

## 1. Purpose of policy

The Code of Conduct reaffirms the University's commitment to the ethical principles detailed in the Queensland Public Sector Ethics Act 1994, by making clear that all staff are required to abide by this code, behaving professionally and with respect and consideration for others. The 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:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

## 2. Policy scope and application

This policy applies to all 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.

## 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 directed towards an individual or a group that creates a risk to health and safety.

Bullying also includes Workplace Bullying, which is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Bullying, including workplace bullying, does not include reasonable management action that is carried out in a reasonable manner.

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 workplace 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 workplace 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
- Spreading misinformation or malicious rumours
- Changing work arrangements to deliberately inconvenience a particular worker or workers.

Workplace 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. Bullying, including workplace 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 is a situation in which an individual has competing professional or personal interests. Such competing interests could make it difficult for an individual to fulfil their duties impartially, and potentially could improperly influence the performance of their official duties and responsibilities.

An apparent (or perceived) conflict of interest exists where it appears that individual private interests could improperly influence the performance of their duties and responsibilities whether or not this is, in fact, the case. Individuals must be conscious that perceptions of conflict of interest may be as important as an actual conflict.

### APPROVAL AUTHORITY

Council

### RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

### DESIGNATED OFFICER

Director, Human Resources

### FIRST APPROVED

14 October 1997

### LAST AMENDED

24 January 2020

### REVIEW DATE

10 November 2021

### STATUS

Active

A potential conflict of interest arises where an individual has a private interest which is such that an actual conflict of interest would arise if the member were to become involved in relevant (that is conflicting) official duties and responsibilities in the future.

Discrimination, as defined in the Anti-Discrimination Act 1991 (Qld), means 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:

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

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.

Vilification on the grounds of race, religion, sexuality or gender identity is also unlawful.

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.

Sexual harassment means any unsolicited, unwelcome and unreciprocated behaviour, act or conduct of a sexual nature that offends, humiliates or intimidates other persons. It can be a single incident or a persistent pattern and can range from subtle behaviour to explicit demands for sexual activity or criminal assault. Sexual harassment includes but is not limited to the following examples:

- inappropriate jokes or comments with sexual connotations
- the display of offensive material
- stares and leers or offensive hand or body gestures
- comments and questions about another person's sexual conduct and/or private relationships
- persistent unwelcome invitations
- requests for sexual favours
- offensive written, telephone or email communication, or any other electronic means of communication
- unnecessary close physical proximity including persistently following a person
- unwelcome physical contact such as brushing against or touching a person
- denigrating comments regarding a person's gender or sexual preference
- negative behaviours, e.g., intimidation or exclusions related to the sex of the recipient

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

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.

[usc.edu.au/policy](http://usc.edu.au/policy)

Natural Justice provides that all parties must be given the opportunity to present their case, be fully informed about allegations and 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 their decisions.

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, 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.

## 4. The Ethics Principles and Standards of Conduct

### 4.1 Integrity and Impartiality

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

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

#### 4.1.1 Commitment to the highest ethical standards

All staff are expected to:

- be honest, impartial and conscientious when carrying out their duties;
- ensure the principles of natural justice are observed;
- ensure all decisions are made ethically;
- report genuinely suspected wrongdoing, fraud, corrupt conduct or maladministration to the appropriate University Officer or external authority (Public Interest Disclosure Act 2010). Refer to the University's Public Interest Disclosure – Governing Policy.

Staff members using University resources for outside work must do so in compliance with the University Consultancy Work – Operational Policy and Outside Work and Private Practice – Operational Policy.

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

#### 4.1.2 Manage Conflicts of Interest

A staff member 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.

The University is committed to demonstrating impartiality and integrity by requiring staff to declare conflicts of interest. A potential conflict of interest may arise where there is a conflict between their duty as a staff member to serve the public interest and their personal interests. Having a conflict of interest is not unusual and is not a wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be a wrongdoing. Staff members are encouraged to consider the potential for conflict, including professional positions, membership of committees of other organisations, family and personal relationships, or financial interests.

As examples, a staff member must declare potential conflicts of interest between private and/or financial interests and University responsibilities and declare the relationship when participating in decisions affecting another person with whom there is a personal relationship. An academic staff member involved in teaching or assessing a student who is a relative, family or personal friend must disclose the relationship.

Where any actual or perceived conflict of interest exists for a staff member, the staff member must disclose it to their supervisor as soon as is reasonably practicable after becoming aware of it. If the staff member's supervisor has a conflict of interest in the matter, then the staff member must disclose the conflict of interest to the next higher level of authority.

Conflict of interest disclosures will be recorded and managed by the supervisor. Supervisors, when notified of a conflict of interest, will deal promptly with the conflict and will implement an appropriate procedure to manage the conflict of interest to mitigate impact and protect the integrity of the University's processes and decision-making.

#### 4.1.3 Avoid improper use of position

All University 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.

The nature of student/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 exists creates the potential for abuse of position, for damage to the less empowered and potentially vulnerable individual, and for conflicts of interests.

Where a relationship develops with a student or staff member, which may lead to an actual or perceived 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 staff member must not abuse a position of power or use their position to offer a benefit as a result of any relationship.

#### 4.1.4 Demonstrate a high standard of workplace behaviour

USC staff must always conduct and present themselves in a professional and responsible manner and demonstrate respect for others. Staff members must treat all people equitably and fairly with a commitment to an inclusive workplace that is free from harassment.

Staff members are not to 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 social networking media. Such behaviour may amount to harassment and may be unlawful under anti-discrimination legislation.

Staff members are expected to act responsibly and not allow alcohol or drugs to affect performance whilst acting in an official capacity.

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:

- act equitably and consistently in their dealings with all their staff;
- ensure their staff understand the performance standards expected of them;
- maintain open, honest and courteous communication with all staff;
- provide guidance and directions to staff in a reasonable way;
- provide equitable access to appropriate development and promotional opportunities; and
- provide reasonable accommodations and flexibility for staff with a disability, illness, family responsibilities or to allow religious or cultural observance.

#### 4.2 Promoting the Public Good

Staff are encouraged to promote the public good by contributing to achieving USC's values as outlined in the Strategic Plan, including:

- creating and disseminating knowledge through innovative and effective teaching and research;
- engaging in the region's intellectual, cultural and economic challenges;
- adopting consultative processes and ethical behaviours in all its activities;
- developing the University and supporting the region as a sustainability exemplar; and
- advancing human rights within a tolerant and inclusive community.

#### 4.2. Efficiently and economically manage University resources

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 must not contravene the University's financial policies or procedures and are expected to treat University property with due care and ensure that it is secured against theft and misuse.

#### 4.3 Commitment to the System of Government

University 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, University Statutes, Policies and Procedures. Staff will not engage in criminal or illegal behaviour.

##### 4.3.1 Academic freedom

The Code of Conduct and having respect for the law and system of government, does not detract from the academic freedom of staff. 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.

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.

#### 4.4 Accountability and transparency

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. University staff members must:

- exercise proper diligence, care and attention;
- be transparent in business dealings;
- use all facilities appropriately; and
- use and manage official information appropriately.

#### 4.4.1 Apply Natural Justice Principles

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. Consequences of non-compliance with this Code

The obligations outlined in this Code prescribe and regulate the standards of conduct required of all staff members and all other members of the University community.

Where a staff member suspects a breach of the Code may have occurred they may seek advice from their Supervisor, Cost Centre Manager, or Human Resources.

A staff member whose conduct falls below the standards outlined in the Code will be dealt with in accordance with relevant University procedures. Other members of the University community who do not comply with this Code may have their association with the University terminated and rights of access to University services, facilities or infrastructure revoked. Some breaches of this Code may also have consequences for staff members and other members of the University community under criminal or civil provisions of the general law.

An alleged breach of this Code by a staff member may be dealt with under the following relevant sections of the University's Enterprise Agreement:

- Misconduct and Serious Misconduct procedures - are engaged when managing allegations of misconduct or serious misconduct.
- Unsatisfactory Performance - is engaged where a supervisor forms the view that a staff member's performance is not satisfactory.

## 6. Authorities/Responsibilities

The following authorities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER
Design and delivery of training	Director, Human Resources
Investigation of an alleged breach of the code	Director, Human Resources
Approval of action where the policy is breached	Vice-Chancellor and President

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## RELATED DOCUMENTS

Abbreviations for University Qualifications - Procedures  
Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy  
Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy  
Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Procedures  
Conduct on University Premises - Operational Policy  
Conflict of Interest - Governing Policy  
Delegations Framework - Governing Policy  
Equity and Diversity - Governing Policy  
Health, Safety and Wellbeing - 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  
Sexual Harassment Prevention (Students) - Governing Policy  
Social Media - Operational Policy  
Staff Gifts and Benefits - Operational Policy  
Staff Gifts and Benefits - Procedures  
University Consultancy Work - Operational Policy  
University Consultancy Work - Procedures  
Working with Vulnerable People - Governing Policy

## RELATED LEGISLATION / STANDARDS

Public Sector Ethics Act 1994 (Qld)  
University of the Sunshine Coast Act 1998