

GUIDELINES FOR DEALING WITH PEOPLE AND ORGANISATIONS EXTERNAL TO THE UNIVERSITY

Commencement date: 6 March 2007

Dealing with external people and organisations

This document is intended as a set of guidelines to assist staff in dealing with organisations outside of the University.

It aims to ensure that the reputation of the University is protected and enhanced in a manner that is clear and concise and is intended as a guide to decision making when negotiating on Curtin's behalf.

For the University to be perceived as ethical in all areas of its operation, clear guidance is needed to allow it to engage vigorously, transparently, fairly and responsibly with the entire community.

The following guidelines are based on Curtin's core values of integrity, respect, fairness and care, as set out in the University Strategic Plan 2006 – 2008.

Principles

The following principles form the basis on which the University engages with outside people and organisations. These include, but are not limited to, consultants, contractors, governments, government agencies, businesses, benefactors, suppliers and community groups, other universities and education providers, researchers and research funding agencies. It is advisable that Legal and Compliance Services are consulted for advice on any documentation that is entered into between Curtin and an external organisation.

All staff and adjunct staff are required to act in accordance with the following principles when representing the University:

Transparency

A transparent system is one that is open and has processes that are unambiguous, the decision processes are clear and the lines of authority are clearly articulated. Curtin ensures it is a transparent organisation, for example, by holding open meetings and including relevant stakeholders in all of its decision-making processes.

Transparency ensures that all people or sections of the University that could be affected by a decision will be advised and consulted before that decision is made.

Negotiations and arrangements with people or organisations outside of the University should be open to scrutiny by authorised officers of the University that are not a part of the negotiation.

Integrity and independence

Integrity and independence are necessary components of any university. Curtin upholds integrity through character, constancy and consistency.

Consistency is important in order to ensure that all decisions are based on the same set of principles.

Constancy means the University can be relied on, can be trusted and is always true to its values. By underpinning constancy and consistency in all actions undertaken on behalf of the University, integrity becomes part of the character of the organisation.

Curtin aims to help its people operate with integrity by developing and supporting decision procedures, policies and protocols that make it possible.

Academic freedom and independence

Academic freedom is a significant aspect of Curtin's integrity and independence. Curtin's policy is to 'support the right of staff to freedoms provided by common and statutory law and to academic freedom, provided that staff members uphold standards of professional behaviour and conduct activities in an effective, efficient, fair, equitable, and impartial manner so as to maintain the confidence and trust of clients and the reputation of the University.'

This means, for example, that academic staff undertaking approved research activities at the University have the right to independence and may resist pressure to alter or withhold findings. It also means that staff can comment publicly on issues that fall within their areas of professional competence. But while academic freedom is necessary to Curtin's reputation, it must be noted that if used unwisely it can also pose a threat to its reputation.

Academics are free to comment within their area of expertise, and as private citizens are free to comment on other matters. However, caution should be exercised by academic staff when speaking publicly on matters that have the potential to bring harm to other sections of the University. Staff must make it absolutely clear that they are speaking as individuals, not on behalf of Curtin, when making public comment.

This should not be interpreted as a form of censorship, but an acknowledgement that with freedom comes responsibilities and academic staff have a responsibility to this organisation, of which they are a part.

Respect

Members of the University should demonstrate respect for all parties in all their dealings. This includes respect for the law, culture, for the rights of groups as well as individuals, for commercial confidence, intellectual property and respect for the interests of the University itself.

To demonstrate respect does not mean we have to agree with the other party, simply that we acknowledge their right to an opinion or a position.

Responsibility

Members of the University strive to be responsible, therefore they take responsibility for their own actions and decisions. If the member is in any way responsible for causing harm, disruption, damage or inconvenience to others it is their duty to assist in remedying the damage as soon as possible.

By acting in a responsible manner, members show that they care about Curtin and that they care about others, both internal and external to the University.

Guidelines

The following guidelines form the basis on which the University engages with external parties. These are guidelines, as Curtin supports its people to make considered judgements using sound, fair and transparent processes.

In some cases, examples are provided to show how the principles are applied.

While these are guidelines, it is important to note that there can be significant penalties, including dismissal, for anyone found to have behaved improperly.

It is the responsibility of the staff member to read the codes covering behaviour, which are stated at the end of the document. Ignorance of these policies is not an excuse.

When things go wrong

Learn from mistakes

Curtin encourages its people to pursue opportunities in an informed manner and to make judgements and considered risks when it is required. However, even with the best intent, things can go wrong. Provided people acted responsibly and took care to ensure that processes undertaken were fair, transparent and correct, the University will support them.

People are always encouraged to learn from their mistakes and will not be punished for mistakes that were made in good faith.

Act early

If a situation begins to go wrong those involved are encouraged to provide their manager or committee with early, clear advice as to the situation, as early detection can often minimise the scale of the problem.

Exit strategies

Legal and compliance services must be consulted for legal advice, preferably at an early stage of discussions when dealing with exit strategies, particularly when verbal or written representations have been made on behalf of Curtin.

However, when dealing with external parties there should be clear and agreed exit strategies in place, with the same rights involved for all. Exit strategies may be looked upon as 'triggers.' For example, if the University had a relationship with a company that was found to have breached the Trade Practices Act, the University is within its rights to sever that relationship, by way of triggering an exit clause, and vice versa.

Transparency

Prohibited activities

Curtin complies with all State and Federal laws and all University staff and members must uphold the law. In addition to this, members of the University are required to comply with its policies.

When dealing with external organisations, particular care should be taken with the policies dealing with fiduciary responsibility and fraud control.

Proscribed companies, groups, governments

Only the University Council is able to prohibit involvement between Curtin and an organisation, person or business. To date, tobacco companies are the only organisation the Council has banned dealings with. There are companies with whom it may be wise to take greater care than usual in dealing with. If a staff member has a concern about a certain organisation, or one that has the possibility to reflect badly upon the University, it is appropriate to seek the advice of a manager or supervisor.

Staff should also note the strategic procurement policy.

Bribes, gratuities, gifts, facilitation payments

Members of the University should not receive bribes, gratuities, gifts or payments to facilitate a commercial arrangement between the University and another party. The University understands that certain small gifts may be given or received as it may cause offence not to do so. However, staff members that receive an offer of hospitality or a gift, or are thinking of making an offer to an external party, should ensure it is consistent with the Hospitality, Gifts and Floral Tributes Policy and the Conflict of Interest Policy. If in any doubt about the nature of the gift and its

circumstances, it is best to speak to a manager, as in some instances the gift should become the property of the University.

Example – A Curtin research group is negotiating a deal to fund research with an outside body and hope to take the Curtin group to lunch. This is acceptable as long as the meal is not lavish. Frequent dinner or lunch meetings should be disclosed to a manager.

Giving on behalf of others

There may be situations where a staff member is asked to make a payment or gift on behalf of someone external to the University. This is acceptable in some circumstances, for example: A staff member is travelling to another country on business related to a partnership between Curtin and a public company. The company asked the staff member to present a plaque with the company logo on it to a local government group. This is acceptable if it is authorised by the University, as the plaque has little commercial value and is a sign of good will.

Disguised payments

On no account should members of Curtin make payment on behalf of another party if in doing so the origins of the payment are disguised. Anyone asked to undertake an act of this nature should report it to a manager or superior.

Interests

Any member of the University who becomes aware that they have a personal or financial interest, a conflict of interest or perceived conflict of interest should declare it in accordance with section 3.2.3 (i) of the Conflict of Interest Policy and begin working to ensure the conflict is dealt with in a transparent manner.

Example – The brother-in-law of a Curtin employee is bidding for work at the University in an area in which the employee could see the bids. The employee should tell their manager and ensure they have no involvement in the bid process.

Funding

Members of the University should not enter into funding arrangements that are not transparent and able to be reviewed by an authorised officer of the University.

Example – A large company offers to fund a Curtin research fellow on the condition that the fellow conducts research on the company's behalf but the University is not to know the research is being done. This arrangement should not be entered into and the approach should be discussed with Curtin's senior management.

Integrity and Independence

Academic and other freedom

It is Curtin's policy to 'support the right of staff to freedoms provided by common and statutory law and to academic freedom, provided that staff members uphold standards of professional behaviour and conduct activities in an effective, efficient, fair, equitable and impartial manner so as to maintain the confidence and trust of clients and the reputation of the University.'

However, as noted earlier, with freedom comes responsibility and all those exercising academic freedom must be mindful not to adversely affect the University's good reputation.

Example – An academic working in health is a member of a community action group opposing the construction of a new factory. She is asked, in her role as a Curtin academic to comment on the economic viability of the project. She should not. She may comment on the health issues raised by the project, but should not comment on areas outside of her expertise. She may, however,

comment in a private capacity on the economic viability of the project but must take great care to ensure she is being cited as a private citizen.

Independence of research

This is an essential element of academic integrity. Researchers working under the auspices of Curtin that are undertaking approved research activities have the right to independence.

Example – A member of staff is working on research that is part-funded by a private organisation. The research identifies information that the private organisation would not want to be published. In the absence of a legal contract prohibiting the staff member from doing so, they have the right to publish the research. However, a staff member should not enter into a legal contract limiting the rights to publish findings, unless it has been approved by the University's legal counsel and senior management.

In the spirit of transparency, the staff member would be best advised to put a 'no surprises' clause in the contract. The clause would mean that the staff member was required to inform the organisation, before publishing, that they had found information adverse to the organisation's interests but would not allow them the right to withhold the information.

What if I think something unethical or unlawful is being done?

Where a staff member identifies practices or events that are illegal or in other ways potentially harmful to the reputation of the University or its people, it should be reported to a manager or supervisor.

Anyone that believes research is being conducted in such a way as to bring Curtin into disrepute should report it. The University's Adviser on Research Integrity is available to advise staff of the various courses of action open to them.

Harassment and bullying – report this to the officer in each area that is designed to deal with it.

Public interest disclosure – Any member of the University may lodge a disclosure of public interest information with Curtin's Public Information Disclosure Officer or other person external to the University as identified in the PID policy. The identity of the person lodging the appeal will not be made public, nor will the issue.

PID policy – <http://www.policies.curtin.edu.au/documents/PIDProcedures.doc>

Research conduct code –
http://policies.curtin.edu.au/documents/code_conduct_responsible_practice_research.doc

How do I negotiate with external parties?

It is important that Legal and Compliance Services are consulted for advice, preferably at the initial stages of negotiations as staff may be making written or verbal representations on behalf of Curtin.

The University supports staff to make considered judgements and will protect staff acting in good faith. Where practicable, those negotiating on behalf of Curtin should follow a procedure developed for that purpose. Staff are responsible for finding out whether they are entitled, under the Schedule of Delegations, to negotiate with external parties. Those who are entitled to negotiate must always act within the limits of the powers under the schedule and must be aware of Curtin's policies on donations and financial procedures.

Anyone negotiating on behalf of the University should undertake training to ensure practices are the best they can be. Greater risk may result from the types of organisations with which negotiations take place upon that staff member and it is the University's duty of care to provide them with adequate training.

Knowledge transfer

Respect

Curtin staff members should always strive to demonstrate respect for all parties in their dealings. Showing respect includes:

Informed consent and ethics approval

The safety of all participants and the community is paramount and staff should not do anything that involves more risk than would be expected of a normal working day. Staff should consult with colleagues to get a shared understanding of what constitutes 'normal' risk in their area.

Before anyone can give consent to undertake an action they must have clear information so they know the possible outcomes. Consent and risk in research is described in the NHMRC/AVCC guidelines. Documentation of consent must be lodged with the Pro Vice-Chancellor Research and Development and/or the Human Research Ethic Committee. If any activities were to involve animals or people, ethics approval must be obtained through the Animal Ethics Committee or the Human Research Ethics Committee before proceeding.

Human Rights

Curtin supports human rights, does not engage in activities that may breach international covenants on human rights and will ensure human rights are protected in all working relationships.

The natural environment

The University and its staff respect the natural environment and will act to protect it from damage. Curtin values working with people and organisations that value the natural environment.

Working with Values and Ethics

Staff protect the University's reputation by ensuring their actions and decisions are informed by the University's Values and its Guiding Ethical Principles.

Ethics Codes, Statements and Principles

- [Guiding Ethical Principles](#)
- [National Statement on Ethical Conduct in Research Involving Humans](#)
- [Conducting Educational and Research Activities involving Australian Indigenous People](#)
- [Code of Conduct for the Responsible Practice of Research](#)
- [NH&MRC Statement on Human Experimentation](#)
- [Animal Experimentation](#)
- [Australian Code of Practice for the Care and Use of Animals for Scientific Purposes](#)
- [Ethics and Social Justice commitment](#)

Procedures for Partnerships

- http://policies.curtin.edu.au/documents/Partnerships_proc.doc (for review in 2006)

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