

# **Code of Conduct for Staff and Governors at DMU**

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## 1 Introduction and purpose

- 1.1 The code of conduct (“the Code”) sets out general expectations and standards of conduct for all staff and members of the Board of Governors.

## 2 Who is covered by the code of conduct?

- 2.1 The Code applies to all DMU employees. Any breach of the standards of conduct outlined in the Code may lead to disciplinary action up to and including dismissal.
- 2.2 If you are working for us but are not directly employed by DMU e.g. contractors, agency workers (e.g. Unitemps), volunteers, etc. you are also expected to comply with the standards of conduct outlined in the Code when working for or on behalf of DMU. A failure to do so may result in the termination of your contract or engagement and render you unsuitable for consideration for future work opportunities with DMU.
- 2.3 If you are a member of the Board of Governors (including members of sub-committees of the Board), you are also expected to comply with the Code (in particular section 3) when carrying out your duties as a member of the Board or when representing DMU, whether that is in an official or a personal capacity. Any breach of the Code may lead to removal from office in accordance with DMU’s Instrument and Articles and the Standing Orders.
- 2.4 Section 3 applies to members of the Board of Governors and to members of the Executive Board. Section 4 onwards applies to all staff and governors.
- 2.5 Nothing in this Code is intended to limit or restrict legitimate trade union communications or activity.

## 3 Members of the Board of Governors and the Executive Board

- 3.1 Members of the Board of Governors (including members of sub-committees of the Board) and members of the Executive Board (referred to collectively in this code as “Board members”), are expected to:
- 3.1.1 adhere to the highest standards of conduct and propriety and act to maintain good governance of the institution at all times, both to protect DMU’s reputation as well as to provide assurance to our students, staff, partners, others stakeholders and to society at large;
- 3.1.2 adopt and apply alongside this Code the 7 principles of public life<sup>1</sup> (sometimes referred to as the ‘Nolan Principles’) which are:

**Selflessness:** Board members should act solely in terms of the public interest (e.g. in the interests of our students and the wider community)

**Integrity:** Board members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other

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<sup>1</sup> The 7 principles of public life - Committee on Standards in Public Life (May 1995)

material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

**Objectivity:** Board members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

**Accountability:** Board members are accountable for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

**Openness:** Board members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

**Honesty:** Board members should be truthful

**Leadership:** Board members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs;

- 3.1.3 take individual as well as collective responsibility for decisions concerning the affairs of DMU, representing the collective best interests of the institution in good faith and not in pursuit of any personal agenda (actual or perceived) or any mandate prescribed by any other bodies or persons;
  - 3.1.4 be professional in all dealings that impact directly or may impact indirectly on DMU, and treat all those with whom you come into contact with consideration and respect;
  - 3.1.5 have a full awareness and understanding of the Code as well as DMU's financial regulations and other policies;
  - 3.1.6 lead by example in their conduct at all times and intervene appropriately (seeking relevant guidance and/or support if necessary) where there is or may be any breach of the Code or DMU regulations or any other act or omission that may create risk for DMU including reputational risk.
- 3.2 In addition, Board members, along with other individuals exercising control or significant influence over the affairs of DMU<sup>2</sup>, must:
- 3.2.1 be 'fit and proper' persons and must notify DMU immediately of any change that might impact on their ability to meet this requirement and/or on the ability of DMU to comply with its Conditions of Registration, including compliance with the Office for Students' [public interest governance principles](#);
  - 3.2.2 avoid any conflict of interest that might interfere or be perceived as interfering with the exercise of their independent judgement;
  - 3.2.3 declare all pecuniary, business, family/close personal relationships or other potentially relevant interests in accordance with our Register of Interests/Fit and Proper Persons form and processes;

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<sup>2</sup> This includes members of the Operational Leadership Group (OLG) and other positions of trust. You will be notified if this provision applies to your position.

- 3.2.4 declare all pecuniary, business, family/close personal relationships or other interests in respect of any proposed contract, policy decision or other matter to be determined by the board or a committee as soon as possible after commencement of the meeting; and should take no part in the consideration or discussion of the contract or other matter, nor vote on it (see also [Conflicts of interest](#) and [Relationships](#));
- 3.2.5 not receive any gifts, hospitality or benefits of any kind from a third party (including students) which might be seen to compromise independence of judgement or integrity; and
- 3.2.6 report any offer of such gifts, hospitality or benefits to the Clerk to the Board of Governors. (See **Gifts and Hospitality Policy** for more information).

## 4 Key principles for all staff and governors

- 4.1 In the course of your duties or when representing DMU, you are expected at all times to act in a way that reflects DMU's values and priorities. Key to those values are:

**Trust and confidence:** You are expected to carry out your role to the best of your ability in order to ensure the best experience for staff, students and other stakeholders. On occasions, this may mean raising concerns via the appropriate channel/procedure (e.g. with your line manager or under the whistleblowing / other relevant university policy) where you have concerns about the conduct of others or the way in which DMU is being run (even if you turn out to be mistaken).

**Honesty and integrity:** You are expected to carry out your role with honesty and integrity, and comply at all times with our Financial Regulations and other policies, procedures and DMU regulations. You must not use your position for personal gain.

**Equality and diversity:** ensuring equality and respect for diversity is one of our most fundamental values at DMU and we strive to provide a supportive environment where respect is shown to all, and where all staff and students, regardless of their sex, race, ethnic background, culture, disability, sexual orientation, gender-reassignment, age, religion/belief (or no religion/belief), socio-economic status, etc. are encouraged and enabled to perform to their potential. In carrying out your role, you are expected to adhere to the principles of equality and diversity, oppose all forms of unfair bias or unlawful discrimination, help put an end to harassment, bullying and intimidation, and help ensure dignity at work for all.

**Dignity and respect:** You are expected to treat others with dignity and respect others (including students, colleagues and others you may encounter during your engagement with DMU), to maintain constructive interactions and effective working relationships acknowledging and respecting differences (e.g. different views, cultures, perspectives, backgrounds and experiences). You are responsible for ensuring that your own behaviour, whether intentional or unintentional, is not violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive working and/or learning environment.

**Sustainability and value for money:** You should have regard to environmental sustainability and the university's sustainability strategy, as well as value for money, in the course of your work e.g. use of resources, printing/copying, or when making travel arrangements for DMU-related business travel.

## 5 Rules and regulations

During the course of your duties you are expected to be aware of, understand and comply with the rules and regulations as set out as follows (listed in no particular order of priority or importance).

### 5.1 DMU policies and procedures

5.1.1 We expect staff and governors to comply with our policies, procedures and regulations at all times. A failure to comply with a university policy or procedure may lead to disciplinary action up to and including dismissal. For governors, it may result in removal from office and/or other formal action as required in the circumstances. (See 2.1 and 2.3).

5.1.2 The university's policies are available to view on the intranet.

### 5.2 Use of DMU property and resources

5.2.1 DMU's assets and resources should only be used for appropriate and work-related purposes. You should act responsibly when carrying out your duties to ensure the effective and efficient use of resources, manage risk and obtain value for money.

5.2.2 You are responsible for any property belonging to DMU that is in your possession or under your control and you should take all reasonable steps to safeguard DMU property from damage, theft or misuse. You should not make or authorise any modifications to DMU property (e.g. upgrades to a laptop or phone) without prior written approval from the appropriate internal authority (seek advice from your line manager in the first instance). In particular, DMU property must never be used for inappropriate or illegal activities (e.g. drink driving in a DMU-provided car, using a DMU laptop to visit inappropriate websites etc.).

5.2.3 Any facilities, equipment, tools or other resources provided by DMU for your use should be used in connection with your role. Limited personal use of DMU property is permitted where such use is urgent and essential (e.g. you need to make an urgent call and your personal phone is unavailable), the proposed use does not conflict with any DMU policy or rule, and does not incur additional costs for the university. You may be required to reimburse DMU for the costs associated with approved or non-approved use of DMU resources for personal purposes.

5.2.4 We reserve the right to monitor the use of DMU property and resources.

### 5.3 Conflicts of interest

5.3.1 De Montfort University recognises that its staff engage in a wide variety of external activities, such as serving on government, business and community boards, providing expert advice, media commentary, professional practice, schools outreach, international projects and collaborations with the commercial world, including via consultancy, research and development, intellectual property, licensing and involvement in 'spinout' companies or are members of 'secret'

societies (e.g. Freemasons). It is also recognised that, on occasion, such activities/interests may give rise to conflicts of interest.

- 5.3.2 When competing interests impair our ability to make objective, unbiased decisions we have a conflict of interest. You may face a conflict of interest when your professional duties for DMU and your personal interests become entwined. A conflict of interest may take the form of financial interests in another company e.g. a supplier to the university, or non-financial interests e.g. recruiting a close family member, or engaging in employment outside of DMU.
- 5.3.3 This Code sets out general principles regarding honesty and integrity (see 4); however, you should avoid being, or giving the appearance of being, in a position which may result in an actual or perceived conflict of interest.
- 5.3.4 It is not possible to define all situations or relationships which may create a conflict of interest, so each situation must be evaluated individually. However, some of the more obvious conflicts could include:
- i. Having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or DMU partner or is seeking to become one.
  - ii. Commissioning a service or negotiating a contract between DMU and a third party company/business where you have a financial or non-financial interest in that company (e.g. a directorship, shareholding or personal relationship).
  - iii. A close family member/personal relationship<sup>3</sup> having any interest, dealings or shareholdings in any business which either is a competitor, customer, supplier or DMU partner, or is seeking to become one.
  - iv. Recruiting a close family member/personal relationship<sup>3</sup> into a role with DMU or to provide paid services to DMU (e.g. as a consultant).
  - v. Being in a position to significantly influence the career, pay/rewards, training, promotional, educational (e.g. marking, assessment, admissions etc.), award of a contract, or other such outcomes for another colleague, student or governor (positively or negatively) with whom you have a close personal relationship<sup>3</sup>.
  - vi. Being in employment or taking up employment with a competitor organisation while in full time or pro rata employment with DMU. See 5.3.13.

See also [Relationships](#).

- 5.3.5 You must disclose or seek direction (e.g. from your line manager) on any issues which may potentially give rise to a conflict of interests with your responsibilities to DMU.

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<sup>3</sup> A 'close personal relationship' might include a relative e.g. current or former partner or spouse, child, sibling, parent, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin and guardian, by blood, marriage or adoption, cohabitee, business partner or associate, intimate friendship (as opposed to acquaintance), membership of associations pledged to render mutual assistance, and any other relationship where an impartial observer might reasonably conclude that a conflict of interest may exist.

- 5.3.6 You should refer to associated policies for more information, in particular the following:
- **Gifts and hospitality policy**
  - **Policy on approval to undertake and retention of payments from external activities in a personal capacity (senior staff only)**
  - **Guidelines for the Management of External Activities within the Current Exclusivity Agreement - Lecturers in Higher Education (academic employees on the single pay spine only)**
  - **Policy on Countering Fraud, Bribery and Money Laundering**
- 5.3.7 If you are a Board member or an individual exercising control or significant influence over the affairs of DMU<sup>2</sup>, see also 3.2 as you will be subject to additional responsibilities in this regard.

### **Notice of conflicts or potential conflicts of interest**

- 5.3.8 In all cases, you have a responsibility to assess the potential conflict. You must give notice of actual or perceived conflicts of interest . If you are in any doubt as to whether a conflict of interest (or potential conflict of interest) exists discuss the situation with your line manager who may seek advice from HR.
- 5.3.9 For Board members or others exercising control or significant influence over the affairs of DMU<sup>2</sup>, you are required to make a declaration in accordance with the Register of Interests/Fit and Proper Persons process and forms. (See 3.2).
- 5.3.10 For all other staff, you must alert your manager in writing so that an assessment can be made of the nature of the conflict and any actions that need to be taken to ensure that the conflict can be avoided or managed appropriately (see [Managing conflicts of interest](#)). Staff members who give notice of conflicts or potential conflicts will be asked on an annual basis to review the notice given.
- 5.3.11 All notifications will be handled confidentially and information kept securely. Information disclosed will only be shared on a strict need to know basis and in line with the principles of the Data Protection Act 2018. For staff members, the information may be recorded on your personal file.

### **Managing conflicts of interest**

- 5.3.12 Actual conflicts of interest must be avoided and potential conflicts of interests carefully managed. Line managers must review the notice given, discuss it openly and manage it so that the individual with the conflict/potential conflict does not become involved in or influence situations where actual conflicts of interest occur.
- 5.3.13 You will not be permitted to engage in transactions on behalf of DMU with organisations or individuals with which you have an interest. All decision-making and transactions with the organisation concerned will be handled and managed independently.
- 5.3.14 If you wish to undertake other work while you are employed by DMU then you must obtain prior written consent from your line manager who may seek advice from HR.

5.3.15 You are expected to cooperate with reasonable actions we consider necessary to effectively manage a conflict of interest (actual or perceived).

See also [Relationships](#) (in particular 5.4.6 - 5.4.7).

## 5.4 Relationships

- 5.4.1 We recognise that staff and governors may have close personal relationships<sup>3</sup> with other colleagues or students or people with whom they come into contact as part of their position at DMU. We do not wish to interfere with the personal relationships of staff/governors, but on occasions, such relationships can create a conflict of interest potential or actual, perceived or alleged. Even where an actual conflict of interest does not exist, such relationships can become disruptive within the workplace.
- 5.4.2 All staff and governors should be cognisant of the need to establish and maintain appropriate professional boundaries in the workplace e.g. between staff members and their colleagues; between staff members and students. While we are a higher education institution dealing primarily with persons who are 18 or over, there is often likely to be a power imbalance between staff/students or between colleagues at different levels in the organisation that would make certain close personal relationships (including but not limited to those of a sexual nature) inappropriate in the workplace and potentially damaging to DMU's reputation. Professional boundaries are important to protect staff from allegations of wrongdoing / unethical conduct (actual or perceived) and to protect students from harm.
- 5.4.3 If you have a close personal relationship with a colleague, student, governor, contractor, client, customer or supplier you must not allow that relationship to influence your conduct or decisions while at work or adversely impact on DMU's business or reputation. This applies equally to individuals who are potential colleagues / students / governors etc., e.g. job applicants or students who have applied to the university for a place.
- 5.4.4 Where a close personal relationship exists, you are expected to give notice of this as a potential conflict of interest in accordance with 5.3.8 or 5.3.9. In order for the potential conflict to be effectively understood and managed, and to enable the university to provide appropriate support to you and any other party/parties involved, it may be necessary and/or beneficial for the specific nature of the relationship to be disclosed.
- 5.4.5 Where you are a member of lecturing staff and you have a close personal relationship with a student (current or prospective), the need for openness and transparency is particularly important to protect both you and the student from any inference of impropriety, bias or potential conflict of interest. Again, the nature of the relationship does not need to be disclosed but could extend to situations where the student is known to you through close contact established in a context unrelated to DMU, for example in a previous role or outside of work capacity, and where previous knowledge of the student might impact on your behaviour, or the student's, or that of anyone else in the learning situation. Where appropriate, we reserve the right to transfer or change lecturer/PhD supervisor where there is a staff-student relationship.

- 5.4.6 To avoid any allegations of unfair bias, you will not be permitted to take any decision concerning a relative or person with whom you have a close relationship. Where it is a decision being made collectively, you will be required to withdraw from the decision-making process.
- 5.4.7 Where appropriate we reserve the right to amend working arrangements (e.g. reporting lines or locations), transfer one or, where applicable, both staff members involved in a relationship to an alternative position if this is necessary to effectively manage the conflict of interest. Before taking such steps, you will be consulted and we will try to reach a satisfactory agreement regarding any amendment or transfer. If a transfer arrangement is not possible, for example because no suitable vacancies exist, or an individual refuses to transfer, we reserve the right to dismiss the staff member, or, where applicable, both staff members with notice in accordance with their contracts of employment, or make a payment in lieu of notice. Dismissal would be undertaken only as a last resort in circumstances where no other course of action was reasonably available to DMU.
- 5.4.8 For the avoidance of doubt, this provision is not intended to apply to close friendships that may develop between colleagues in a work context and where those friendships extend to social contact outside of and unconnected with work. However, staff should be aware of how a close friendship between colleagues may be perceived by others as a potential conflict of interest, particularly where one colleague is more senior than the other and may be in a position to influence decisions in respect of their colleague. Where there exists an imbalance of power, staff are expected to exercise their judgement in declaring any potential conflict of interest.

## 5.5 Institutional independence/political neutrality

- 5.5.1 As an organisation with charitable status, DMU is required by law to be politically neutral and independent and will not show bias in favour of or against any political party. Therefore, DMU's resources (e.g. staffing resources, facilities, financial resources etc.) should not be used in direct pursuit of any party political activity although such resources may legitimately be used to support students' participation in these activities in line with our educational purpose and objectives, or to support staff and students as appropriate in response to government policy or legislative changes. The use of resources in support of these objectives should be deployed in a politically neutral manner.
- 5.5.2 You are required to carry out your work in a politically neutral manner and not engage in party political activity during work time or using DMU's resources.

## 5.6 Conduct outside of work/working hours

- 5.6.1 The way that someone acts in their personal life outside of working hours can have an impact on DMU, on students, other colleagues or on DMU's public reputation, particularly where there is a close link between the conduct and the individual's status as a DMU employee and/or where the individual holds a prominent position with DMU. For that reason, it is important that you do not conduct yourself in a way that is detrimental to DMU and your colleagues, our relationships with our students (including prospective students), our partners and customers, or our public image / reputation even where the conduct takes place outside of work time and away from DMU premises (including where the conduct is 'online' e.g. social media activity).

For this reason, there may be occasions where conduct outside of work is relevant for consideration under DMU's policies and procedures e.g. our disciplinary or grievance procedures.

- 5.6.2 If you are taking part in one of our work-related events or social activities (e.g. events run via the Staff Social Committee), the connection between work and personal life is even more closely linked and the Code and all other DMU policies apply to such events. You should also be mindful that events which are not run by DMU but are primarily attended by DMU colleagues or students (e.g. informal work gatherings/meet-ups, nights out, Christmas parties, 'leaving do's' etc.) are still 'work-related' and therefore the same principles apply as to events organised by DMU.

## 5.7 Disclosure of criminal convictions, offences or other misconduct

- 5.7.1 If you are arrested, are facing criminal charges, conviction or other allegations regardless of your role, as soon as you can you must inform your PVC/Dean or Director or Head of Department.
- 5.7.2 Examples of information that must be disclosed include: being arrested, convictions (this includes road traffic offences but not fixed penalty notices such as speeding or parking tickets unless they are given in court); changes or likely changes to Disclosure and Barring Service (DBS) status; cautions; warnings; reprimands; criminal fines; or awaiting sentence or during any criminal allegations made against you that are being investigated. It also includes any allegations of misconduct or impropriety made against you including allegations made in any role or employment you hold outside of DMU employment or investigations undertaken by professional bodies. This obligation applies whether or not you believe the matter to be trivial or irrelevant to your DMU role, and whether or not you know or believe the allegations to be true.
- 5.7.3 In all cases information must be disclosed as soon as practically possible to allow us to assess the employment risks and implications (if any). If in doubt about whether there is a duty to disclose, you should discuss the matter with the appropriate person (in accordance with 5.7.1). Where necessary, you may be required to undergo a further DBS check.
- 5.7.4 Any failure to disclose information may in itself amount to a disciplinary offence. If you fail to disclose information, disciplinary action up to and including dismissal may be taken against you if it is later discovered that information was withheld or was not disclosed in accordance with the Code.

## 5.8 Safeguarding

- 5.8.1 All DMU staff and governors are expected to adopt a safeguarding approach when working with children and adults. See the university's **Safeguarding Policy, Procedure and Guidance**.
- 5.8.2 If you work in 'regulated activity' (as defined by the Safeguarding Vulnerable Groups Act 2006 and as amended by the Protection of Freedoms Act 2012), you are obliged to report any change in your circumstances that impacts or might impact on your suitability to work in that role, either to your PVC/Dean or Director or Head of Department. See also 5.7.

## 5.9 Health, safety and welfare

- 5.9.1 Ensuring health and safety at work is a matter of the utmost importance. You are expected to familiarise yourself and comply with the university's health and safety policies and procedures. Under the Health and Safety at Work etc. Act 1974 all staff, at whatever level, are responsible for taking care of themselves and other persons who may be affected by their acts or omissions at work.
- 5.9.2 If your role necessitates the wearing of safety equipment or protective clothing, you must strictly comply with these rules for health and safety reasons.
- 5.9.3 It is illegal to smoke in the workplace and DMU prohibits smoking in any university buildings or vehicles.
- 5.9.4 The university prohibits the drinking of alcohol by staff (and contractors) in the workplace or on DMU business other than moderate drinking of alcohol in connection with university-related social or business functions. For more information, see the **Substance Misuse Policy**.

## 5.10 Security

- 5.10.1 All staff and governors should be security conscious for the safety and wellbeing of all staff and students.
- 5.10.2 You should wear, or have about your person, your DMU identity badge when on university premises.

## 5.11 Information security and data protection

You are expected to comply at all times with our policies on information security and data protection.

## 5.12 Confidentiality

- 5.12.1 We prefer to conduct our business openly and transparently; however, there will be times when in the course of your work e.g. due to the nature of your role, as a member of a committee, as a line manager etc., you have access to or become aware of personal, sensitive, 'special category data'<sup>4</sup> or confidential information and data, either about other people or in connection with DMU's commercial/academic activities. You should be aware of the need, and take all necessary steps, to keep such matters confidential and to respect the proper/authorised channels of communication for such information. See also 5.11.
- 5.12.2 You must not use any information obtained in the course of your DMU role/employment for personal gain or benefit. Nor should you pass it on to others who might use it in such a way.

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<sup>4</sup> As defined by the General Data Protection Regulation (GDPR) i.e. personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited. In the UK, under the Data Protection Act 2018, criminal convictions data is treated in a similar manner to special category data.

5.12.3 Where you have access to and are entrusted with confidential information concerning DMU's business or finances, or its suppliers, agents, contractors, customers, students or staff, you must not divulge such information except in the proper course of your duties or in any circumstances after your employment or work with DMU has ended without the written consent of DMU or as required by the law.

## 5.13 Monitoring

5.13.1 You are not permitted to covertly monitor your colleagues, managers, students or others at the university. Covert monitoring means monitoring carried out in a manner calculated to ensure those subject to it are unaware that it is taking place. This means that you must not secretly record workplace interactions with or between colleagues, managers, or students using audio/video/digital recording devices or otherwise regardless of whether the interaction being recorded takes place during times and in rooms/locations where you are also present. This includes but is not limited to 1:1s and appraisal meetings, team meetings, consultation meetings, investigation meetings or grievance and disciplinary meetings.

5.13.2 We consider that all staff should be aware of the nature, extent and reasons for any monitoring unless, exceptionally, covert monitoring is justified. For these reasons, the university will regard any breach of this section 5.13 as potential gross misconduct irrespective of the motive for the recording. Covert monitoring can only be authorised by senior management in circumstances where there are grounds for suspecting criminal activity or equivalent malpractice. You should not assume that you are permitted to make a covert recording at work.

5.13.3 Subject to 5.13.2 and 5.13.4, you will be notified of any video/audio/digital recording that is to take place. This rule does not inhibit normal and accepted social behaviour between work colleagues e.g. where work colleagues might wish to take photos of each other on work social occasions.

5.13.4 As an employer, DMU will at all times have regard to its legal obligations under the relevant legislation including the Data Protection Act 2018. Please note that this section does not override or in any way limit the provisions set out within section 7 of the **Policy on the use of email, internet and social media**.

## 6 Other relevant policies

**Disciplinary Procedure:** outlines the procedure for handling concerns about employee conduct.

**Raising serious concerns: Whistleblowing Policy:** provides staff with a mechanism to raise serious concerns in confidence within DMU about certain matters that are unrelated to their own personal circumstances.