

Legislated and ethical responsibilities of staff:

A QUICK GUIDE.

A UniSA Induction Resource.



UniSA

Organisational
Development

INTRODUCTION

Welcome to UniSA. The University has a strong and active commitment to assist you to acclimatise to the workplace, understand your role and responsibilities and the work and directions of the institution.

To support this, UniSA offers an extensive induction process. You can find out more about this at our [Induction](#) website.

Understanding your responsibilities

Staff have an extensive array of responsibilities, given expression in a number of places including your position description, in legislation and in the University's policies, procedures and guidelines.

To make your task easier, we have produced the following *Quick Guide to the legislated and ethical responsibilities of staff*.

This Guide provides a brief overview of essential knowledge and links to further information. We offer this as a starting point as you begin to work your way through the UniSA policies and procedures during the induction process.

We encourage you to read this *Quick Guide* in your first month of employment and discuss any issues that it raises for you at your first meeting with your manager.

CONTENTS

<i>Ethical conduct</i>	2
<i>Use of the intellectual property of others</i>	2
<i>Dealings with people under the age of 18</i>	3
<i>Program delivery for overseas students</i>	4
<i>Occupational health and safety</i>	5
<i>Responsible practice in research</i>	6
<i>Trade practices and consumer law</i>	7
<i>Equal opportunity and anti-discrimination</i>	8
<i>Confidentiality of students' personal information</i>	9
<i>Privacy</i>	10

Legislated and ethical responsibilities of staff

Focus of legislation/code	Essential knowledge	Further information
<p>Ethical conduct</p> <ul style="list-style-type: none"> • UniSA Code of Ethical Conduct 	<p>The Code establishes principles to be applied by all staff in their activities and behavior.</p> <p>We should:</p> <ul style="list-style-type: none"> • conduct ourselves with integrity. This includes treating others with dignity and respect and giving members of the University community the care and courtesy that we would wish to receive • ensure our actions are fair, honest and impartial • avoid actual or perceived conflicts of interest and declare conflicts of interest when they are unavoidable • conduct ourselves with care and skill, and ensure our actions do not conflict with the requirements of integrity and objectivity or the <i>University of South Australia Act</i> <p>We must not:</p> <ul style="list-style-type: none"> • allow dishonesty, personal prejudice or bias to influence us in the conduct of our employment • accept gifts, benefits or hospitality if their nature and value may be seen by the wider community as compromising objectivity and as likely to influence us in our official capacity • use confidential information for personal advantage or for the advantage of another • condone the use of any statement which is misleading, false or deceptive. 	<p>Code of Ethical Conduct</p> <p>Equal Opportunity Policy</p> <p>University of South Australia Enterprise Agreement 2011</p> <p>Specific guidelines apply to ethical use of research data. See <i>Responsible practice in research</i> below.</p>
<p>Use of the intellectual property of others</p> <ul style="list-style-type: none"> • Copyright Act 1968 (Cth) • Licenses • Moral Rights 	<p>Strict limitations apply to the extent to which staff can digitise, publish online, broadcast, photocopy or otherwise reproduce the creative and intellectual work of others.</p> <p>UniSA is bound by the requirements of license agreements with individual publishers and societies as well as by the educational statutory licenses under the Copyright Act.</p> <p>The Act enables staff, for teaching purposes, to make multiple copies of 'reasonable portions' of published works. A reasonable portion for a printed reader is considered to be 10% of the publication. Provisions vary for different media – music, text, pictures etc.</p> <p>Staff copying material for inclusion in online teaching must do so through the Digital Resource Service in the Library.</p> <p>The Copyright Act covers the moral rights of authors of literary, dramatic, musical or artistic works and cinematograph films and requires that where the creative and intellectual property of others is reproduced or used it must be properly acknowledged and attributed.</p> <p>If staff are unclear about the legality of any copying they intend to do, then they should check first with the Copyright Office. Questions relating to database licenses should be directed to the Library.</p>	<p>Copyright webpage</p> <p>Contact the Copyright Office email: Copyright@unisa.edu.au</p> <p>For digitisation and database licenses contact drs@unisa.edu.au</p>

Legislated and ethical responsibilities of staff

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<p>Dealings with people under the age of 18</p> <ul style="list-style-type: none"> • Age Discrimination Act 2004 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Children's Protection Act 1993 (SA) • Classifications (Publications, Films and Computer Games) Act 1995 (Cth) • Education Services for Overseas Students Act 2000 (Cth) - National Code of Practice 2007 • Equal Opportunity Act 1984 (SA) • Liquor Licensing Act 1997 (SA) • Minors Contracts (Miscellaneous Provisions) Act 1979 (SA) 	<p>It is unlawful for UniSA to discriminate against a student on the grounds of age.</p> <p>A teacher in an educational institution must notify the SA Department for Families and Communities as soon as practicable if they suspect on reasonable grounds that a person under 17 years has been or is being physically, sexually or emotionally abused or neglected.</p> <p>It is an offence to exhibit in the presence of a minor a film that is, or would be, classified R, RC or X. 'Film' includes a cinema film, slide, videotape, videodisc or any other form of recording from which a visual image (including computer generated) can be produced. Such images must not be projected in classes or social events at which minors are present, or sold or distributed in UniSA shops (this includes computer games).</p> <p>It is an offence to employ a minor to serve or sell liquor on licensed premises, to supply or sell liquor to a minor, or to permit a minor to consume liquor on licensed premises.</p> <p>Any contract UniSA enters into with a person under the age of 18 must be guaranteed by a person aged over 18. (<i>Students are required to sign contracts in accordance with the University's policies</i>).</p> <p>Under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 UniSA must approve accommodation, support and general welfare.</p> <p>Personal information of students is confidential.</p> <p>With some exceptions, UniSA staff who will have direct contact with children are required to obtain a National Police Certificate for assessment of suitability to be placed with children.</p>	<p>Australian Centre for Child Protection</p> <p>Child Protection Policy</p> <p>Confidentiality of students' personal information</p> <p>Procedures for UniSA staff applying for a Police clearance</p>

Legislated and ethical responsibilities of staff

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<p>Program delivery for overseas students</p> <ul style="list-style-type: none"> Education Services for Overseas Students Act 2000 (Cth) 	<p>UniSA is a registered higher education provider that offers education services to overseas students. To provide education and training services to international students the UniSA must comply with rules and regulations required by the Federal Government and State authorities.</p> <p>The Education Services for Overseas Students (ESOS) Legislative Framework has been designed to establish and maintain national standards for the provision of education and training services to international students. The legislation aims to protect international students and guarantee quality education. It enables the Department of Education, Employment and Workplace Relations (DEEWR) to take actions against providers who are found in breach of their obligations.</p> <p>ESOS relates only to students who are enrolled in an onshore program and who remain in Australia on a student visa. This legislation does <u>not</u> apply to students undertaking transnational programs or who remain in Australia on a temporary visa other than a student visa.</p> <p>University obligations include the following:</p> <ul style="list-style-type: none"> UniSA's CRICOS Provider Number (00121B) must be displayed together with the University's name on all promotional materials used to attract international students all programs delivered to international students must be CRICOS registered all programs registered on CRICOS must be available full-time and in internal mode Programs cannot be advertised as available to international students without approval by Academic Board and subsequent CRICOS registration UniSA must promote its educational activities with accuracy and integrity and is not permitted to make false comparisons to other providers in Australia UniSA must deliver on what it offers or, in the case of a program change, find an alternative that is acceptable to affected international students UniSA must report student visa holders to the Department of Immigration in the event of any change in program enrolment or known breaches of a student's visa (including unsatisfactory academic performance). 	<p>ESOS website http://www.unisa.edu.au/inter nat/esos/default.asp</p> <p>ESOS resources and assistance for staff (website which includes links to contacts)</p>

Legislated and ethical responsibilities of staff

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<p>Occupational health and safety</p> <ul style="list-style-type: none"> • Controlled Substances Act 1984 (SA) • Controlled Substances (Expiation of Simple Cannabis Offences) Regulations 2002 (SA) • Controlled Substances (Pesticide) Regulations 2003 (SA) • Controlled Substances (Prohibited Substances) Regulations 2000 (SA) • Dangerous Substances Act 1979 (SA) • Dangerous Substances Regulations 2002 (SA) • Environment Protection Act 1993 (SA) • Gene Technology Act 2001(SA) • Occupational Health, Safety and Welfare Act 1986 (SA) • Occupational Health, Safety and Welfare Regulations 2010 (SA) • Radiation Protection and Control Act 1982 (SA) • Radiation Protection and Control (Ionising Radiation) Regulations 2000 (SA) • Radiation Protection and Control (Transport of Radioactive Substances) Regulations (2003) • Workers Rehabilitation and Compensation Act 1986 (SA) • Workers Rehabilitation and Compensation (General) Regulations 1999 (SA) 	<p>UniSA has a legal responsibility under the <i>OHSW Act 1986</i> and <i>OHSW Regulations 2010</i> to provide a safe and healthy environment for employees, students, contractors and visitors, and to the continuous improvement of injury prevention and management programs.</p> <p>Employees have a duty of care not to place themselves or others at risk of injury or illness. UniSA's Occupational Health, Safety and Welfare and Injury Management (OHSW&IM) system includes policies, procedures, guidelines and learning programs (online and classroom based) to assist employees in meeting their duty of care obligations.</p> <p>The OHS&W requirements for employees will be outlined by your manager during your worksite induction. Further information is available from the Occupational Health, Safety and Welfare and Injury Management Web site.</p> <p>Employees are required to undertake online and other relevant training courses specific to their role. The relevant training for you and your role will be identified, in consultation, with your manager and/or local OHSW & IM person.</p> <p>You must notify your manager immediately if you are involved in an incident and/or sustain an injury or illness or identify a hazard that cannot be safely and promptly controlled. You need to also submit an online Incident/Hazard Report form in the OHSW&IM Hazard/Incident Reporting and Investigation system within 12 hours. This report is a formal record of an incident that has occurred or a hazard that is identified. All incidents and hazards are investigated by the relevant responsible manager and corrective action implemented to prevent a recurrence and minimise risk.</p>	<p>Occupational Health, Safety and Welfare Web Site</p> <p>Training Courses</p> <p>Incident report https://my.unisa.edu.au/staff/portal/home.aspx</p> <p>Occupational Health Welfare Safety & Injury Management team</p> <ul style="list-style-type: none"> • 8302 2459 • Email: OHSW&IM-Team

Legislated and ethical responsibilities of staff

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<p>Responsible practice in research</p> <ul style="list-style-type: none"> • Animal Welfare Act 1985 (SA) • Australian Code for the Responsible Conduct of Research 2007 • Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 7th ed. 2004 • Australian Standard AS/NZS 2243.3 (Safety in Laboratories: Microbiology) • Competition and Consumer Act 2010 (Cth) • Gene Technology Act 2000 (SA) • National Statement on Ethical Conduct in Human Research 2007 • Privacy Act 1998 (Cth) • Radiation Protection and Control Act 1982 (SA) 	<p>The Australian Code for the Responsible Conduct of Research and National Statement on Ethical Conduct in Human Research:</p> <ul style="list-style-type: none"> • outline the responsibilities of institutions and researchers for responsible conduct for research practice through policies and procedures • stipulate responsible conduct and research ethics within research governance • specify that institutions must foster and support a culture of ethical and responsible conduct. <p>Staff and students are required to obtain the necessary approvals and clearances that govern research (and in some cases teaching and experimentation) involving human participants, the use of animals for scientific purposes, biological hazards, chemical substances, nanomaterials, genetically modified organisms and radiation (ionising and non-ionising). Standard Operating Procedures must be in place in specified laboratories and staff must be aware of and comply with these procedures.</p> <p>Research Degree Supervisors are required to abide by the University's Code of Good Practice: Research Degrees Management and Supervision.</p> <p>The Graduate Research Centre manages and administers research education at the University.</p>	<p>Australian Code for the Responsible Conduct of Research</p> <p>National Statement on Ethical Conduct in Human Research</p> <p>Research and Innovation Services</p> <p>Ethics and compliance for researchers at UniSA</p> <p>Graduate Research Centre</p> <p>OHS&W procedures, SOP and policies</p> <p>Research degrees management and supervision</p> <p>Code of good practice: research in honours degree programs</p> <p>Researcher responsibilities under the Australian code</p> <p>University Activities - Intellectual Property: Ownership and Commercialisation Guidelines</p> <p>Research Ethics Advisors</p> <p>Ethics and Compliance staff (RIS)</p>

Legislated and ethical responsibilities of staff

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<p>Trade practices and consumer law</p> <ul style="list-style-type: none"> • Competition and Consumer Act (CCA) 2010 (Cth) • Competition Policy Reform Act 1996 (SA) • Fair Trading Act 1987 (SA) • Fair Trading Regulations 2010 (SA) • Misrepresentation Act 1972 (SA) • Sale of Goods Act 1895 (SA) 	<p>UniSA expects all staff to be aware of legal obligations and requirements under trade practices and consumer law. To ensure staff are fully aware of these issues, the Consumer Competition Act (CCA) Compliance Manual is considered a required training tool for all new and existing staff of UniSA.</p> <p>UniSA is committed to ensuring that its operations comply with relevant trade practices and consumer law obligations. This legislation is designed to ensure fair and equitable dealings in business activities and is primarily governed by the <i>Competition and Consumer Act (CCA) 2010 (Cth)</i>. It applies to all commercial activities of the UniSA, including dealings with suppliers, competitors, research partners, students and users of UniSA services and premises.</p> <p>Obligations under the CCA should be adhered to in relation to all business activities engaged in on behalf of the UniSA. This includes the provision of courses and services in Australia and overseas and international programs offered by UniSA.</p> <p>Potential areas of risk exposure under trade practices and consumer law include:</p> <ul style="list-style-type: none"> • providing programs and courses, including transnational, onshore international and non-award programs • purchasing goods and services, including managing supply contracts and involvement with tendering processes • supplying goods and services, including research and consulting • advertising, promotions and marketing • agreements with competing service providers. <p>There are significant penalties for the UniSA and individuals for non-compliance with the CCA, as outlined in the <i>Competition and Consumer Act</i> and the CCA Compliance Manual. If staff are in doubt about any conduct, or proposed conduct relating to trade practices and consumer law they should contact their manager and/or the University's General Counsel before making a decision.</p> <p>Staff are also encouraged to report to their manager and/or General Counsel, any conduct by a competitor, supplier, or customer of UniSA they believe might be in breach of the CCA.</p>	<p>Competition and Consumer Act Compliance Manual</p> <p>Competition and Consumer Act</p> <p>CCA Compliance Guidelines</p> <p>CCA Incident Report Template</p> <p>For additional information contact: Chancellery</p>

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<p>Equal opportunity and anti-discrimination</p> <ul style="list-style-type: none"> • Age Discrimination Act 2004) (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Disability Discrimination Act 1992 (Cth) • Equal Opportunity Act 1984 (SA) • Equal Opportunity for Women in the Workplace Act 1999 (Cth) • Fair Work Act 2009 (Cth) • Human Rights and Equal Opportunity Commission Act 1986 (Cth) • Racial Discrimination Act 1975 (Cth) • Racial Vilification Act 1996 (SA) • Sex Discrimination Act 1984 (Cth) • The Privacy Act 1988 (Cth) • The Whistleblowers Protection Act 1993 (SA) 	<p>It is unlawful for UniSA or its employees to discriminate against someone – in areas including employment, education, provision of goods and services, accommodation, conferral of qualifications – on the grounds of:</p> <ul style="list-style-type: none"> • age • breast feeding • caring responsibilities • disability – physical, intellectual and mental illness (past, present or future) • family responsibilities • gender • marital status • pregnancy or potential pregnancy • race, colour, descent or national or ethnic origin • religious dress or appearance (in work or study) • sexuality (actual or presumed) • spouse or partner's identity. <p>In addition to these grounds the <i>Fair Work Act 2009</i> also includes in the area of employment, the grounds of religion, political opinion, social origin and carers responsibilities.</p> <p>As an employer, UniSA has a legal responsibility to take all reasonable steps to prevent unlawful discrimination and harassment from occurring, and to respond quickly and effectively to complaints should they arise.</p>	<p>Human Resources</p> <p>Equity Contacts help to provide a safe working and learning environment, free from discrimination and harassment. Their job is to be a point of contact when you believe that you have experienced unlawful discrimination or harassment.</p> <p>Equity and Diversity – treating people with respect quick guide</p> <p>Equal Opportunity Policy</p>

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<p>Confidentiality of students' personal information</p> <ul style="list-style-type: none"> • Education Services for Overseas Students Act 2000 (Cth) - National Code of Practice 2007 • Higher Education Support Act 2003 (Cth) • Privacy Act 1998 (Cth) • Tax File Number Guidelines 1992 	<p>UniSA collects and holds personal information about all of its students and has a range of legislative responsibilities in regard to maintaining the confidentiality of students' personal information. These include, but are not limited to, responsibilities under the <i>Higher Education Support Act 2003</i>, the <i>Privacy Act 1988</i>, the <i>Tax File Number Guidelines 1992</i> (issued by the Privacy Commissioner), and the <i>Education Services for Overseas Students (ESOS) Act 2000</i>.</p> <p>The privacy of student information is a vital part of the UniSA's relationship with its students. UniSA recognises its responsibility to collect, manage, use and disclose personal information in accordance with legislative requirements, prevailing community expectations of best practice.</p> <p>Personal information is confidential, and must not be used or disclosed except in accordance with the <i>Confidentiality of Students' Personal Information</i> policy.</p> <p>Staff access to records of personal information will be restricted to staff members who need the information in order to carry out their duties and responsibilities in the personal and/or academic interests of students.</p> <p>Staff who are granted access to records of personal information will be made aware of the strict conditions set out under the <i>Higher Education Support Act 2003</i>. The Act specifies access to student personal information that is collected for the purpose of administering Commonwealth contributions and loans programs. Staff will be made aware that the following are all offences under the <i>Higher Education Support Act 2003</i>, for which severe penalties apply:</p> <ul style="list-style-type: none"> • disclosing such personal information outside of the requirements of official duties • copying a record of such personal information outside of the requirements of official duties • causing unauthorised access to such personal information held in a computer system. 	<p>Confidentiality of Students' Personal Information</p> <p>ESOS website http://www.unisa.edu.au/internat/esos/default.asp</p>

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<p>Privacy</p> <ul style="list-style-type: none"> • Privacy Act 1998 (Cth) 	<p>UniSA has policies, guidelines, procedures and other documentation that provide staff with information regarding privacy. They include the <i>Code of Ethical Conduct</i>, <i>Use of University Information Technology Facilities</i> and <i>Confidentiality of Students' Personal Information</i>.</p> <p>While the University is not within the jurisdiction of the <i>Privacy Act</i> and is therefore not required to observe the National Privacy Principles it is recommended that all staff be aware of them. Use of these principles as a guide will ensure good business practices.</p> <p>The National Privacy Principles provide guidance in the collection, management and disclosure of personal information and afford a level of protection to the individual concerned.</p> <p>Matters include:</p> <ul style="list-style-type: none"> • Collection of personal information • Use and disclosure of personal information • Data quality – accuracy, completeness and currency of information • Data security – data protection, authorised use, storage • Openness – responsibilities to individuals whose information is kept • Access and correction • Identifiers such as Tax File numbers, Medicare information are not to be used • Anonymity • Transborder data flow – responsibility in relation to information transferred outside Australia • Sensitive information – collection and legal obligations. 	<p>Code of Ethical Conduct</p> <p>Acceptable use of Information Technology (IT) facilities</p> <p>Confidentiality of Students' Personal Information</p> <p>Privacy Act</p> <p>Freedom of Information</p>