



Staff Code of Conduct

Responsibility for policy: Director of Human Resource Management

Approving authority: Vice-Chancellor

Last reviewed: March 2020

Next review: March 2025

1. Application

This code applies to all staff of the University of Waikato.

2. Purpose

The purpose of this code is to:

- Ensure that the University operates efficiently and effectively and that staff are treated fairly and equitably.
- Give guidance to all University staff on the standards of conduct required by the University.
- Define breaches of conduct.
- Describe the consequences of breaches of conduct.
- Explain the rights and obligations of staff.

3. Relevant documents

This code should be read in conjunction with the relevant University of Waikato employment agreements; University policies; and the [Employment Relations Act 2000](#) and its amendments.

4. Standards of conduct

4.1 Staff are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the University and the welfare of colleagues and students.

4.2 Staff have an obligation to the University to:

- a) acknowledge and contribute to the University's strategy, plans and objectives;
- b) comply with all University policies;
- c) be present at work as required and be absent from the workplace only with proper authorisation;
- d) carry out their duties in an efficient and competent manner and maintain specified standards of performance;
- e) comply with lawful and reasonable employer instructions and work as directed;
- f) take all care and responsibility to uphold the reputation of the University and not engage in activities which would justifiably bring the University into disrepute;
- g) treat other staff, and students, with respect at all times and always behave in a courteous, professional and collegial manner;
- h) respect the privacy of individuals, use confidential information only for the purposes for which it was intended and refrain from seeking or revealing confidential information about other staff or students without the permission of the person concerned except in a recognised official capacity and in appropriate circumstances such as a clear risk to the staff member or another person, in an emergency, or where required by law. Ensure that personal information is managed and used in strict adherence to the [Information Privacy Principles](#) in the [Privacy Act 2020](#);
- i) recognise that the University does not tolerate bullying, harassment or discrimination and avoid behaviours which may be perceived by others as bullying, harassment or discrimination;
- j) uphold and contribute to the implementation of the principles of equal employment opportunity contained in the University's [Equal Employment Opportunity Policy](#);

- k) uphold and contribute to the University's partnership with Māori as intended by the Treaty of Waitangi;
- l) be scrupulously fair and honest in their dealings with and for the University and take all reasonable steps to safeguard the University's funds and assets against fraud, theft and unauthorised use;
- m) incur no liability or commitment on the part of the University without proper authorisation;
- n) maintain all qualifications (including relevant registration and annual practising certificates) necessary for the legal and efficient performance of their duties;
- o) refrain from representing themselves as spokespersons for the University unless authorised to do so;
- p) not allow personal relationships with staff or students to affect or appear to affect the professional relationship between them;
- q) not demand, claim or accept any fee, gratuity, commission, personal benefit or gift from any person or persons other than the University in payment for any activity or matter concerned with their duties and responsibilities and ensure that the receipt of benefits or gifts does not influence their business decisions on behalf of the University;
- r) view and avoid actual or potential conflicts of interest in an ethical context of good faith, honesty and impartiality;
- s) assist colleagues, give due credit to the contributions of other staff and where appropriate act as mentors towards junior colleagues;
- t) refrain from acting in any way that would unfairly harm the reputation or career prospects of other staff;
- u) observe safe work practices; follow University and legislative health and safety requirements and comply with relevant and reasonable directives; take all practicable steps to ensure their own safety at work and that their action or inaction does not cause harm to any other person;
- v) if a manager, manage their unit in a way that enables staff to perform effectively, promotes professional development for all staff, ensures that staff have a fair and appropriate share of available resources, encourages discussion and consultation about major matters and enables fair and timely professional goal setting and promotion/advancement processes to be completed in accordance with University policies and procedures.

MATTERS OF RELEVANCE TO ACADEMIC STAFF IN PARTICULAR

- w) if an academic staff member, staff are expected to recognise their responsibility to advance and disseminate knowledge and understanding, strive for excellence in research, scholarship, practice and teaching and participate effectively in the operation of the University for these purposes.

The traditional and statutory responsibility of academic staff to act as critics and conscience of society is affirmed. Academic freedom is essential to the research, scholarship, practice and teaching roles of the University. All academic staff have the right to academic freedom. This academic freedom carries with it the duty of every academic to use this freedom in a manner consistent with the obligation to base research, scholarship, practice and teaching on an honest search for and dissemination of knowledge. Academic staff should thus distinguish clearly between research, scholarship and teaching in areas where they have expertise, and areas and matters of personal opinion.

The activities of academic staff should be consistent with the responsible use of academic freedom and academic staff should in no way act or omit to act so as to limit unreasonably the academic freedom of any other person.

In pursuit of these objectives and in the context of academic freedom it is accepted that academic staff may sometimes act in their research, scholarship and teaching as critics of prevailing modes of thought, understanding, policies, practices and behaviour both within the University and more widely, and may offer alternative modes of thought, understanding, policies, practices and behaviour.

The University of Waikato acknowledges and affirms the legitimacy of such activities and consistent with this code will support academic staff engaged in them.

- x) if responsibilities include teaching and/or graduate/postgraduate supervision, staff are expected to:
- encourage students to think independently, to exchange ideas freely and to achieve to the best of their ability;
 - develop, enhance and maintain expertise in areas in which they teach;
 - communicate effectively in both formal and informal teaching contexts, and allow students reasonable access for this purpose;
 - develop assessment procedures that are fair and effective and that contribute to student learning, and administer them in fair and efficient manner, and provide timely and constructive feedback to students;
 - ensure that they are familiar with current University degree and other regulations relating to their teaching and assessment procedures;
 - continually seek to improve their teaching effectiveness on the basis of all available information about their performance and its impact on students;
 - undertake professional development activities intended to improve teaching effectiveness;
 - where appropriate, provide suitable advice and assistance to former students in their academic and professional development.
- y) if responsibilities include research and scholarship, staff are expected to:
- treat other researchers and research subjects with respect at all times;
 - seek to develop new understanding of their areas of expertise, both for the increase of knowledge for its own sake and for the wider public interest;
 - scrupulously acknowledge the contribution that others have made towards their research and scholarship, especially colleagues and students;
 - disseminate the results of their research through publication, conference presentations, and in other appropriate ways;
 - comply with the standards and ethics of their own professional societies, and with nationally and internationally accepted standards.
- z) if engaged in consultancy and/or professional practice, staff are expected to:
- avoid taking work that would in any way interfere with the fulfilment of their duties as an employee;
 - refrain from engaging in any work that would compromise their integrity and independence as University staff;
 - represent their competence truthfully;
 - avoid representing themselves as acting for, or on behalf of, the University when undertaking private consulting work;
 - avoid improper use of the publicly funded resources of the University for private gain.

5. Breaches of the code of conduct

5.1 Misconduct involves contravention of the above obligations. Serious misconduct involves serious and/or repeated contravention of the above obligations.

5.2 If established, misconduct may lead to a reprimand and warning. Serious misconduct, if established, will usually lead to summary dismissal, that is, dismissal without notice.

- 5.3 Serious misconduct is behaviour which undermines the contractual relationship between employee and employer, and/or threatens the wellbeing of the organisation, or its staff and students. Serious misconduct includes, but is not confined to, the examples below:
- a) Refusing to perform properly specified duties or carry out lawful and reasonable instructions of managers or supervisors.
 - b) Assaulting or threatening to assault any employee, student, or visitor on University premises.
 - c) Behaving in a manner causing risks to the health or safety of students or staff or otherwise failing to comply with the [Health and Safety at Work Act 2015](#) and any amended or substituted Acts and/or the University's [Safety and Wellness Policy](#) and related guidelines.
 - d) Being affected by alcohol or non-prescription drugs while at work.
 - e) Having unauthorised possession of or removing property belonging to the University, another staff member, student or visitor.
 - f) Wilfully submitting a false claim for payment or expenses, or any other deliberate falsification of a University record.
 - g) Deliberately or recklessly acting, or failing to act, in a manner resulting in serious damage to University property.
 - h) Repeatedly or seriously contravening the standards of conduct set out in section 4 of this code.

6. Disciplinary procedures

- 6.1 Formal disciplinary action is not taken lightly. The University's experience has been that nearly all staff perform well, conduct themselves reasonably, and overcome minor problems without the need for formal discipline. Initially, problems are dealt with in the expectation that staff will give of their best once a deficiency is pointed out and that any difficulties can be overcome at the workplace level.
- 6.2 Where the University has cause to believe that a satisfactory standard of performance has not been reached and maintained, or that the code of conduct has otherwise been breached, formal disciplinary procedures are likely to be invoked.
- 6.3 The Employment Court has developed some important principles as to what constitutes procedural fairness in disciplinary procedures and there are three main requirements:
- a) An employee must receive notice of the specific allegation of misconduct and of the likely consequences should the allegation be established;
 - b) There must be a real opportunity for the employee to explain or refute the allegation;
 - c) There must be proper and unbiased consideration of the explanation.
- 6.4 Unless a matter is so serious as to warrant instant dismissal, staff are entitled to be warned about disciplinary breaches and told of the manner in which their performance or conduct must improve. Warnings may be given orally or in writing but the University ordinarily confirms formal warnings in writing. It is usually appropriate to give at least two warnings although some circumstances may call for one final warning.
- 6.5 Any formal warning will include:
- a) A statement of the specific problem.
 - b) The University standard or policy breached.
 - c) The corrective action required.
 - d) The period within which the corrective action must be taken.
 - e) Reference to the meeting(s) with the staff member and any explanation given by the staff member.
 - f) The University's decision.
 - g) The consequences of failure to take the required corrective action or any further breach.
 - h) Reference to any prior warnings.

- 6.6 Suspension. The University may need to insist that a staff member not remain at work while the matter of concern is being investigated, e.g. where safety is involved. Unless the relevant employment agreement provides for suspension without pay, any suspension will be on full pay.
- 6.7 In the case of dismissal, the University's decision, and the reasons for it, will be confirmed in writing to the staff member before the dismissal is affected.

7. Rights of staff in cases of disciplinary action

- 7.1 Some staff rights are inherent in the foregoing provisions, notably 6.3 and 6.5.
- 7.2 Where the University institutes formal disciplinary action and conducts interviews with the staff member for that purpose, the staff member is entitled to bring a representative or other person to any such meeting.
- 7.3 Personal Grievances. The principal legislative provisions are contained in Part 9 of the [Employment Relations Act 2000](#). Section 103 defines a personal grievance. The procedure set out in the Act will apply unless the relevant employment agreement includes an agreed procedure that is not inconsistent with the Act.