

Staff Conduct Policy

Human Resources Policy

1. Purpose:

The purpose of this Policy is to establish the expected standards of conduct at Victoria University of Wellington and to outline the processes to be followed when these standards are not met.

2. Organisational Scope:

The Staff Conduct Policy is a University-wide policy which applies to the following persons:

- all employees of the University;
- staff of Victoria Link Limited;
- University Council members (excluding student representatives who are covered by the Student Conduct Statute);
- independent contractors to the University;
- adjunct and visiting staff;
- visiting scholars and interns;
- emeritus professors; and
- any other persons providing services to the University.

3. Definitions:

For the purposes of this Policy, the following definitions will apply:

Staff Member: An employee of the University.

Manager: Any staff member of the University with management responsibilities and who has the authority to investigate issues brought under this Policy, including members of the Senior Leadership Team, Heads of School, Central Service Unit Directors and Managers.

Members of the University Community:

All staff members and students of the University, staff members of Victoria Link Limited, Council Members, independent contractors to the University, adjunct and visiting staff, visiting scholars and interns, emeritus professors and any other persons providing services to the University.

4. Policy Content and Guidelines:

4.1 Standards of Conduct

All Members of the University Community are entitled to work, learn, study and participate in all aspects of the University's life in an environment of safety and respect.

University staff members and other persons covered by this Policy will:

- (a) Act in ways that are consistent with the role and guiding values of the University (attached as Annex 1);
- (b) Act in a collegial and respectful manner and demonstrate sensitivity to the diversity of the University community;
- (c) Regulate their own conduct so the work and activities of Members of the University Community are not impeded or prejudiced;
- (d) Act with integrity and in a professional manner;
- (e) Carry out their duties competently and in accordance with all University policies, statutes and procedures; and
- (f) When holding a position of seniority or authority, act in ways which ensure these standards are upheld and which demonstrate sensitivity to unequal degrees of power.

4.2 Protected Disclosures

Staff members are protected under the Protected Disclosures Act 2000. They will not be disciplined, victimised or discriminated against when in good faith they disclose information they honestly believe to be serious wrongdoing under the provisions of that Act, or under Victoria's Disclosure of Serious Wrongdoing (Whistleblower) Procedure in accordance with that Act.

4.3 Breaches of the Staff Conduct Policy (staff members)

The University recognises that the majority of staff maintain standards of conduct and work performance that meet or exceed the above standards of conduct. On occasion, the University may have cause to believe that a staff member has fallen below the standards of conduct. Where a potential breach occurs, the University may regard the staff member's actions, omissions or behaviour as alleged misconduct or serious misconduct.

Further guidance to staff in the form of examples of misconduct/serious misconduct is listed below at clause 4.7.

4.4 Procedures

There are a range of procedures for addressing alleged breaches of the Staff Conduct Policy. Human Resources must be consulted before any procedure is undertaken where a breach is alleged. Relevant circumstances and the nature and/or perceived gravity of the alleged breach will be taken into account when the appropriate process to follow is being considered.

The processes may be found in the [Guidelines for Resolving Alleged Misconduct](#) and the [Guidelines for Managing Ongoing Poor Performance](#). The processes are:

- (a) Informal Process – where the parties involved seek to resolve the matter themselves. Staff who wish to informally resolve a matter may seek advice from their Manager, another Manager, Human Resources and/or their support person/representative. For more information, see the Guidelines for an Informal Process.
- (b) Formal Process – a disciplinary process where the alleged misconduct/serious misconduct or ongoing poor work performance is investigated by a Manager who decides if the allegation is established and whether a disciplinary penalty should be imposed. For more information, see the Guidelines for a Formal Process and the Guidelines for Managing Ongoing Poor Performance.

- (c) Tikanga Māori Process – a process that encourages an open exchange of views, with a view to seeking consensus and acceptance from all parties as to the resolution. For more information, see the Guidelines for a Tikanga Māori Process.

4.5 Representation

Staff members who are alleged to have breached the Staff Conduct Policy are entitled to a support person/representative (e.g. their union representative).

4.6 Breaches of the Staff Conduct Policy (persons covered by the Policy who are not staff members)

The procedure to be followed will depend on the nature of the matter, the particular relationship between the individual concerned (e.g. contractor, adjunct, etc) and the University, and the circumstances of the situation.

4.7 Examples of Misconduct/Serious Misconduct

Whether particular conduct amounts to misconduct or serious misconduct depends upon the nature and/or perceived gravity of the behaviour and the relevant circumstances.

Note: **The list below is not exhaustive.** Examples of the types of actions and behaviour are provided that would constitute misconduct/serious misconduct. These examples are not intended to apply to comment by staff within the limits of academic freedom¹.

4.7.1 Misconduct in Research

“Misconduct in research” means:

- (a) plagiarism, which is the presentation of the work of another person or other persons (including published and unpublished work, material on the internet and the work of other staff and students) as if it were one’s own, whether intended or not. The University will take seriously all allegations of plagiarism and will in most circumstances consider plagiarism to constitute serious misconduct;
- (b) the fabrication of data, including claiming results where none have been obtained;
- (c) the falsification of data, including fraudulent changing of records;
- (d) misleading ascription of authorship, including listing authors without their permission, attributing work to others who have not in fact contributed to the research, and/or failing to acknowledge work primarily produced by a research student/trainee/associate;
- (e) intentional infringements of the guidelines issued by the University’s Human Ethics Committee and Animal Ethics Committee, or of other relevant professional practices and codes of ethics;
- (f) other academic or research practices which bring or are likely to bring the University into disrepute.

Note: Misconduct does not include honest errors or honest differences in the interpretation of data or conclusions drawn from them.

4.7.2 Misuse of Information

“Misuse of information” includes:

- (a) divulging information given under an express undertaking that it will be kept confidential, unless divulged in fulfilment of any legal obligations of the University;
- (b) breach of the University’s [Acceptable Use of Information Systems Statute](#), including using University computing equipment to access material prohibited by the University. In instances of sexually-explicit material, refer to the [Dealing with Sexually Explicit Material Procedure](#). The University will take seriously all allegations of deliberately and without authorisation, accessing sexually explicit material, and will in most circumstances consider this action to constitute serious misconduct.

¹ See Education Act 1989, section 161

4.7.3 Misuse of Authority

"Misuse of authority" means conduct by one member of the University community towards another member of the University community (such as where there is a line management relationship, a supervisory relationship, a clear difference in status, etc.) which:

- (a) denigrates that other member in front of students or other staff members; or
- (b) belittles, or repeatedly and excessively criticises or reprimands, that other member; or
- (c) repeatedly and excessively scrutinises that other member's work. *Note: This does not apply to ongoing monitoring of poor performance through a performance development, performance improvement or performance management process.*

4.7.4 Workplace Bullying

"Bullying" means repeated, deliberate and targeted conduct by a person (covered by the Staff Conduct Policy) towards a member (or members) of the University community which is offensive or intimidating or humiliating and which detrimentally affects that member's well-being.

4.7.5 Ongoing Poor Performance

Poor performance may be considered where a staff member is not meeting the performance standards and requirements of their role. Processes for addressing poor performance are performance development, performance improvement or performance management.

Ongoing poor performance is where, despite one or more of these processes being undertaken to address poor performance, a staff member consistently fails to meet the minimum standards of performance and requirements of the staff member's role.

4.7.6 Misconduct Involving a Conflict of Interest

A conflict of interest may arise in a range of situations where the personal, academic or financial interests of an individual improperly affect or could improperly affect the carrying out of that person's or another person's duties within the University. Conflict of interest is inherent within particular relationships and, in settings where there is a difference in power between people, such as staff and students at the University, the potential for harm is greater and special care needs to be taken to avoid conflicts of interest.

Staff members are strongly discouraged from entering into an intimate personal relationship with a student at the University, particularly with a student for whom they have responsibility. Such a relationship risks taking advantage of the intrinsic trust, power and status differential implicit in the staff-to-student relationship. Should such a relationship arise, the staff member must follow the procedures set out in the Conflicts of Interest Statute.

All Members of the University Community are obliged to disclose any actual or potential conflicts of interest they identify. Disclosures are managed in accordance with the [Conflicts of Interest Statute](#) and the associated [Procedures for Managing Conflicts of Interest](#). Failure to disclose a conflict of interest would comprise a breach of the [Conflicts of Interest Statute](#).

4.7.7 Media (including social media) and Public Comment

Media includes anything that is being published or broadcast, such as in or on:

- (a) newspapers, journals, magazines, radio and television;
- (b) the Internet – including websites, chat rooms, chat groups, blogs, newsgroups, research groups and social networking sites (e.g. Facebook, Twitter, etc.); and
- (c) academic discipline-related newsletters and other newsletters such as community group, hobby group, etc.

The University supports the exercise of academic freedom under section 161 of the Education Act 1989.

The exercise of academic freedom must be consistent with the obligation to act in good faith and the contractual obligation to endeavour to promote and protect the interests of the University.

A breach of the Staff Conduct Policy may occur where a staff member publicly criticises, or publicly expresses concern about, an internal University matter that is not in the public domain, without first raising the matter with the relevant Manager and providing a reasonable time for that Manager to respond. The relevant Manager should take the matter seriously and provide a timely response.

A breach of the Staff Conduct Policy may also occur where a staff member posts or publishes inappropriate (such as critical, baseless or personal/confidential) comment or material about a Member of the University Community. .

4.7.8 Breach of Legislation

Including the following:

Discrimination, sexual harassment and racial harassment are prohibited conduct and have the meanings given to them in the Human Rights Act 1993 and the Employment Relations Act 2000.

Causing racial disharmony is prohibited conduct and has the meaning given to it in the Human Rights Act 1993.

Harassment is prohibited conduct and has the meaning given to it in the Harassment Act 1997. Harassment also means repeated conduct that a reasonable person would consider adversely affects them in their work.

4.7.9 Other Misconduct

“Other misconduct” includes, but is not limited to, the following:

- (a) breaching the University’s standards of conduct (see clause 4.1);
- (b) failing to observe safety and health rules or procedures, and/or failing to wear available safety equipment, and/or failing to work in a safe manner;
- (c) being in any part of the University campuses, knowing that he or she is not entitled to be there at that time;
- (d) wilfully or recklessly damaging or defacing any property of the University, or any other property within the University campuses;
- (e) removing, without authority, any property of the University, or any property within the University campuses;
- (f) reporting to work, or being at work while under the influence of any alcohol, drugs or substances, to the extent of being unable and/or unfit to perform duties properly and/or safely;
- (g) consuming or supplying or possessing illegal drugs;
- (h) failing to comply with the directions on any notice posted with the authority of the Director, Campus Services;
- (i) threatening, threatening to assault, or assaulting any Member of the University Community;
- (j) behaving in a manner, without reasonable cause, that brings or is likely to bring the University into disrepute;
- (k) deliberately breaching, or assisting another Member of the University Community to breach, any University Statute or Policy;
- (l) bribing or attempting to bribe other Members of the University Community by offering gifts or services in return for personal favour;
- (m) refusing or failing, without reasonable cause, to comply with a lawful and reasonable request or instruction from a Manager;
- (n) dishonesty, including, but not limited to, theft, fraud and falsification of any record or document belonging to the University (e.g. time sheets, claims for expenses, student academic records). In instances of alleged fraud refer to the University’s [Fraud Policy](#);

- (o) misrepresenting or withholding information, criminal conviction(s), employment history, qualifications, or other relevant information pertinent to the University's decision to hire, promote, and/or approve or fulfil a condition of employment.

5. **Legislative Compliance**

The University is required to manage its policy documentation within a legislative framework. The applicable legislation is:

[Education Act 1989](#)

[Employment Relations Act \(ERA\) 2000](#)

[Harassment Act 1997](#)

[Human Rights Act 1993](#)

[Protected Disclosures Act 2000](#)

6. **References:**

[Acceptable Use of Information Systems Statute](#)

[Alcohol on Campus Policy](#)

[Conflicts of Interest Statute](#)

[Dealing with Sexually Explicit Material Procedure](#)

[Disclosure of Wrongdoing \(Whistleblower\) Procedure](#)

[Fraud Policy](#)

[Health and Safety Policy](#)

Human Resources Delegations Framework

[Procedures for Managing Potential Conflicts of Interest](#)

[Safe Campus Policy](#)

University Employment Agreements

Previous version: [Staff Conduct Policy](#)

7. **Approval Agency:**

Vice-Chancellor

8. **Policy Sponsor:**

Director, Human Resources

9. **Contact Persons:**

Please contact your Human Resources Manager/Advisor if you have any questions about the application of this Policy.

The following person may be approached in relation to this policy:

Employment Relations Manager

Ext. 5174

Annex 1: Victoria University of Wellington - Values

Academic freedom

We protect academic freedom and defend the autonomy of Victoria University of Wellington.

Excellence in all of our activities

We are committed to developing and recognising excellence in research, creative activity, scholarship, teaching and learning and administration.

Knowledge and expertise

We strive to advance pure and applied knowledge and expertise, and to disseminate both through teaching and research.

The Treaty of Waitangi

We are committed to using the Treaty to guide our obligations to Māori as tangata whenua and Treaty partners.

Internationalisation

We are committed to our participation in the international community of scholars and to the pursuit of a global perspective in our learning, teaching, research and services.

Accountability

We effectively manage and account for our resources and apply them to the maximum benefit of Victoria.

Honesty and respect

We require ethical behaviour in all our activities and interactions.

Equity

We are committed to equity of opportunity for all our staff and students.

A strong university community

We encourage the active participation and contribution of academic and general staff, students, alumni, benefactors and friends in the life of the university.

Community engagement

We seek active engagement with the communities we serve and value the benefits we bring to each other.

Sustainability

We strive for an environmentally sustainable university and society.

Source: Strategic Plan 2009 - 2014.