



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

# Employee Code of Conduct and Ethical Behaviour

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Audience: Staff

Policy Category: Management  
Policy Sub-category: Human Resources

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## 1 OBJECTS OF THE UNIVERSITY

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The University's Objects are defined in Section 5 of its Act of Parliament:

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.

## 2 PURPOSE

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- 2.1** The Code of Conduct and Ethical Behaviour outlines the professional standards and behaviour that the University expects all parties to the Code to meet in conducting their day-to-day work and when interacting with other members of The University of Notre Dame Australia (the University) community.
- 2.2** The Code of Conduct and Ethical Behaviour provides a general framework of principles and is not intended to inhibit intellectual freedom, limit resourcefulness and independent thinking, or impose more personal behavioural obligations unless inconsistent with the Code.
- 2.3** The Code of Conduct and Ethical Behaviour is to ensure all those covered by the Code, act in a safe, professional, ethical, and courteous manner displaying the highest levels of integrity and behaviour required by the University whilst at work and in public when acting on behalf of the University.

## 3 SCOPE

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- 3.1** The Code of Conduct and Ethical Behaviour has broad application. It applies to all employees, affiliates, contractors, visitors, and others who perform a role including volunteers of the University, regardless of their level or seniority. It covers all circumstances when employees and affiliates are performing work, duties, or functions for the university, as well as related activities, such as work-related functions, travel, conferences, and any circumstances when a person is representing the University.

## 4 PRINCIPLES

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- 4.1** All employees, affiliates, contractors, visitors, volunteers of the University have an obligation to ensure they,
  - 4.1.1 Behave honestly and with integrity.
  - 4.1.2 Act with care and diligence.
  - 4.1.3 Treat everyone with respect and courtesy, free from unlawful discrimination or harassment and in a way that maintains the dignity of each member of the University Community.
  - 4.1.4 Protect and respect the rights and reputations of other members of the University community including but not limited to other employees, students, Board members, volunteers, contractors, guest speakers and other members of the University

- community, or visitors to the University.
- 4.1.5 Comply with all applicable policies, procedures, national and state laws, and regulations.

## 5 BEHAVIOUR AND CONDUCT

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- 5.1** The University requires all employees, affiliates, contractors, visitors, and others who perform a role including volunteers of the University to,
- 5.1.1 At all times demonstrate behaviour that upholds the values, integrity, and good name of the University.
- 5.1.2 Comply with any lawful and reasonable direction given by management and or those who may have authority to give direction.
- 5.1.3 for those who hold supervisory responsibilities, treat employees fairly and afford equality of opportunity, with due regard for their moral and legal rights and obligations.
- 5.1.4 Maintain appropriate confidentiality.
- 5.1.5 Avoid situations which may give rise to a conflict of interest (or the perception of conflict in connection) with the University, without limiting the types of situations where conflict arises, such as,
- Not engage in inappropriate relationships of any kind with students and avoid inappropriate relationships with other employees which may give rise to a conflict of interest or potential conflict of interest. For example, when an employee is required to supervise another employee 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 Policy: Gifts and Benefits; and
  - Do not use position, power, authority or status in order to gain or seek to benefit themselves or another person.
- 5.1.6 Promptly report or raise with the line manager any unethical, improper or illegal behaviour that arises or that they become aware of in the workplace or in the University's dealings with others.
- 5.1.7 Use University resources appropriately and maintain accurate records by complying with our policies and procedures.
- 5.1.8 Adhere to the responsibilities detailed in the Policy: Academic Integrity.
- 5.1.9 For staff members engaging in public discourse, to do so in good faith, to declare conflicts of interest where they exist, and to consider whether it is appropriate to link their comments to their role and relationship with the University.
- 5.1.10 Be diligent in their attendance at work and in circumstances where the employee is unable to attend due to personal circumstances, will inform the line manager at the earliest opportunity.
- 5.1.11 Ensure that outside work and/or secondary employment should not interfere with the performance of duties to the University.
- 5.1.12 Ensure that personal use of alcohol or other drugs does not affect the performance of their duties or the safety and well-being of others (unless circumstances permit the consumption of alcohol for a University event, with approvals).
- 5.1.13 Not harass, bully, vilify, sexually harass, unlawfully discriminate against or threaten

others, or engage in any form of physical violence, menacing or stalking behaviour, and do all that is reasonable to prevent such behaviour.

- 5.1.14 Ensure that their communications are always respectful, professional and lawful, and do not include false, obscene, threatening, harassing, discriminatory or hateful comments to or about the University or others.
- 5.1.15 Take reasonable care to ensure their own safety and wellbeing including identifying and promptly reporting safety hazards and risks and avoid adversely affecting the safety, health or wellbeing of others.

## 6 ROLES AND RESONSIBILITIES

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- 6.1 All employees have a responsibility to familiarise themselves, maintain an understanding, commit to and abide by the University's Code of Conduct and Ethical Behaviour Policy and all other policies and procedures of the University including those listed under related documents in this policy.
- 6.2 Managers are responsible for ensuring that the employees who they supervise are aware of and understand their responsibilities under this policy.
- 6.3 The Pro Vice Chancellor of People and Culture shall be responsible for the implementation, monitoring and review of this policy.
- 6.4 The People and Culture team is responsible for ensuring that this policy is accessible to all employees, affiliates, contractors, visitors and adjuncts and that all new employees are made aware and understand their obligations and responsibilities under this policy.
- 6.5 This document shall be reviewed as required.

## 7 BREACHES OF THIS CODE OF CONDUCT AND ETHICAL BEHAVIOUR

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- 7.1 All employees should be aware that violations to the University's prescribed standards of behaviour, may be determined as either misconduct or serious misconduct and may result in termination of employment.
- 7.2 The University may take disciplinary action and the process for dealing with alleged breaches of the Code of Conduct and Ethical Behaviour by employees will be in accordance with the applicable enterprise agreement, employment contract and University policies and procedures.
- 7.3 Individuals other than employees who do not comply with this code may have their association with the University terminated or have their right or access to the University services, facilities or infrastructure revoked.

## 8 RELATED DOCUMENTS

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- 8.1 Enterprise Agreement: Staff Enterprise Agreement 2018 -2021, as amended
- 8.2 Policy: Academic Integrity
- 8.3 Policy: Health, Safety and Wellbeing
- 8.4 Policy and Procedure: Workplace Bullying
- 8.5 Policy: Sexual Assault and Sexual Harassment
- 8.6 Policy: Gifts and Benefits
- 8.7 Policy: Misconduct
- 8.8 Policy: Privacy
- 8.9 Policy: Information and Information Technology
- 8.10 Procedure: Information Management
- 8.11 Procedure: Social Media
- 8.12 Statement: Academic Freedom
- 8.13 Policy: Protecting Academic Freedom and Freedom of Speech
- 8.14 Statement: Modern Slavery

## 9 DEFINITIONS

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The following definitions apply,

- 9.1 **Affiliate** means a person appointed or engaged by the University to perform duties or functions on its behalf, including but not limited to,
  - 9.1.1 An honorary title holder (includes honorary, visiting, adjunct, clinical, conjoint titles and emeritus professors)
  - 9.1.2 A consultant or contractor to the University; and
  - 9.1.3 An office holder in a university entity, a member of any University committee, Board, or foundation. An affiliate is not an employee of the University.
- 9.2 **Conflict of Interest** means a situation where an actual, perceived, or potential conflict exists,
  - 9.2.1 An actual conflict involves a direct conflict between an employee's duties and responsibilities to the University and a competing interest or obligation, whether personal or involving a third party.
  - 9.2.2 A perceived conflict exists where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of an employee's duties and responsibilities to the University.
  - 9.2.3 A potential conflict of interest arises where an employee has an interest or obligation, whether personal or involving a third party, that could conflict with the employee's duties and responsibilities to the University.
  - 9.2.4 Inappropriate relationship – includes a romantic or sexual relationship between employees and/or students where one individual has control or influence over the other's conditions of employment or control or influence over student's assessment items.

**9.3 Misconduct** means when an employee breaches their obligations under their contract of employment. It includes any behaviour that is not serious misconduct but is unacceptable or unsatisfactory within the employment relationship. It may include, but is not limited to the following,

- 9.3.1 Conduct that is in breach of the University's Objects, Code of Conduct and Ethical Behaviour, Statutes, Policies and Procedures.
- 9.3.2 Intentional failure to comply with lawful and reasonable instructions; and/or
- 9.3.3 Inappropriate use of university property and facilities.
- 9.3.4 Unauthorised absences.

**9.4 Serious Misconduct** means when an employee breaches their obligations under their contract of employment to an extent that is reasonable for the University to consider discontinuing a contract of employment. Examples of serious misconduct include but are not limited to the following,

- 9.4.1 Willful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment.
- 9.4.2 Conduct or behaviour of a kind that constitutes a serious impediment to the carrying out of an employee's duties or to an employee's colleague carrying out their duties.
- 9.4.3 Serious dereliction of duties.
- 9.4.4 Theft.
- 9.4.5 Fraud.
- 9.4.6 Assault.
- 9.4.7 Sexual Harassment.
- 9.4.8 Misconduct of sufficient seriousness as could constitute termination of employment.
- 9.4.9 Conduct that causes serious and imminent risk to:
  - i. The health or safety of a person; and/or
  - ii. The reputation, viability or profitability of the University.
- 9.4.10 The employee being intoxicated at work.
- 9.4.11 The Employee refusing to carry out a lawful and reasonable instruction that is consistent with the Employee's contract of employment.
- 9.4.12 Repeated instance(s) of misconduct (whether similar or different in form).
- 9.4.13 Conduct that of itself may not normally be considered serious misconduct but is part of an established pattern of behaviour of misconduct by an Employee.

Version	Date of approval	Approved by	Amendment
1	6 March 2023	Vice Chancellor	New –replaces existing Code of Conduct: Staff.
2	4 September 23	PVC People & Culture	Minor amendments- related documents and responsible officer updated.