or innuendo; unwelcome requests for sex; intrusive questions about a person's private life or body; • the display of sexually explicit material such as posters or pictures; unwanted invitations to go out on dates; staring or leering; sex based insults or taunts; and sexually offensive communications, including telephone calls, letters, faxes, email and computer screen savers.

Sexual harassment is unlawful under the *Anti-Discrimination Act 1991* (Qld) and the *Sex Discrimination Act 1984* (Cth) and can be a valid reason for dismissal under the *Fair Work Act 2009* (Cth).

Serious Misconduct means misconduct of a serious nature and includes:

- serious misbehaviour of a kind which constitutes a serious impediment to the carrying out of a staff member's duties or to a staff member's colleagues carrying out their duties;
- serious dereliction of the duties required of the staff member's office;
- conviction by a court of an offence which can be demonstrated to constitute a serious impediment of the kind referred to in this definition;
- wilful or deliberate behaviour by a staff member that is inconsistent with the continuation of the contract of employment;
- conduct that causes serious and imminent risk to the health and safety of a person or the reputation, viability or profitability of the University;
- during employment, engaging in theft, fraud, assault, sexual harassment, intoxication at work (where a staff member's faculties are so impaired as to make the staff member unfit for duty);
- refusing to carry out a lawful and reasonable instruction that is consistent with the staff members contract of employment.

University Community means all staff, students, consultants, contractors, volunteers, and external appointees of Council, boards and committees of the University.

Victimisation means treating someone unfairly because they have made, or intend to make, a complaint. This also includes those who have supported another person in making a complaint.

Vilification is a public act which is capable of inciting hatred, serious contempt for, or severe ridicule of a person or group of persons on the grounds of race, religion, sexuality or gender identity. Vilification is unlawful under the *Anti-Discrimination Act 1991* (Qld).

As outlined in the *Anti-Discrimination Act 1991* (Qld) there are some exceptions which ensure the right of freedom of speech is not unduly restricted, including, but not limited to, a public act done reasonably and in good faith for purposes in the public interest, including discussion and debate or for academic, artistic, scientific, or research purposes.

Worker has the meaning as defined in the *Work Health and Safety Act 2011* (Qld).

## 4. Policy statement

4.1 The University is committed to promoting and fostering a positive, high performing organisational culture that is ethical, respectful, cooperative, and collaborative. All staff are required to behave in ways consistent with the University's values as outlined in its Strategic Plan to foster an environment of openness, excellence and respect. Staff are required to maintain highest standard of professional conduct across all related activities, including teaching and learning, research, industry, operations and engagement.

4.2 This Code of Conduct also reaffirms the University's commitment to the ethical principles detailed in the Queensland *Public Sector Ethics Act 1994* (Qld), by making clear that all staff are required to abide by this code, behaving professionally and with respect and consideration for others. This Code of Conduct is shaped around four key ethics principles that are intended to guide ethical decision making and behaviour. Each principle is strengthened by the standards of conduct describing the kind of behaviour that demonstrates that principle. The principles and associated standards are equally important. The ethics principles are:

- (a) integrity and impartiality;
- (b) promoting the public good;
- (c) commitment to the system of government; and
- (d) accountability and transparency.

## 5. The Ethics Principles and Standards of Conduct

### 5.1 Integrity and Impartiality

5.1.1 All staff are required to promote the integrity of the University by:

- (a) being committed to the highest ethical standards;
- (b) providing advice which is objective, independent, apolitical and impartial;
- (c) showing respect towards all persons, including other staff, students and the general public; and
- (d) being committed to honest, fair and respectful engagement with the University community.

### 5.1.2 Commitment to the highest ethical standards

(1) All staff are expected to:

- (a) be honest, impartial and conscientious when carrying out their duties;
- (b) ensure the principles of natural justice are observed; and
- (c) ensure all decisions are made ethically.

(2) Staff must not engage in wrongdoing, fraud, corrupt conduct or maladministration and should report genuinely suspected wrongdoing, fraud, corrupt conduct or maladministration by others in accordance with the University's Public Interest Disclosure – Governing Policy and Fraud Corruption Control – Governing Policy.

(3) Staff must only accept gifts or benefits in connection with the performance of their duties in accordance with the Staff Gifts and Benefits – Operational Policy.

### 5.1.3 Manage Conflicts of Interest

(1) Staff must not improperly use their official powers or position or allow these powers to be improperly used. Any conflict that may arise between personal interest and official duty must be resolved in favour of public interest.

(2) The University is committed to demonstrating impartiality and integrity by requiring staff to declare conflicts of interest in accordance with the Conflict of Interest – Governing Policy and Procedures.

(3) Having an actual, perceived or potential conflict of interest is not unusual and is not a wrongdoing in itself. However, failing to disclose and manage an actual, perceived or potential conflict appropriately is likely to be a wrongdoing. Staff must consider the potential for conflict, including professional positions, membership of committees of other organisations, family and personal relationships, or financial interests.

#### 5.1.4 Avoid improper use of position

(1) All staff must adhere to the highest standards of honesty in scholarship and professional practice. Improper use of a staff member's position includes actions which may result in detriment to the University or in real, potential or apparent advantage to a staff member, or any other person or organisation.

(2) The nature of student and staff interactions and the roles of supervisors and managers may place a staff member in a position of power over other staff and students. This imbalance of power may create the potential for undue influence of a student or staff member, due to age or the capacity to influence outcomes. In particular, the development of a sexual relationship where a power imbalance creates the potential for abuse of position, for damage to the less empowered and potentially vulnerable individual, and for conflicts of interests.

(3) Where a relationship develops with a student or staff member, which may lead to an actual, perceived or potential conflict of interest, the staff member must notify their supervisor and cease any decision-making role in respect of the student or staff member. A formal declaration must be made, and a management plan documented, in accordance with the Conflict of Interest – Governing Policy.

(4) Staff must not abuse a position of power or use their position to offer a benefit as a result of any relationship.

(5) Staff must not use their position, workplace or facilities to advance political causes or support political parties or members.

#### 5.1.5 Demonstrate a high standard of professional and personal conduct

(1) Staff must always conduct and present themselves in a professional and responsible manner and demonstrate courtesy and respect towards others.

(2) The University is committed to fostering the right of every person to enjoy their human rights without discrimination. Staff must treat all people equitably and fairly with a commitment to an inclusive and safe workplace, where diversity is valued and where unlawful discrimination, violence (or threats of violence), bullying, harassment, sexual harassment, victimisation and vilification in any form are considered unacceptable.

(3) Staff must not engage in behaviours which may be unwelcome, or which may victimise, be offensive or humiliating to others regardless of whether this occurs face-to-face, in writing, via email or via any other electronic media. Such behaviour may amount to harassment, sexual harassment, and/or bullying and may be unlawful under anti-discrimination legislation.

(4) Personal conduct, whether this occurs in person, in writing, via email or via social networking or any other electronic media, must not impede on the carrying out of official duties or have the potential to adversely impact on the University's reputation.

(5) Staff are expected to act responsibly and not allow alcohol, drugs or other substances to affect performance whilst acting in an official capacity or create a risk to the health and safety of others. The University's Liquor Use – Operational Policy sets out further obligations for members of the University community.

#### 5.1.6 Supervisors

(1) A staff member with supervisory responsibilities has an important role in creating a fair and just working environment and has a particular obligation to the staff they supervise to lead by example and maintain high standards of conduct. Supervisors are required to:

(a) make reasonable efforts to inform themselves of, and understand, their obligations and responsibilities as a supervisor;

(b) act equitably and consistently in their dealings with all their staff;

(c) ensure their staff understand the performance standards expected of them;

(d) maintain open, honest and courteous communication with all staff;

(e) provide guidance and directions to staff in a reasonable way;

(f) provide equitable access to appropriate development and promotional opportunities; and

(g) provide reasonable adjustments and flexibility for staff with a disability, illness, family responsibilities or to allow religious or cultural observance.

#### 5.1.7 Research integrity

(1) The University is committed to building and maintaining a culture of responsible research. As such, research must be conducted responsibly, ethically and with the highest standards of integrity in accordance with the Responsible Research Conduct - Governing Policy and associated procedures.

#### 5.1.8 Integrity in Learning and Teaching

(1) Staff associated with Learning and Teaching must be committed to national and international standards in teaching, delivering benefits and opportunities to students, graduates, and the region and comply with all applicable academic, learning and teaching policy documents.

### 5.2 Promoting the Public Good

5.2.1 In recognising that the University is a public University, staff are encouraged to promote the public good by contributing to achieving the University's values as outlined in the Strategic Plan as well as:

(a) building and maintaining a high level of trust with all levels of government, community and others by being responsive, accountable and transparent when performing university duties;

(b) avoiding conduct that may adversely affect the University's reputation;

(c) providing services to the community in an equitable, prompt and professional manner; and

(d) performing duties conscientiously and professionally, with proper diligence, care and attention and in a manner that gives effect to official decisions and policies of the University.

### 5.3 Commitment to the System of Government

5.3.1 Staff must abide by the laws of the State and Commonwealth, local government regulations and be aware of and work in accordance with the *University of the Sunshine Coast Act 1998* (Qld), University policy documents and any other reasonable and lawful instructions. Staff will not engage in criminal or illegal behaviour.

#### 5.3.2 Public Comment

(1) Staff have a right as private citizens to participate in public debates on any matter. Comments made by a staff member in a private capacity should not compromise or be perceived to compromise the staff member's ability to carry out their duties.

(2) This Code of Conduct and having respect for the law and system of government, does not detract from the academic freedom of staff. In accordance with the Freedom of Speech and Academic Freedom - Governing Policy staff can assume the right to pursue critical and open inquiry and engage in constructive criticism on matters of public concern within their area of expertise.

(3) Academic staff are encouraged to share their expertise within their area of qualification with media on matters of community interest. Any comment on matters outside the academic staff member's area of expertise must be made in their capacity as a private citizen.

(4) Public statements representing the official view of the University must comply with the Marketing and External Engagement - Operational Policy and Social Media – Operational Policy.

### 5.4 Accountability and transparency

5.4.1 The University requires staff to recognise they have a responsibility to perform their duties to the best of their ability and carry out their duties in a professional and conscientious manner. Staff must:

(a) exercise proper diligence, care and attention, giving appropriate consideration to any relevant human rights when acting or making decisions on behalf of the University;

(b) be transparent in business dealings;

(c) use all facilities and resources appropriately;

(d) use and manage official information appropriately and in accordance with the Information Management Framework - Governing Policy; and

(e) commit to continuous performance improvement.

#### 5.4.2 Making fair decisions

(1) All staff should observe the principles of natural justice in their decision making. Natural justice requires an absence of bias, the presentation of substantial reliable evidence, and the right of the person affected to hear all the material evidence and be given adequate time and a fair and reasonable opportunity to respond. These principles are particularly important if the decision has negative consequences for the staff member involved.

#### 5.4.3 Efficiently and economically manage university resources

(1) Staff are expected to accept and value their duty to manage public resources effectively, efficiently and economically. Staff have a responsibility to ensure that resources are used only for legitimate purposes and not wasted, abused, used improperly or extravagantly. Staff are also expected to treat university property with due care and ensure that it is secured against theft and misuse.

(2) Information technology resources must be used in accordance with the Acceptable Use of ICT Resources - Governing Policy.

(3) Staff must not contravene the University's Financial Management Practices - Operational Policy and other related financial policy documents.

(4) Staff using university resources for outside work must do so in accordance with the University Consultancy Work – Operational Policy and Outside Work and Private Practice – Operational Policy.

#### 5.4.4 Confidential information

(1) Staff must comply with the Information and Records Management – Procedures by ensuring that confidential information held by the University is collected and managed in a responsible and secure manner and accessed only by those who have a legitimate need and lawful authorisation to do so.

(2) Staff must respect the privacy of others personal information. Personal information collected and held by the University must only be accessed and used by staff as required in the fulfilment of their duties and in a manner consistent with the original purpose, or related secondary purpose, or in circumstances where the University is obligated to provide the information to an external third party.

(3) Staff must respect the confidentiality and privacy of commercial information entrusted to the University and disclose it only in accordance with university policy documents and legal obligations.

(4) Staff must never use confidential information for individual or personal gain or benefit, or that of a third party, nor to the detriment of the University, either while engaged or other.

#### 5.5 Consequences of non-compliance with this Code of Conduct

5.5.1 The obligations outlined in this Code of Conduct prescribe and regulate the standards of conduct required of all staff, contractors and visitors.

5.5.2 Where a staff member suspects a breach of this Code of Conduct may have occurred they may seek advice from their Supervisor, Cost Centre Manager, or People and Culture or report in accordance with the University's Public Interest Disclosure – Governing Policy, Fraud Corruption Control – Governing Policy or Resolution of Complaints (Staff) - Guidelines.

5.5.3 Victimisation of any person involved in making a complaint about, or reporting, a suspected breach of this Code of Conduct is unacceptable and such responses/retaliation may be considered as a further breach.

5.5.4 A staff member whose conduct falls below the standards outlined in this Code of Conduct will be dealt with in accordance with relevant University policy documents, enterprise agreement or instrument of appointment.

5.5.5 An alleged breach of this Code of Conduct by an employee may be dealt with under the following relevant sections of the University's Enterprise Agreement:

(a) Misconduct and Serious Misconduct - is engaged when managing allegations of misconduct or serious misconduct.

(b) Unsatisfactory Performance - is engaged where a supervisor forms the view that a staff member's performance is not satisfactory.

5.5.6 Staff who are not employees who do not comply with this Code of Conduct may have their association with the University terminated and rights of access to university services, facilities or infrastructure revoked.

5.5.7 Some breaches of this Code of Conduct may also have consequences for staff under criminal or civil provisions of the general law.

## 6. Authorities/Responsibilities

6.1 The following authorities are delegated under this policy:

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#### ACTIVITY

#### UNIVERSITY OFFICER

Design and delivery of training	Director, People and Culture
Investigation of an alleged breach of the code	Director, People and Culture
Approval of action where the policy is breached	Vice-Chancellor and President, or nominee

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#### RELATED DOCUMENTS

- Abbreviations for University Qualifications - Procedures
- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Conduct on University Premises - Operational Policy
- Conflict of Interest - Governing Policy
- Delegations Framework - Governing Policy
- Equity, Diversity and Inclusion - Governing Policy
- Fraud and Corruption Control - Governing Policy
- Fraud and Corruption Control - Procedures
- Freedom of Speech and Academic Freedom - Governing Policy
- Health, Safety and Wellbeing - Governing Policy
- Information and Records Management - Procedures
- Information Management - Governing Policy
- Intellectual Property - Governing Policy
- Intellectual Property: Commercialisation - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Outside Work and Private Practice - Operational Policy
- Public Interest Disclosures - Governing Policy
- Public Interest Disclosures - Procedures
- Responsible Research Conduct - Governing Policy
- Social Media - Operational Policy
- Social Media - Procedures
- Staff Gifts and Benefits - Operational Policy
- Staff Gifts and Benefits - Procedures
- University Consultancy Work - Operational Policy
- University Consultancy Work - Procedures
- Working with Vulnerable People (including Child Protection) - Governing Policy

#### RELATED LEGISLATION / STANDARDS

- Anti-Discrimination Act 1991 (Qld)
- Public Sector Ethics Act 1994 (Qld)
- University of the Sunshine Coast Act 1998 (Qld)
- Fair Work Act 2009 (Cth)
- Sex Discrimination Act 1984 (Cwlth)
- Human Rights Act 2019 (Qld)
- Work Health and Safety Act 2011 (Qld)