



COUNCIL

CODE OF CONDUCT

Revised: April 2011

INTRODUCTION

This Code of Conduct applies to members of the Otago Polytechnic Council. It provides guidance on the standards of behaviour that are expected from the members of the Otago Polytechnic Council. It is not intended to be an exhaustive statement of all responsibilities which Councillors must observe, but merely highlight certain standards of appropriate conduct.

The objective of the Code is to ensure that the Otago Polytechnic Council:

- (a) acts in a manner consistent with the need for maintenance by Otago Polytechnic of the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards (as required by section 161 of the Education Act);
- (b) acts in a manner consistent with the need for accountability by Otago Polytechnic and the proper use by Otago Polytechnic of resources allocated to it (as required by section 161 of the Education Act); and
- (c) enhances mutual trust, respect and tolerance between Council members as a group and between Council members and staff and students of Otago Polytechnic.

This Code of Conduct continues in force until amended by the Council.



CODE OF CONDUCT

This part of the code sets out the Council's agreed standards of behaviour.

Duty to Uphold the Law

Council members must comply with all relevant statutory and other legal obligations in discharging their responsibilities as a Councillor.

Standing Orders

Council members must adhere to any standing orders adopted by Council.

Honesty and Integrity

Council members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Ethics

The Otago Polytechnic Council seeks to promote the highest standards of ethical conduct amongst its elected members. Council members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Council members should not confer any reward or advantage, financial or otherwise, on themselves or anyone else, by virtue of their Council position. Accordingly, members must:

- claim only for legitimate travel and childcare expenses (section 179 of the Education Act provides that a member of Council may be paid allowances for travel and childcare expenses).
- not influence, or attempt to influence, any Otago Polytechnic employee to take actions that may benefit the member, or the member's family or business interests.
- not use Polytechnic resources for their personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any gifts are accepted.

Accountability

Council members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions. Council members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to Council members.

Personal Judgment

Council members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others

Council members should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation, or disability.

Disclosures of Interest

Council members must be careful that they maintain a clear separation between their personal interests and their duties as a member of Council. This is to ensure that Council member carry on their duties free from bias (whether real or perceived).



Members should familiarise themselves with section 175 of the Education Act concerning conflicts of interest and know how it affects their dealings with the Otago Polytechnic. In particular they should be aware of how it affects their ability to be present at, and to vote and take part in, Otago Polytechnic Council meetings.

Where any conflict of interest (or potential conflict of interest) arises that is not subject to section 175 of the Education Act, the appropriate way of dealing with it will depend on the nature and extent of the conflict. In some cases a declaration of interest coupled with voluntarily abstaining from involvement in the matter would be appropriate.

Standard of Care and Skill

Councillors must discharge their Council duties to a high standard of professional care and skill. Council members should devote time, thought and studies to their duties and responsibilities as a councillor. Councillors must discharge their duties diligently and competently. They must act with integrity, loyalty and trustworthiness, and be open and honest in relation to all matters involving Otago Polytechnic.

Claims

Councillors must advise Otago Polytechnic as soon as they become aware of any claim, whether actual or potential, or any circumstances which might lead to such a claim, against, or in any way involving, Otago Polytechnic.

Relationships with Other Members

Successful teamwork is a critical element in the success of any organisation. No team will be effective unless mutual respect exists between members. With this in mind, members will conduct their dealings with each other in ways that:

- maintain public confidence in the Council
- are open and honest
- allows Council members the ability to express honestly held views during debate on any issue
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between Council members and staff. To ensure that level of cooperation and trust is maintained, the following rules apply to Council members. They must:

- recognise that the Chief Executive is the employer of Otago Polytechnic's employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee;
- make themselves aware of the obligations that the Chief Executive has as an employer and observe those requirements at all times;
- observe any guidelines that the Chief Executive puts in place regarding contact with employees;
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees);
- respect the impartiality and integrity of Otago Polytechnic's staff and not do anything which



compromises, or could be seen as compromising, the impartiality of an employee;

- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee; and
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Council.

Council members should be aware that failure to observe this portion of the code of conduct may compromise Otago Polytechnic's obligations to act as a good employer and may expose Otago Polytechnic to civil litigation and audit sanctions.

Concern for the Public Interest and Students' Wellbeing

The Council has a duty in the performance of its functions and the exercise of its powers to ensure proper standards of concern for the public interest and the wellbeing of students attending Otago Polytechnic are maintained.

Act in Otago Polytechnic's Best Interests

Councillors must act in the best interests of Otago Polytechnic, free of conflicting or compromising responsibilities, influences and loyalties. Councillors must act in good faith and give undivided loyalty to, and serve the interests of, Otago Polytechnic when carrying out their role as Councillors.

Council members must abide by majority decisions of the Council and shall support the decisions of the Council by observing the principle of collective responsibility. There is an expectation that Council Members will not express views contrary to the decisions of Council.

Contact with the Media

The Chairperson is the spokesperson for the Council.

The media plays an important part in ensuring the Otago Polytechnic Council is accountable and maintains required standards of integrity. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council.

- The Chairperson is the first point of contact for the Council's official view on any issue. Where the Chairperson is absent, any matters will be referred to the Deputy Chairperson or relevant Committee Chairperson.
- The Chairperson may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment.
- Media comments must not breach this Code of Conduct or the Standing Orders, for example the Council member must not disclose confidential information, or compromise the impartiality or integrity of staff.

Confidential Information

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Council members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Council members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and civil litigation.



This duty of confidentiality does not apply to information received by a Council member in open meeting, or information that is made publicly available or is expressly declassified as confidential by Otago Polytechnic.

Breach of Code of Conduct

The Education Act gives Otago Polytechnic Council the power to determine its own procedures (except as provided in section 178 of the Act). Where a Council member breaches this Code of Conduct the Chairperson may take whatever actions he or she regards as appropriate.

If Council regards a breach of this Code of Conduct as serious, it may convene a Standing Orders Committee to investigate the matter.

