

# Code of Conduct for Employees Policy

Version 1.1

9 April 2024

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N/A	Initial Issue updated to reflect Governing Body comments on 12 July 2022	12 July 2022	1.0
1.0	Reviewed by GB Policy Committee, recommended for approval by the Governing Body	14 March 2024	1.0
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Name	Date	Details of consultation
Staff Unions	March 2022	Information and consultation provided to staff unions TUI and PMSS unions.
	November 23	Information and consultation provided to staff union TUI regarding concerns raised with wording under section 3.5.
	Nov 23- Feb 24	Discussion with TUI regarding concerns raised under section 3.5 and revised wording included in draft policy for consideration.  Draft sent to all unions
Management	March 24	Draft sent to all managers

This policy must be available to all staff

<b>Publication Details</b>	
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## **1. Introduction**

1.1 South East Technological University (SETU) is charged with maintaining best practice behaviour in all our interactions and has developed this Code of Conduct as a way of ensuring that appropriate standards of conduct are adhered to by our employees. SETU encourages the highest standard of conduct to ensure that our actions are lawful, ethical, honorable and transparent. Everyone to whom this Code applies is expected to operate at all times in all work settings in a manner that positively reflects on and enhances the reputation of themselves and the university.

1.2 This Code is principle-based. It sets out the minimum requirements with, which everyone within its scope is expected to abide in performing their duties in a lawful, ethical and professional manner and in compliance with the policies and procedures of SETU and the relevant Code of Governance.

1.3 This Code takes account of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 as well as the Technological Universities Act 2018. This Code has been approved by the Governing Body. There is a requirement for each university to develop a Code of Conduct, to comply with the relevant Code of Governance and report on this to the HEA as part of the Annual Governance statement by the President and the Chair of the Governing Body. This Code applies to employees of SETU.

1.4 Employees must comply with the requirements of the Technological Universities Act and all other applicable legislative and regulatory requirements.

1.5 Employees will comply with all policies and procedures put in place for employees generally by SETU from time to time.

1.6 This Code does not address all possible situations that may arise in SETU but is a set of principles that provide guidance to employees on acceptable and unacceptable behaviour.

## **2. Objectives**

2.1 The objectives of the Code are:

- To set out an agreed set of ethical principles;
- To promote and maintain confidence and trust in SETU and its employees;
- To prevent the development or acceptance of unethical practices and behaviours;
- To promote the highest legal, professional and ethical standards in all the activities of SETU;
- To promote compliance with best current governance and management practice in all the activities of the SETU.

These objectives can be achieved through adherence to the fundamental principles set out in this Code. The general principles of this Code of Conduct, which employees are expected to comply with are:

- Integrity
- Honesty
- Transparency
- Confidentiality
- Commitment to the University
- Fairness

### **3. General Principles**

#### **3.1 Integrity**

**3.1.1** Employees have a duty to conduct themselves in accordance with the highest standards of business and professional ethics. This will include full compliance with the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 including any amendments to these Acts.

**3.1.2** Employees (other than hourly paid part-time employees) must obtain written approval in advance from the President of SETU or the nominee of the President for outside employment and comply with such policies or procedures around same as may apply from time to time.

**3.1.3** The Conflict of Interest shall be reported in writing in line with SETU Conflict of Interest Policy (see appendix 1). A conflict(s) of Interest/Conflict(s) means an actual, perceived or potential conflict where the personal interests of a person may be in conflict (or perceived to be in conflict) with the interests of South East Technological University (the University).

**3.1.4** A Conflict of Interest arises when the commitments, duties, independence and objectivity owed by an individual to the University are likely to be or may appear to be compromised by a commitment to another body or person (such as a private company; funding body; family member; or a close friend). This includes where the individual may have resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a family member or a close friend. A Conflict of Interest may be financial or non-financial.

3.15 A Conflict of Interest may also arise where an individual's judgement with respect to work being carried out for the University is unduly influenced by a secondary interest or there is seen to be an incentive to take certain actions by the individual.

3.16 Where there is an appearance of or potential for a Conflict of Interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

3.17 *Financial Conflicts*

A financial Conflict of Interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to a family member or close friend. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this policy. Also see the Intellectual Property Policy for further information in relation to financial conflicts.

*Non-Financial Conflicts*

A non-financial Conflict of Interest may include any kind of benefit or advantage, including any form of career enhancement (direct or otherwise), enhancement of education or similar gain for the individual or a to a family member or close friend.

3.18 Recognising that it is difficult to anticipate all conflicts in advance, staff are reminded that questions regarding the Conflict of Interest Policy may be made informally and confidentially at any time to Human Resources or the Technology Transfer Office.

3.19 Any decision of the Conflict of Interest Committee can be appealed to the President. The decision of the President shall be final notwithstanding the option to avail of the Universities grievance procedures. Further information is available in SETU Conflict of Interest Policy (see appendix 1).



- 3.1.10 Employees must conduct their purchasing of goods/services for the university in accordance with public policy, best business practice and the SETU's procurement policies and procedures (See appendix 1), as well as complying with prescribed levels of authority for the sanctioning and monitoring of any relevant expenditure. Employees must ensure that the engagement of consultancy and other services is in compliance with public policy guidelines and SETU's policy.
- 3.1.11 Employees must not solicit contracts with SETU for the supply of goods or services either for their own benefit, or for any partnership or company with which they have an involvement in their private capacity, or on behalf of other persons or organizations.
- 3.1.12 SETU is committed to not acquiring information or business secrets by improper means.
- 3.1.13 Employees must ensure that the accounts/reports of their area of responsibility within SETU accurately reflect the operating performance of SETU and are not misleading or designed to be misleading.
- 3.1.14 Employees must avoid the unapproved use of SETU's resources or time for personal gain or for the benefit of competitors and/or other education providers.
- 3.1.15 Employees should disclose to the appropriate level of management if they suspect or are aware of dishonest or other improper activity, (see link in appendix 1 to SETU's Protected Disclosures Policy).
- 3.1.16 Relevant wrongdoings which fall within the scope of the Protected Disclosures Policy are defined by the legislation as:
- a) an offence, has been, is being or likely to be committed;
  - b) a person has failed, is failing, or likely to fail to comply with any legal obligation **other**

**than** under the worker's contract of employment;

- c) that a miscarriage of justice has occurred, is occurring or is likely to occur ;
- d) that the health or safety of any person has been, is or is likely to be endangered;
- e) that the environment has, is being or likely to be damaged;
- f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has, is or is likely to occur;
- g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement; or
- h) that a breach of EU law has occurred, is occurring or is likely to occur or;
- i) that information tending to show any matter outlined above has, or is likely to be concealed or destroyed.

A 'protected disclosure' under this policy may be about a relevant wrongdoing:

- That is happening now
- That took place in the past
- That is likely to happen

A matter is not a relevant wrongdoing if it is a matter which it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

## 3.2 Honesty

3.2.1 Employees must use the resources of SETU in a proper, effective and efficient manner and must take proper and reasonable care of university property and must

not knowingly use or permit its use for unauthorized purposes.

3.2.2 Employees are required to attend work, perform their duties in a diligent and efficient manner and not absent themselves from duty without proper authorization, in accordance with SETU's absence reporting rules.

3.2.3 Employees must carry out official directions and policies in, good faith and in an impartial and transparent manner.

3.2.4 Employees must ensure that expenses, such as travel and subsistence payments, are not unnecessarily incurred either by themselves or by staff reporting to them and must comply with Government Guidelines (Department of Finance Circular 11/82 and subsequent amendments).

### 3.3 Transparency

3.3.1 Employees must comply with the following guidelines in relation to giving and receiving gifts and entertainment, in order to ensure that university decisions are made on fair and objective criteria.

3.3.2 Employees must not solicit or receive gifts or hospitality for personal gain. The receipt of gifts and hospitality by employees from individuals or organizations will be governed by the highest standards. The term "gift" includes any benefit which is given to an employee free of charge or at less than its commercial price.

3.3.3 The exchange of official gifts (e.g. gifts exchanged with dignitaries and officials) to and from SETU is acceptable and in such circumstances gifts received remain the property of SETU. Receipt of hospitality that constitutes normal courtesies in student, business

and community relations (e.g. attendance at a community/civic/cultural function) is acceptable. Employees may only accept small items of promotional material (e.g. promotional calendars, diaries, beverage etc.), any other gifts should be returned with a suitable explanation. Further details will be defined in a SETU Hospitality & Gift Policy.

3.3.4 Employees, arising from their employment must not accept cash, gift cheques or any vouchers that may be exchanged for cash, regardless of the amount, from individuals or organisations.

3.3.5 Employees must make themselves aware of any SETU guidelines, which may be issued from time to time in respect of the above, including the appropriateness of gifts.

#### 3.4 Confidentiality and Intellectual Property

3.4.1 Employees are required to comply with relevant statutory provisions under the Freedom of Information Act, 2014 and the Data Protection Act, 2018 and SETU's Records Management Policies and Procedures and any amendment thereof. (See Appendix 1). The university is committed to managing access to general information relating to activities of SETU in a way that is open and transparent and enhances SETU's accountability to the general public.

3.4.2 Employees must respect and maintain confidentiality in relation to staff, students and commercially sensitive SETU business. Employees are required to respect the value and ownership of information they receive and not disclose information without appropriate authority unless there is a legal or professional obligation to do so, having regard to the principle of academic freedom, as set out in the Technological Universities Act 2018.

- 3.4.3 Employees must take all steps to ensure compliance with the SETU's Intellectual Property Policy (See Appendix 1).
- 3.4.4 Employees are required at all times to respect the confidentiality of sensitive information held by and processed by SETU. Such information includes, but is not limited to:
- personal information;
  - information received in confidence by the university;
  - any commercially sensitive information or other information sensitive to the reputation of SETU.
- 3.4.5 Employees will observe appropriate prior consultation and decision-making procedures where, exceptionally, it is proposed to release sensitive information in the public interest.
- 3.4.6 Employees should be aware of the requirements under the Data Protection Act 2018 to respect the confidentiality of information received in the performance of their duties as employees. Additionally, employees must especially respect the confidentiality of the deliberations of any SETU Boards/Committees where advised that such confidentiality is required.
- 3.4.7 Employees must ensure that appropriate care is taken to guarantee the security of sensitive information (in paper or electronic form) whether stored on or off university property.
- 3.4.8 Employees must ensure that confidential records are subject to appropriately restricted access procedures in accordance with SETU guidelines. Where clarification is required as to the appropriate restricted access requirements, the

onus is on the employee to follow-up with the responsible owner to ensure this is effectively controlled.

3.4.9 The obligations of an employee to the university with regard to the non-disclosure of privileged or confidential information arising from their employment does not cease when their relationship with SETU has ended e.g. information should not be taken off site.

### 3.5 Commitment to the University

3.5.1 Employees are required to be committed to the University, with due respect to the tenets of academic freedom, while mindful that the University itself must at all times take into account the interests of its students and providers of funds, including taxpayers.

3.5.2 Employees are also required to act in accordance with SETU's policies and procedures and to abide by any lawful instructions and reasonable directions given by persons who are authorized by SETU to give such instructions and direction.

3.5.3 Employees should uphold and promote the good name and reputation of the university and exercise judgment in the best interests of SETU in the undertaking of their duties. This obligation does not detract from the exercise of academic freedom, within the law, as set out in the Technological Universities Act 2018.

### 3.6 Fairness

3.6.1 Employees will treat each other and all members of the SETU community in accordance with dignity and respect policies (See appendix 1) which includes:

- respect a colleague's work space and personal space;
- value the constructive contributions made by others;
- respect the rights of others with different views;
- not make inappropriate jokes or comments which may be offensive, insulting, intimidating or degrading to others;
- criticize, demean or dismiss others via any public forum;
- respect each other's knowledge and experience;
- show an understanding towards others when they are facing personal or work-related difficulties and, where appropriate, provide reassurance, guidance and support;
- acknowledge and give credit to those deserving of it.

3.6.2 Employees must comply with employment legislation and their contract provisions.

3.6.3 This Code places an onus on employees to ensure compliance with employment equality and equal status legislation, a commitment to fairness in all business dealings, and the valuing and equal treatment of all those with whom they interact. This will incorporate, inter alia, compliance with the SETU's Equality Policy, Respect and Dignity (See appendix 1) and such other such policies that will be brought to the attention of employees by SETU from time to time.

3.6.4 SETU values its students, staff, visitors, stakeholders, suppliers and customers. All parties must treat each other fairly in their engagement and interactions with each other.

3.6.5 Employees must treat other persons equitably, irrespective of gender, family status,

sexual orientation, race, disability, religion, civil status, age or traveller community membership.

3.6.6 Employees must be responsive and courteous in dealing with other employees, students and members of the SETU community.

3.6.7 Employees should communicate openly, honestly and directly. In doing so, employees should

- listen carefully with an open mind;
- frame responses in a thoughtful and considered way;
- use all communication tools including e-mail, text messages, video conferencing, social media etc. appropriately and carefully ensure that messages do not give offense, offer and accept constructive feedback to and from others in an appropriate manner;
- not communicate aggressively at any time;
- not communicate in a way that demeans or insults others;
- not initiate or spread rumours or gossip that may be damaging to others;
- not use inappropriate behaviour or language at meetings or in public, which may cause others to feel criticized, humiliated or embarrassed.



#### **4. Reporting Breaches of the Code of Conduct**

Employees can report suspected breaches through standard management channels, beginning with immediate supervisor or manager. If, for any reason, it is not appropriate to report suspected breaches to the immediate supervisor or manager, individuals may go to the next level of management as appropriate. Employees may report suspected breaches of applicable laws, regulations and/or this Code through SETU's Protected Disclosures policy (see appendix 1).

#### **5. Responsibility**

SETU will ensure that this Code is circulated to all employees for their understanding and retention. It will also be available on the university's website.

a) All Employees are required to make themselves aware and act in accordance with this Code (and any subsequent amendments or guidelines). Breach of this Code may lead to disciplinary action in accordance with SETU's Disciplinary Procedures. (See Appendix 1).

b) The university will provide practical guidance and direction as required by employees in such areas as gifts and entertainment and on other ethical considerations which may arise from time to time.

## 6. References

Department of Finance Circular 11/82 [online]. [Viewed 3<sup>rd</sup> February 2022]. Available from: <https://circulars.gov.ie/pdf/circular/finance/1982/11.pdf>

*Ethics in Public Office Act 1995*. [online]. [Viewed 3<sup>rd</sup> February 2022]. Available from: <http://www.irishstatutebook.ie/1995/en/act/pub/0022/index.html>

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*Institutes of Technology Acts 1992 to 2006* [online]. [Viewed 3<sup>rd</sup> February 2022]. Available from: <https://revisedacts.lawreform.ie/eli/1992/act/16/revised/en/html>

*Organization of Working Time Act (1997)*. [online]. [Viewed 10<sup>th</sup> February 2022]. Available from: <https://www.irishstatutebook.ie/eli/1997/act/20/enacted/en/html>

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*Technological Universities Act 2018* [online]. [Viewed 10<sup>th</sup> February 2022]. Available from: <https://www.irishstatutebook.ie/eli/2018/act/3/contents>

*The Standards in Public Office Act 2001* [online]. [Viewed 10<sup>th</sup> February 2022]. Available from: <http://www.irishstatutebook.ie/2001/en/act/pub/0031/index.html>

*THEA Code of Governance for institutes of technology 2019*. [online]. [Viewed 10<sup>th</sup> February 2022]. Available from: <https://hea.ie/resources/publications/thea-code-of-governance-for-institutes-of-technology/>

*The Data Protection Act 2018* [online]. [Viewed February 2022]. Available from: <https://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/html>

## **7. Appendices**

**Appendix 1 \*\* New hyperlinks to be added below once created**

**SETU's Grievance Procedure:**

**SETU's Procurement Policy and Procedure:**

**SETU's Protected Disclosures Policy:**

**SETU's Record Management Policy:**

**SETU's Dignity and Respect Policy:**

**SETU's Intellectual Property Policy:**

**SETU's Disciplinary Procedures:**