

# Code of Conduct Guidelines:

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## Background

The University's Code of Conduct has been developed to express and sustain a standard of behaviour that supports and enables the University's commitment to being a safe, inclusive, equitable and respectful community.

All members of the University community are expected to maintain a standard of conduct that will enable the University to achieve its aspirations, by embracing the values of manaakitanga, kaitiakitanga, whanaungatanga and kotahitanga.

A university is founded on, and invigorated by, debate and the challenge of existing views. The Code of Conduct seeks to protect academic freedom and to ensure that debate occurs in a constructive and respectful manner, both supporting academic critical debate and giving rise to new and novel thinking and ideas.

## Application

The Code of Conduct is applicable to the entire University community (students, staff, alumni, the Council, supporters, visitors, contractors) both in day to day interactions between individuals, and in ongoing partnerships between groups or collectives. The Code of Conduct sets out clear guidelines for constructive and positive working relationships, and all other kinds of professional relationships, within the University Community when we are on campus, representing or associated with the University and in University-affiliated digital spaces.

## Purpose

These guidelines aim to:

- Assist with the implementation of the Code of Conduct.
- Increase understanding of the issues.
- Support academic critical debate.
- Enable members of the University community to identify and resolve matters of misconduct.
- Improve conduct within the University community and in our external interactions.

## Guidelines

Whether behaviours are considered appropriate or inappropriate is dependent on a range of factors, including but not limited to:

- **Open or closed environment-** an open environment, such as public space, is one in which people have the choice to be in. A closed environment, such as a shared office or classroom, is one in which we do not have that choice.
- **Surrounding circumstances-** the context in which the behaviour occurs. For example, a colleague shouting at another colleague because there is a fire is acceptable in the context. Shouting at a colleague during a meeting is not.

- **Relationship between the parties-** Acknowledging that there are often power dynamics in an interaction is important to whether the behaviour is acceptable. For example, what is an acceptable exchange between two undergraduate students may not be acceptable between a tutor and a student.
- **The place where something occurs-** It may be appropriate to show nude art in a lecture on the History of Fine Art, but it is inappropriate in a Mathematics lecture.
- **Intention-** the intention does not excuse the behaviour, for example a person may not intend to harass another person, but the behaviour is still harassment. The person affected, however, may choose to resolve the behaviour informally if they believe the offender did not have negative intentions. Equally, they may choose to resolve formally if the original intention was to cause harm.
- **Frequency of Occurrence-** a single occurrence of inappropriate behaviour, for example, a colleague speaking over a colleague in a meeting, may not be considered a contravention of the Code. However, repeated behaviour of this kind may cumulatively constitute a contravention of acceptable standards.

### **Examples of contraventions of the Code of Conduct and possible resolutions.**

Acts of aggression towards another person, such as hitting, pushing, abusing or swearing at them, are clear examples of behaviour that contravenes the Code, whatever may be the perceived justification. Other examples include:

#### **Scenario A**

A student finds that another student is posting unkind personal comments and emojis about them on an open Facebook group and a University study group Facebook page. This occurs after the students have ended a brief relationship. The posts make the rest of the study group quite uncomfortable.

#### **Why this contravenes the Code of Conduct?**

The behaviour is counter to acting with manaakitanga:

- Repeated.
- Inconsistent with treating others with respect, care and support
- In breach of University's IT Acceptable Use policy (with respect to the University study group page – the University can only influence University - affiliated digital spaces)

#### **Possible forms of resolution**

Self:

- The student or students in the group could attempt to talk to the student individually about the behaviour.

Informal:

- The student could make a complaint about the harmful nature of the content following the steps in the [Harmful Digital Communications Act 2015](#)
- The targeted student or the students in the group could report the behaviour to the Course Convenor. The Course Convenor could talk to the student about his behaviour.

Formal:

- The targeted student and/or the group could report the behaviour to their Head of School and/or the Proctor.

## **Scenario B**

A new manager (C) is employed in an area with two long serving staff members (A) and (B). A soon notices C goes to lunch with B. A also finds he is not invited to meetings he used to be invited to or cc'ed into emails, however B is invited to the meetings and receives the emails. This results in A feeling side-lined and unable to do his job properly. A is criticised for not knowing things and B is praised for good work. When A mentions this to his new manager, she tells him he is imagining things, that she is his manager and he just needs to complete the set tasks.

### **Why this contravenes the Code of Conduct?**

The behaviour is counter to acting with manaakitanga and whanaungatanga:

- Repeated.
- Inconsistent with treating others with respect, care and support and does not show recognition of the impact of power imbalances in the University community and the abuse of power over others by virtue of position or status.
- Inconsistent with our commitment to positive, supportive, and collegial relationships.
- Possible breach of the University's [Addressing Bullying, Harassment and Discrimination Policy](#) and Procedures.

### **Possible forms of resolution**

Self:

- The staff member could write a letter or an email to his line manager specifically outlining what behaviour he finds inappropriate, the impact this has on him, and what he would like to happen in the future.
- The staff member could discuss the situation with a friend or colleague who may offer support with confronting his line manager about her behaviour.

Informal:

- The staff member could make a record of the inappropriate behaviour and raise his concerns with the Head of Department. The Head of Department could then speak to the line manager individually or facilitate a discussion with both staff to try and resolve the situation.
- The staff member could seek support from his Union representative.

Formal:

- The staff member could make a formal complaint to his Head of Department or HR representative.

## **Scenario C**

Leaflets are being regularly distributed throughout some lecture theatres which many students and the lecturers are finding offensive and distressing. The leaflets include biblical quotes and make statements such as "Homosexuals are sinners and will go to hell".

### **Why this contravenes the Code of Conduct?**

The behaviour is inconsistent with commitment to whanaungatanga:

- In a closed environment.
- The leaflets have caused distress, despite what the initial intentions may have been.
- Inconsistent with supporting the University community as a safe, inclusive and equitable environment for all.

### **Possible forms of resolution**

Self:

- Anyone could remove or throw away the leaflets.

- Anyone could put up notices asking people not to distribute the leaflets in lecture.
- Offended parties could talk to the people distributing the leaflets about how the content is offensive and distressing, and ask them to publicise their views by other means.

Informal:

- The leafletting could be reported to Campus Security. Security could act to remove the leaflets, tell people not to distribute these, or if they are visitors, ask them to leave the campus.
- The Course Convenor/Head of School could contact staff and students using the building and ask them not to distribute the leaflets.

Formal

- Students found distributing leaflets could be reported to the Proctor.
- Staff found distributing leaflets could be reported to their line manager or HR.
- Visitors to the University could be banned from campus.

## **Scenario D**

Two colleagues, one male and one female openly don't get along. The male has started writing emails to other male colleagues, initially saying the female is incompetent, then more recently that, "she's a f...ing bitch" and making ugly remarks about her appearance. Some of the male staff receiving these emails are finding them not only inappropriate but quite offensive.

### **Why this contravenes the Code of Conduct?**

The behaviour is counter to acting with manaakitanga and whanaungatanga:

- Intended to offend.
- In a closed environment.
- Inconsistent with avoiding behaviour that is aggressive, violent or in other ways makes others feel unsafe or unwelcome (e.g. harassment (racial, sexual and in all other forms), bullying, offensive behaviour and personal attacks).
- Inconsistent with supporting our commitment to positive, supportive, and collegial relationships.
- Inconsistent with the University's IT Acceptable Use policy
- May be in breach of University's [Addressing Bullying, Harassment and Discrimination Policy](#) and Procedures.

### **Possible forms of resolution**

Self:

- The staff members receiving the email could ask the staff member to stop sending emails about his colleague. They could explain that they find the comments offensive and his behaviour inappropriate.

Informal:

- The staff member's line manager could talk to him about his behaviour and warn that if it continues it may be cause for disciplinary action.
- The Head of Department could facilitate a meeting for both staff to resolve the issues.

Formal:

- The colleague could be informed of the male staff member's comments. She may choose to raise a formal complaint with HR or his line manager.

## **Scenario E**

A student is often quite rude to others in group project. He talks over them, dismisses their ideas and suggests they are not working hard enough or not clever enough to get a good mark. He berates them for pushing down his likely mark for the group project.

### **Why this contravenes the Code of Conduct?**

The behaviour is counter to acting with manaakitanga and whanaungatanga:

- Repeated.
- Intended to offend.
- In a closed environment.
- Inconsistent with treating others with respect, care and support.
- Inconsistent with supporting our commitment to positive, supportive, and collegial relationships.
- May be in breach of University's [Addressing Bullying, Harassment and Discrimination Policy](#) and Procedures.

### **Possible forms of resolution**

Self:

- The students in the group could attempt to talk to the student individually about his behaviour.
- The students in the group could write a letter or an email to the student specifically outlining what behaviour they find inappropriate and how they would like him to communicate in future.

Informal:

- The students in the group could report his behaviour to the Course Convenor. The Course Convenor could talk to the student about his behaviour and/or move the student into a different group.

Formal:

- The students in the group could report the male student's behaviour to their Head of School and/or the Proctor.

## **Scenario F**

The leader of a Faculty Student Association purposefully misinforms the association members of what the Dean has said in a meeting. This has resulted in some of them sending the Dean angry, mean e-mails.

### **Why this contravenes the Code of Conduct?**

The behaviour is inconsistent with kotahitanga and kaitiakitanga:

- Intended to incite inappropriate behaviour and aggressive response.
- In a closed environment.
- Inconsistent with making good faith contributions to guide others in decision-making.
- Inconsistent with recognising the need for integrity, honesty, transparency, accountability, and the importance of critical debate, especially when we exercise positions of responsibility.

### **Possible forms of resolution**

Self:

- The Dean could remind the Student Association leader of their responsibilities to act within the University's policies and guidelines and ask them to correct what was said.
- The Dean could share a record of the meeting with the Student Association.

Informal:

- The Dean could raise the student's behaviour with the Auckland University Student's Association (AUSA) executive. AUSA could meet with the student and ask them to resolve the miscommunication and warn that future acts may be cause for reviewing their position in the Student Association.

Formal:

- The Dean could report the student's behaviour to AUSA and/or the Proctor.

### **Examples of conduct which in the context would not be considered a contravention of the Code of Conduct.**

It is important that we are able to have honest and respectful conversations in the University environment. Examples of behaviours that are not considered bullying, or in contravention of the Code of Conduct, include:

- Differences of opinion and non-aggressive conflicts.
- Robust intellectual debate.
- Evaluative critical comments in the context of assessment of students work.
- Constructive feedback.
- Performance management and other disciplinary action in accordance with the University's policies and procedures.
- Setting expectations and discussing performance assessments. For example, I might find my manager's behaviour to be unwelcome, but my manager may well be trying to address a performance issue and is entitled to do that.
- Direction of day to day management.
- A single incidence of unreasonable behaviour that is uncharacteristic and that is not repeated.

Whether an action contravenes the Code may be open to interpretation and, if in doubt, discussion with a senior or experienced colleague may be helpful before considering possible means of resolution.

#### **Scenario G**

A student received a low grade on their essay. The student is upset as they worked hard on the piece and they believe that the feedback given is offensive and unconstructive. As a result, the student complains to the Course Convenor that they have been treated unfairly. After reviewing the comments made, the Course Convenor advises the student that the feedback provides a critical assessment of the work, and refers the student to academic and learning support services.

#### **Why this does not contravene the Code of Conduct?**

The surrounding circumstance were appropriate and language and content of the criticism was professional and not abusive. The tutor has given evaluative, critical comments in the context of assessment of students work. The tutor's behaviour is reasonable in these circumstances.

#### **Scenario H**

A group of students are studying together in a common study space. They are making jokes and laughing loudly. A nearby student, who is disturbed by the noise, confronts one member of the group. He is standing very close to the student and staring intently. After a brief exchange, he leaves. The confronted student is distressed by the encounter as they felt the aggressive behaviour was uncalled for and a personal attack.

### **Why this does not contravene the Code of Conduct?**

The group of noisy students are failing to act with manaakitanga toward the other students in the study space. The student who approached them to complain was justified. This is a single occurrence for the group and the individual. There was no repeated behaviour or physical confrontation and the situation was resolved.

### **Scenario I**

A tutor is leading a group discussion. One student is strongly opposed to what the tutor has said, and openly voices their disagreement. The subject is controversial and many others in the class take offense at what the student has said. The tutor receives complaints from other students about what was said.

### **Why this does not contravene the Code of Conduct?**

The student voiced an opinion within the context of an academic discussion group, as part of a critical debate.

### **Scenario J**

Two professional staff share an office. The younger staff member likes to talk loudly whilst on the phone and often disturbs the other. The older staff member asks their colleague to lower their voice when making calls. The younger staff member is offended by the request and believes the way in which they were approached was unsupportive and not collegial.

### **Why this does not contravene the Code of Conduct?**

The two colleagues are in a closed environment (shared office) and have a duty to respect the rights of their colleague to work without excessive disturbance.

## **Resolution Processes**

Depending on the severity of the situation and the wishes of the complainant, different approaches are available. You can consider any of the following:

### **Self-resolution**

Anyone in the University community can uphold the Code of Conduct and can outline the expected standards of behaviour to someone who they considered to be in contravention of those standards.

Actions for self-resolution can include, but are not limited to:

- Recognising the behaviour and making a note of it, but choosing not to act.
- Confiding in a friend and/or colleague about the inappropriate behaviour. A friend or colleague could support the affected person to confront the behaviour or may be able to address the behaviour directly on their behalf.
- Telling a person that their behaviour is unacceptable, and not in line with expected behaviours, either verbally or in written form.
- Removing yourself from the situation and/or asking a person for "no contact" outside of your professional relationship.
- Being an active bystander and intervening on behalf of the affected party where inappropriate behaviour is observed.

These steps can be taken together or individually, as a first response to inappropriate behaviours. They may resolve the issue or it may be necessary to proceed with informal or formal resolutions.

In all cases, personal safety (mental and physical) should be considered before proceeding with self-resolution. Depending on the nature of the contravention, and the relationship of the parties involved, it may be more appropriate to proceed straight to an informal or formal resolution.

## **Informal resolution**

When self-resolution under the Code of Conduct is not appropriate or has failed, informal resolutions and interventions can be taken by members of the University community with positions of responsibility.

Examples of people in the University community with positions of responsibility are-

For students:

- Class representatives
- Student Advocacy Network (AUSA Student Advice Hub) including Nga Tauira Māori
- Student Information Centre
- Academic head
- Course Convenor
- Proctor
- Kaiārahi/Associate Dean Māori and Pacific
- Campus Security
- Resident Manager/Resident Advisor

For staff:

- Academic head
- Line manager
- Human resources manager
- Union representative
- Campus Security

Actions for informal resolution that can be taken by a person in a position of responsibility include, but are not limited to:

- Discussing the problematic behaviour with the person who has contravened the Code and reminding them of the expected standards of behaviour.
- Facilitating a discussion between the parties, with formal mediation if necessary, to achieve a common understanding and resolution.
- Making a record of the complaint, advising the person in contravention of the Code that continued behaviour may lead to disciplinary action in future, and monitoring for any continued unacceptable behaviours.
- Separating the conflicting parties (if possible) to protect the health, safety and wellbeing of those involved, and that of the wider community.
- Asking visitors who do not uphold University of Auckland values to leave university space.

These steps aim to achieve a positive and timely resolution and allow the affected parties to maintain or restore their professional relationships. The person leading the informal resolution should recognise the importance of respect for natural justice, confidentiality and avoidance of bias, and not act to blame or discipline, but to remind the person in breach of the Code of the acceptable and unacceptable behaviours. They may resolve the issue or it may be necessary to proceed with formal resolutions.

## **Formal Resolution**

Where a contravention of the Code of Conduct is also a breach of University policy, statute, regulation or rule, and/or informal resolution is not appropriate or has failed, a formal complaint can be made.

Formal complaints are potentially disciplinary in nature, and therefore should be made to an appropriate staff member who has the authority to conduct an investigation of the complaint-



For students:

- Student Advocacy Network (*For advice and support with making a complaint*)
- Proctor
- Academic Head
- Resident Manager

For staff:

- Academic head
- Line manager
- Human resources manager
- Union representative (*for advice and support with making a complaint*)

These staff can also provide guidance and advice on how to make a formal complaint and what the process entails, which policies may have been breached, and where the affected party can seek support throughout the complaints process.

Complaints can also be made anonymously to the staff listed above, or may be reported by the University's [Whistle Blower Hotline](#). (Anonymity of a complainant may limit the possibilities of action that can be taken.)

Before making a complaint, the complainant should be aware that a formal investigation-

- Will be carried out in accordance with the principles of natural justice.
- Is likely to take longer than an informal resolution.
- May be limited if the complainant wishes to remain anonymous.

The complainant can seek support from a union representative, lawyer, or counsellor at any time during the process.

## Relevant Documentation

<p><a href="#">Student Charter</a></p> <p><b>Policies &amp; Procedures</b></p> <p><a href="#">Access to University Facilities Policy</a></p> <p><a href="#">Access to Personal Information Policy and Procedures</a></p> <p><a href="#">Addressing Bullying and Harassment and Discrimination Policy and Procedures</a></p> <p><a href="#">Authorship Guidelines</a></p> <p><a href="#">Conflict of Interest Policy</a></p> <p><a href="#">Equity Policy and Procedures</a></p> <p><a href="#">Health, Safety &amp; Wellbeing Policy</a></p> <p><a href="#">Intellectual Property Created by Staff &amp; Students Policy</a></p>	<p><a href="#">IT Acceptable Use Policy</a></p> <p><a href="#">Privacy Policy</a></p> <p><a href="#">Protected Disclosures Policy and Procedures</a></p> <p><b>Statutes, Regulations &amp; Rules</b></p> <p><a href="#">Resolution of Student Academic Disputes Statute</a></p> <p><a href="#">Accommodation Residential Rules</a></p> <p><a href="#">Student Academic Conduct Statute</a></p> <p><a href="#">Statute for Student Discipline</a></p> <p><a href="#">University of Auckland Campus Rules</a></p> <p><b>Conflict Resolution</b></p> <p><a href="#">Resolution of Employment Relations Problems Procedures</a></p> <p><a href="#">Staff Complaint Process Flowchart</a></p>	<p><a href="#">Student Complaint Process Flowchart</a></p> <p><b>New Zealand Legislation</b></p> <p><a href="#">Employment Relations Act 2000</a></p> <p><a href="#">Education Act 1989</a></p> <p><a href="#">Harmful Digital Communications Act 2015</a></p> <p><a href="#">Harassment Act 1997</a></p> <p><a href="#">Health and Safety at Work Act 2015</a></p> <p><a href="#">Human Rights Act 1993</a></p> <p><a href="#">New Zealand Bill of Rights Act 1990</a></p> <p><a href="#">Privacy Act</a></p> <p><a href="#">University of Auckland Act 1961</a></p>
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### Definitions

**Academic Freedom:** the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions.

**Collegial relationships:** cooperation and recognition of interdependence among members creating a supportive and healthy work and study environment.

**Conduct:** a person's behaviour in a place or situation (including online), including both verbal and physical behaviour.

**Environment:** refers to physical environments, social and cultural environments, and virtual environments at the University including internet, intranet and social media.

**Natural Justice:** includes the person complaining or complained about having a fair opportunity to be heard and respond on the matters in issue; and the decision-maker being free from bias or pre-determination.

**Respect:** showing due regard for the feelings, wishes, or rights of others.

**Responsibility:** having a duty to deal with something or, having control over someone, or being accountable/to blame for something.

**Rule:** means any written direction or requirement made by the Council, Senate, any of their Committees, or any authorised person of which notice has been given by publication in the University Calendar, University Policy Hub, or by other means.

**Sustainability:** working towards sustainable development as outlined by the UN's [Sustainable Development Goals](#).

**University community:** students, staff, alumni, supporters, the Council, visitors and contractors, when they are on campus, representing or associated with the University and in University-affiliated digital spaces.