



Integrity and Standards Unit (ISU)

INFORMATION SHEET

No. 3, July 2018



Please refer to the [ISU website](#) for information on the following:

- [Complaint Resolution Process](#) (procedures, guidelines, flowcharts, forms)
- [Conflicts of Interest / Gifts, Benefits and Hospitality](#) (system, procedures, guidance, FAQs)
- [Public Interest Disclosures](#) (what, how, when, links to PSC information)
- [Fraud and Corruption Prevention](#) (plan, policy, risks, case studies, red flags)
- [Reporting Misconduct to external agencies](#) (CCC or Public Sector Commission)

and to access the:

- [Code of Conduct](#)
- [Online Complaints Portal](#)
- [Online Conflicts of Interest Register](#)
- [External avenues for lodging a complaint](#)

Spotlight on secondary employment

The Conflict of Interest Procedures describe 13 different categories of conflict—refer to [Appendix 1](#) of the Procedures for more detail.



Category 8 is **Secondary Employment**. This is where an individual's secondary employment creates or appears to create a situation where they may not be undertaking work and making decisions in the best interests of the University and/or may not be giving their full commitment to the University in terms of work attendance, performance and behaviour.

Of late, the ISU has started to see situations arise where a Curtin staff member, with a financial or other interest in an external entity, also wishes to provide services to Curtin through this same entity.

This can result in multiple serious conflict risks for the staff member, including:

- having a detrimental effect on the staff member's ability to meet their work responsibilities as a Curtin employee;
- being privy to confidential information in the workplace which may end up with the external entity thereby providing it with an unfair competitive advantage; and
- using Curtin resources (money, time, material etc) other than for the business and purpose of Curtin.

All reasonable attempts must be made to avoid these types of conflicts from arising in the first place. Where not possible, then immediate disclosure is required and an appropriate strategy formulated.

Here's a link to a [real case](#), which was investigated by the Corruption and Crime Commission, where Curtin was exposed to significant unmanaged conflict of interest risks in relation to the selection and use of sub-contractors by a research academic, for the purpose of undertaking Curtin contracted research.



Complaint Management System (CMS)



The ISU is pleased to advise that a new back-end electronic complaint management system will be deployed on Wednesday 1 Aug 2018.

The system utilises proprietary software which has been tailored to meet University complaint management requirements.

The main advantage of the new system is that it will enable a single repository for all complaint data from which enquiries and reports can be generated.



As a user, the only real changes you will see are:

- Generation of standardised emails from the system at different points in the complaint handling workflow process.
- Use of a new standard email address: ISU-CaseManagement@curtin.edu.au for all communications between user and system.
- The need for users to include the relevant complaint id in the subject line of emails sent to the system to enable automatic allocation of correspondence to the correct complaint.

INTEGRITY AND STANDARDS UNIT

INFORMATION SHEET

NO. 3, JULY 2018

If you see or hear something
that's not right ... say something!



How to spot a fake invoice or email

Have you ever received an invoice for payment or vendor email request for payment that didn't look quite right? Well, you are not alone! Unfortunately, there are many scammers and fraudsters out there who are counting on your lack of vigilance when it comes to extracting money from the University by deception. Here are some tips!

- Verify (by calling back) any requests received to change vendor bank account details.
- Check the contact email address and website of the vendor for any anomalies or slight differences. You may also want to type in the URL to check if it is legitimate. Here's an example of fraudulent details on an invoice: 
- Look carefully to see if any company logos or displayed signatures appear to be cut and paste from somewhere else. e.g. they may appear jaded or blurred.
- Check the Vendor's ABN by visiting the [ASIC website](#).
- Don't be afraid to compare new invoices received to previous ones, where necessary.

The Code of Conduct - what happens when you are off duty?

Everyone at Curtin should be familiar with the [Code of Conduct](#). The Code was reviewed in 2016, and an expanded new Code approved in Feb 2017.

It is important that all parties to the Code understand the depth and breadth of circumstances under which it applies when representing or acting on behalf of Curtin. From the Code:

- 4.1 *The Code applies to conduct exhibited in all circumstances by parties to the Code, including (but not limited to) personal interaction, in meetings, via phone and electronic communications (including social media), and in written and published material.*
- 4.2 *The Code applies to all of the University's activities whether within Australia or off-shore, subject to the operation of relevant legislation in Australia and overseas.*
- 4.3 *The Code applies when a party to the Code is performing official University duties on or off campus, at or away from their normal place of work, or inside or outside of normal business hours.*

Breaches of the Code or any of the legislation, regulations, codes, policies or procedures it reflects may result in sanctions being applied by the University (section 6.3 of the Code).



But what about how you behave outside the workplace in private situations where you do not represent yourself as a Curtin person or as speaking on behalf of Curtin? Well, it depends on the situation. The Courts have in the past upheld entities taking disciplinary action against an employee where the conduct of the employee is of such gravity or importance as to indicate a rejection or repudiation of the employee's contract of employment. This can occur in any one of the following three situations:

1. The off duty conduct, when viewed objectively, is likely to cause serious damage to the relationship between employer and employee; or
2. The off duty conduct damage's the employer's interests; or
3. The off duty conduct is incompatible with the employee's duty as an employee¹.

The tension here in terms of regulating out of hours private behaviour of employees is the balance between the right of the employee to be free of undue influence or control versus the right of the employer to protect its legitimate business interests. So, how do you think the Courts would view Curtin's actions in the following hypothetical situations?

1. A student counsellor is dismissed after having been convicted of possessing child pornography on his home computer.
2. A professional staff member is dismissed after having been found to be administering a closed private Facebook group which encourages members to share stories of sexual harassment and sexual assault.
3. The female partner of a research academic who works at Curtin is subject to repeated domestic violence from her partner and subsequently obtains a violence restraining order against him (which he then breaches). Curtin then dismisses him without notice.



1. [Out of hours conduct—what you need to know](#): Joseph Kelly, Kelly Work-Place Lawyers, Professionals Australia

A Quiz - is there a conflict here?

Do you know how to identify a conflict of interest? Would any of the following scenarios require disclosure?



1. I am a 0.6 lecturer at Curtin and also do sessional work at UWA at nights for the same type of unit. I have not been able to get all my Curtin assessments done on time because of my heavy workload.
2. I have participated in completing a contracted research application with a government agency. One of the nominated external sub-contractors in the application is a private entity which I own.
3. I am the author of a book which I have designated as a mandatory text in a unit that I am teaching to over 100 undergrad students each semester.
4. I am a full-time Curtin professional staff member. However, I am also a pastor at a local church and need to regularly do church work that involves using my work computer and printer for several hours a week.
5. I hold equity in, and receive income from, a company that is sponsoring my research at the University.

Answers: 1. yes, 2. yes, 3. yes, 4. yes, 5. yes

Misconduct under the new Staff Agreement - a new deal



The Curtin University Academic, Professional and General [Staff Agreement](#) (2017-2021) came into operation on 20 June 2018.

All allegations of staff misconduct and/or serious misconduct are now addressed under section 68 of the new agreement, though transitioning arrangements also apply for academic staff as per Schedule 12. Worth taking a look as one day, you may need to manage and resolve a staff misconduct matter!



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