



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

## **STAFF CODE OF CONDUCT**

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***The Objects of the University are:***

- a. the provision of university education, within a context of Catholic faith and values; and*
- b. the provision of an excellent standard of:*
  - i. teaching, scholarship and research;*
  - ii. training for the professions; and*
  - iii. pastoral care for its students.*

## **1 PURPOSE OF THE CODE OF CONDUCT**

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The purpose of the Staff Code of Conduct (**The Code**) is to provide Staff Members with guidance on the standards of behaviour expected of them in performing their duties of employment and in their dealings with fellow Staff Members, students and members of the community.

The Code provides a general framework of principles to be adopted by Staff Members with respect to their conduct while employed by the University.

The standards of conduct required to be met under The Code exist alongside the standards of behaviour and performance required of Staff Members under their contract of employment, University policy and procedure, The University of Notre Dame Staff Enterprise Agreement 2011 – 2014 (or replacement) (**Enterprise Agreement**) and any other ethical or professional code of conduct that may bind Staff Members of the University.

The Vice Chancellor may alter The Code at any time. Staff Members must observe The Code as amended from time to time.

## **2 GENERAL PRINCIPLES GUIDING EMPLOYEES CONDUCT**

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All Staff Members have a responsibility to:

- Respect and uphold the good name of the University;
- Treat other Staff Members and students with fairness, courtesy, respect and without discrimination;
- Act honestly, avoiding situations which may give rise to a conflict of interest or the perception of such a conflict; and
- Carry out their duties in a professional, responsible and diligent manner.

### 3 STANDARDS TO BE OBSERVED IN PERFORMING DUTIES

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In performing their duties of employment Staff Members are expected to observe the following obligations:

- (a) Be familiar with and observe the Objects of the University, statutes, regulations, rules, policies and procedures of the University;
- (b) Observe and comply with all State and Commonwealth laws;
- (c) Be aware of the position of trust they hold and the increased obligation on them when dealing with students and at all times act honestly and with integrity;
- (d) Protect and respect the rights and reputations of other persons associated with the University - in particular Board Members, other Staff Members, students or visitors to the University;
- (e) Avoid behaviour that could reasonably be perceived as harassment, intimidation, discrimination on any basis, bullying or threatening in any other way;
- (f) Avoid conflict of interest situations and immediately disclose potential conflict of interest situations. Without limiting the types of situations where conflict arises, Staff Members should:
  - Not engage in personal relationships of any kind with students;
  - Avoid personal relationships with other Staff Members which may give rise to a conflict of interest or potential conflict of interest. For example, when a Staff Member is required to supervise another Staff Member with whom they have a personal relationship; and
  - Not accept any direct or indirect pecuniary, gift or other benefit from a third party or student in connection with the performance of duties unless it is in accordance with the *Gifts & Benefits Policy*.
- (g) Not engage in any scandalous behaviour;
- (h) Carry out their duties of employment conscientiously;
- (i) Comply with any lawful and reasonable direction given by a supervisor, Senior Staff Member or the Vice Chancellor (or delegate);
- (j) Give due credit to the contributions of other Staff Members and students, including in research activities;
- (k) Take reasonable steps to protect and not disclose confidential information, in particular:
  - Any information pertaining to the operations of the University; or
  - Any information relating to students or Staff Members.
- (l) Demonstrate the highest professional and ethical standards. When making public comment, Staff Members must clearly identify any views expressed as their own and not those of the University;
- (m) Use University facilities, resources and information in a proper manner;
- (n) Maintain and observe all safety and health procedures in the workplace.
- (o) Staff Members must not do any act or omission which may cause injury or harm to any other person;
- (p) Not use, distribute, sell, possess or be impaired by the use of drugs and alcohol in the workplace or any University premises.

#### **4 ADDRESSING POSSIBLE BREACHES OF THE CODE**

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Complaints concerning allegations of conduct that may breach the Code will be dealt with by the processes outlined in the Enterprise Agreement and/or in relevant University policies and procedures. Where conduct constitutes misconduct or serious misconduct the allegation shall be dealt with in accordance with the procedure set out in the Enterprise Agreement and in the University's Guidelines for Managing Misconduct.

# GUIDANCE NOTES ON SOME SPECIFIC AREAS OF THE CODE OF CONDUCT

## 1 INTRODUCTION

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The University recognises that Staff Members may benefit from some more specific guidance on their responsibilities under the Code of Conduct. These notes are intended as guidance only, and are not intended to be exhaustive.

It is important for Staff Members to be aware that where they have concerns about what is acceptable or unacceptable behaviour and cannot identify or resolve their concerns by application of the standards outlined in the Code, the Staff Member should always consult their immediate supervisor for assistance. Staff Members may also consult the Executive Director, Professional Standards and Conduct or the University Secretary.

## 2 CONFLICT OF INTEREST

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The potential for a conflict of interest arises when a Staff Member is placed in a situation where their private or personal interests conflict or appear to conflict with the Staff Member's obligations to the University. Put simply, conflict of interest arises where some external interest of a Staff Member may influence a decision made by, or conduct of, a Staff Member in performing their duties of employment.

In addition to the normal issues of conflict that may arise in a workplace, the unique relationship of trust between teacher and student means Staff Members are under an increased obligation when dealing with students to avoid any situation which might give rise to an apparent or actual conflict between their private or personal relationships and their responsibilities to the University and students of the University.

The Code requires Staff Members to avoid situations that give rise to a conflict of interest or the appearance of a conflict of interest. Where a situation arises that could give rise to a conflict of interest or the appearance of a conflict of interest, a Staff Member must:

- (a) Refrain from taking part in any further conduct, discussion or decision-making that might be associated with the matter;
- (b) Disclose the actual, potential or apparent conflict of interest to their Supervisor immediately;

Examples of situations which may give rise to a conflict of interest include:

- (i) Where a Staff Member, their family or someone with whom they have a personal relationship receives some financial interest or other benefit as a result of performing their duties or undertaking work outside their employment duties. For example, where an Staff Member has a financial interest in a company that is independently

undertaking research to develop a patent and the Staff Member is, as part of their contract of employment, also undertaking research in that area. Or the Staff Member has a financial interest in a company which the University intends to engage in business with and the Staff Member is in a position to influence either directly or indirectly in the University's decision to engage that company.

(ii) Accepting, soliciting or encouraging gifts or benefits by any third party including students, in connection with the performance of their duties. For example, a Staff Member who is responsible for allocating the required text books for their course receives a benefit such as an all-expenses paid weekend away, courtesy of a publishing company whose text book is up for selection.

(iii) Personal Relationships with students

Staff Members must not enter into personal relationships with students. A Staff Member must not enter into a personal relationship with any student of the University regardless of whether the Staff Member supervises that student or not.

(iv) Staff Members must avoid and disclose to the University any situations that may require them to supervise in any way a student with whom they have or have had a personal relationship with.

(v) Personal relationships with other Staff Members where that relationship could give rise to a conflict of interest. For example, where a Staff Member interviews a member of their family or the child of a close family friend for admission to the University or where a Staff Member is responsible for supervising a student who is a family member or a child of a close family friend.

(vi) Engaging in outside consultancy work that may compromise either the integrity of the Staff Member or of the University. For example, taking outside contract work that may require a Staff Member to advocate a position that is inconsistent with the Objects of the University or conducting research where sponsorship or some other influence may be seen to compromise intellectual honesty and public interest.

(vii) Expressing any public or private point of view where that view may become public, when those views may be seen to be attributed to the University, harmful to the University or inconsistent with the Objects of the University. For example, taking a pro-abortion view in a public forum.

(viii) A personal relationship means any relationship between Staff Members or Staff Members and students that may give rise to a conflict of interest or the appearance of a conflict of interest such as, but not limited to, a relationship arising through family, business or commercial, romantic or sexual, close friendship, or any other relationship where an Staff Member's impartiality and influence over another may be at issue.

### 3 HARASSMENT

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Every Staff Member and student is entitled to work in an environment free from harassment, bullying or discrimination. The University expects that all Staff Members will treat other Staff Members, students and members of the community equally with courtesy and fairness. The University will not accept behaviour by Staff Members that could be considered:

- (a) Offensive, humiliating, intimidating, bullying, or construed as harassment or discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; or
- (b) Unfairly causing harm to the reputation and career prospects of other Staff Members or students.
- (c) All Staff Members responsible for the teaching or supervision of young people are under an increased obligation to ensure that they act in a way to protect these young people from harassment, discrimination or any other form of bullying from others. The University will not tolerate any form of harassment, discrimination or any other form of bullying (psychological or physical) among Staff Members or students.
- (d) A Staff Member who witnesses harassment, discrimination or any other form of bullying by another Staff Member or student towards another Staff Member or student must report that behaviour to the offending Staff Member or student's Dean or to Senior Staff Member immediately.
- (e) Examples of conduct that might be considered as harassment are:
  - (i) A Staff Member, because of their racial or religious background, expresses dislike of another racial or religious group. In class, the Staff Member makes an offensive comment about that group of people.
  - (ii) A vacancy for a senior position within the University arises and the Staff Member responsible for appointing another Staff Member to that position overlooks a suitable Staff Member for that position because they do not like them or because they are female.
  - (iii) A Staff Member who thinks they are making a joke makes remarks that are seen by another Staff Member as rude, sexual or offensive.
  - (iv) A Staff Member reports a fellow Staff Member for a breach of the Code. The complaint is made out against the Staff Member. The Staff Member then acts rudely towards the other Staff Member spreading rumours intended to harm the reputation of the Staff Member responsible for reporting him or her.

## 4 CONFIDENTIALITY OF INFORMATION

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Staff Members are required to respect others' rights to privacy and must maintain the integrity, confidentiality and privacy of any information concerning other Staff Members or students provided to them in the course of their employment. Accessing, collecting or disclosing confidential information is only allowed where that disclosure is authorised by an appropriate officer of the University or required by law. Staff Members should be aware that the obligations placed on them not to disclose confidential information continue to apply to them following the termination of their employment with the University.

Confidential information includes:

- Information entrusted to the University such as student or Staff Member details;
- Information produced by the University such as academic records of students;
- All non-public information where disclosure to third parties may not be in the best interests of the **University or of the University community**.

Examples of unauthorised disclosure or use of confidential information could be where:

- A student, discussing their exam results with their supervisor (Staff Member), engages in a casual chat with the supervisor and asks them whether another student obtained a higher mark than the student. The supervisor tells the student what mark the other student received.
- A Staff Member inadvertently gains electronic access to the personal files of University Staff Members. The Staff Member opens up the file of a fellow Staff Member and discovers some very personal information. The Staff Member reveals that information to their partner when they get home from work that day.
- A Staff Member discloses to a third party confidential information about a discovery made in one of the University research laboratories.
- A student asks a Staff Member employed at the reception of one of the University Colleges for the address of another student. The Staff Member gives out the address.