



VICTORIA UNIVERSITY OF  
**WELLINGTON**  
TE HERENGA WAKA

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## **Staff Conduct Policy**

### **Human Resources Policy**

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#### **1. Purpose**

- a) The purpose of this policy is to establish the expected standards of conduct at Te Herenga Waka—Victoria University of Wellington (“the University”) and to outline the processes to be followed when these standards are not met.

#### **2. Application of policy**

- a) The Staff Conduct Policy is a University-wide policy which applies to the following persons:
- all employees of the University
  - independent contractors to the University
  - adjunct and visiting staff
  - visiting scholars and interns
  - emeritus professors, and
  - any other persons providing services to the University.

This policy is supported by the Guidelines for Addressing Alleged Misconduct and the Guidelines for Managing Performance Issues.

*Note: Members of council are not covered by this policy in relation to their activities as council members. A separate Code of Conduct applies to them in that capacity.*

#### **3. Policy content and guidelines**

##### **3.1 Standards of conduct**

- (a) 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.
- (b) University staff members and other persons covered by this policy will:
- (i) act in ways that are consistent with the role and guiding values of the University (attached as Annex 1)
  - (ii) act in a collegial and respectful manner and demonstrate sensitivity to the diversity of the University community
  - (iii) regulate their own conduct so the work and activities of members of the University community are not impeded or prejudiced
  - (iv) act with integrity and in a professional manner
  - (v) carry out their duties competently and in accordance with all University policies, statutes, and procedures, and

- (vi) 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.

### **3.2 Protected disclosures**

- (a) Staff members are protected under the Protected Disclosures (Protection of Whistleblowers) Act 2022. 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 the University's Whistleblower Policy in accordance with that Act.

### **3.3 Breaches of the Staff Conduct Policy (staff members)**

- (a) 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.
- (b) Further guidance to staff members in the form of examples of misconduct/serious misconduct is listed below at clause 3.7.

### **3.4 Procedures**

- (a) 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.
- (b) The processes may be found in the [Guidelines for Addressing Alleged Misconduct](#) and the [Guidelines for Managing Performance Issues](#). The processes are:
- informal process
  - formal process
  - tikanga Māori process.

### **3.5 Representation**

- (a) Staff Members who are alleged to have breached the Staff Conduct Policy are entitled to a support person/representative (e.g. their union representative). The relevant manager who is dealing with an alleged breach of the Staff Conduct Policy by a staff member will be supported by Human Resources.

### **3.6 Breaches of the Staff Conduct Policy (persons covered by the policy who are not staff members)**

- (a) 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.

### **3.7 Examples of misconduct/serious misconduct**

- (a) 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 freedom.<sup>1</sup>

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<sup>1</sup> See Education and Training Act 2020, section 267.

### 3.7.1 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.*

### 3.7.2 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.

### 3.7.3 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 improvement or performance management process.*

### 3.7.4 Workplace bullying<sup>2</sup>

- (a) "Bullying" means repeated and unreasonable behaviour by a person (covered by the Staff Conduct Policy) directed towards a member (or members) of the University community that can lead to physical or psychological harm.
- (b) Reasonable management actions do not constitute bullying. These may include giving reasonable directions, monitoring and providing feedback on poor performance, and taking action in accordance with this policy.

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<sup>2</sup> The University's [Building Respect](#) programme has information and resources to support staff in addressing various workplace issues, including workplace bullying and what constitutes behaviour that may or may not be bullying.

**3.7.5 Ongoing poor performance<sup>3</sup>**

- (a) 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 can be informal or formal.
- (b) 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.

**3.7.6 Misconduct involving a conflict of interest**

- (a) 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 members and students at the University or between a manager and a direct report, the potential for harm is greater and special care needs to be taken to avoid conflicts of interest.
- (b) All members of the University community must 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 Potential Conflicts of Interest](#). Failure to disclose a conflict of interest would comprise a breach of the [Conflicts of Interest Statute](#) (and therefore may be a breach of the Staff Conduct Policy).
- (c) In addition, members of the University community are prohibited from initiating, entering into and/or being in an intimate relationship with a student where the member has a direct responsibility for, or involvement in, that student's academic studies and/or where the member is assigned specific direct responsibilities related to the emotional safety and well-being of the student. This includes a relationship with any student where it is reasonably foreseeable that the member of the University community will be moving into a role of direct responsibility for that student in the course of their studies. Direct responsibility includes direct management, direct teaching or supervision (including as a tutor), assessing the student's work, and all roles where a member of the University community is assigned specific direct responsibility related to the emotional safety and well-being of the student (including as a residential adviser). For the purposes of clause 3.7.6(c) only, the definition of "members of the University community" excludes students. Refer to the [Intimate and Close Personal Relationships Policy](#) for further information.

**3.7.7 Media (including social media) and public comment**

- (a) Media includes anything that is being published or broadcast, such as in or on:
  - (i) newspapers, journals, magazines, radio and television
  - (ii) the internet, including websites, chat rooms, chat groups, blogs, newsgroups, research groups, and social networking sites (e.g. Facebook, Twitter, etc.), and
  - (iii) academic discipline-related newsletters and other newsletters such as community group, hobby group, etc.
- (b) The University supports the exercise of academic freedom under section 267 of the Education and Training Act 2020.
- (c) 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.
- (d) 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

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<sup>3</sup> For more information, see the [Guidelines for Managing Performance Issues](#).

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.

- (e) 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.

### **3.7.8 Discrimination or harassment**

- (a) Discrimination means conduct where a person is treated unfairly or less favourably than another person in the same or similar circumstances by reason of any of the prohibited grounds under the Human Rights Act 1993 and the Employment Relations Act 2000 (and it does not fall within any of the relevant exceptions set out in the Human Rights Act 1993). In this policy, the meaning of discrimination includes gender identity as a further prohibited ground.

As at the effective date of this policy, the prohibited grounds of discrimination under the Human Rights Act 1993 and the Employment Relations Act 2000 are: sex (including pregnancy or childbirth), marital or family status, religious or ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, sexual orientation, union membership or involvement in union activities. In addition, the University treats gender identity as a further prohibited ground of discrimination under this policy.

- (b) Harassment means any unreasonable, unjustified or unwelcome behaviour which another person finds offensive, humiliating, or intimidating, and is either repeated or is significant enough to have a negative effect on that person's wellbeing, their job performance or satisfaction, or their work and study environment. Harassment can also be part of bullying, and it includes racial harassment and sexual harassment (see below).
  - (i) Racial harassment means the use of language, or visual material or physical behaviour that expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the race, colour, or ethnic or national origins of that person; is hurtful or offensive to that person; and is either repeated or of such a significant nature to have a detrimental effect on a person in one of the areas specified by the Human Rights Act 1993 or the Employment Relations Act 2000, e.g. the provision of education, accommodation, and employment.
  - (ii) Sexual harassment has the meaning given in the [Sexual Harassment Response Policy](#) namely, unwelcome or offensive sexual behaviour that is repeated or is significant enough to have a harmful effect on an individual's wellbeing. Unwelcome means behaviours that are not solicited or invited and are regarded by a person as undesirable or offensive at the time. For more information, see the [Sexual Harassment Response Policy](#) and [Procedures](#).
- (c) Causing racial disharmony is also prohibited conduct and has the meaning given to it in the Human Rights Act 1993.

### **3.7.9 Other misconduct**

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

- (a) breaching the University's standards of conduct (see clause 3.1)
- (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 they are 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, Property 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.

#### 4. 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, independent contractors to the University, adjunct and visiting staff, visiting scholars and interns, emeritus professors, volunteers and any other persons providing services to the University.

Student: Any person enrolled in a personal course of study at the University, or a person who is studying at the University under an exchange agreement with another institution and includes a resident in a Hall of Residence.

University: Te Herenga Waka–Victoria University of Wellington.

#### 5. Legislative Compliance

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

[Education and Training Act 2020](#)

[Employment Relations Act 2000](#)

[Harassment Act 1997](#)

[Human Rights Act 1993](#)

[Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)

[Privacy Act 2020](#)

## 6. Related Documents

[Acceptable Use of Information Systems Statute](#)  
[Conflicts of Interest Statute](#)  
[Procedures for Managing Potential Conflicts of Interest](#)  
[Dealing with Sexually Explicit Material Procedure](#)  
[Delegations Framework](#)  
[Fraud Policy](#)  
[Guidelines for Addressing Alleged Misconduct](#)  
[Guidelines for Managing Performance Issues](#)  
[Health, Safety and Wellbeing Policy](#)  
[Intimate and Close Personal Relationships Policy](#)  
[Campus Life Policy](#)  
[Sexual Harassment Response Policy](#)  
[Sexual Harassment Response Procedures](#)  
[Whistleblower Policy](#)  
[University Employment Agreements](#)  
[Building Respect materials on staff intranet](#)

## 7. Document Management and Control

Approver	Vice-Chancellor
Approval Date	12 July 2022
Effective Date	1 September 2022
Last Modified	17 April 2024
Review Date	1 September 2025
Sponsor	Director, People & Capability
Policy Owner	Manager, Employment Law and Employment Relations
	<i>Please contact your Human Resources Manager/Adviser if you have any questions about the application of this Policy.</i>

**Annex 1: Te Herenga Waka—Victoria University of Wellington values and commitments**

Te Herenga Waka—Victoria University of Wellington's core ethical values are Respect, Responsibility, Fairness, Integrity, and Empathy.

These core ethical values are demonstrated in our commitment to sustainability, wellbeing, inclusivity, equity, diversity, collegiality, and openness.

With, and as, tangata whenua, we value Te Tiriti o Waitangi, rangatiratanga, manaakitanga, kaitiakitanga, whai mātauranga, whanaungatanga, and akoranga.

As an academic community, we prize excellence, intellectual rigour, critical inquiry, academic freedom, and institutional autonomy.

Leadership, curiosity, creativity and entrepreneurship, whether social, cultural, scientific, or commercial, are at the heart of our capacity to imagine creative concepts, to express new possibilities, and to find new solutions to complex issues.

Source: Strategic Plan 2020-2024