

**Institute of IT
Professionals**
NEW ZEALAND



The IITP Code of Professional Conduct

The mandatory code outlining ethical and professional requirements for IT Professionals in New Zealand.

June 2012

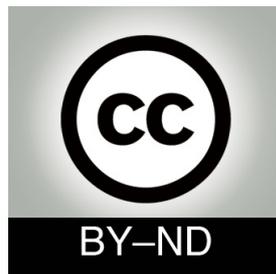
About IITP

The Institute of IT Professionals (IITP), formerly known as the NZ Computer Society, is the professional body of the IT sector in New Zealand.

IITP has a proud history spanning over 50 years and has been a part of the computing and IT sector in New Zealand since formation in 1960.

IITP Vision

IITP is the authoritative voice of the IT profession that leads professional development and good practice in IT.



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The IITP Code of Professional Conduct

This IITP Code of Professional Conduct document is split into three sections:

Section 1 - Code of Professional Conduct_____ **Page 4**

This is the IITP Code of Professional Conduct in its entirety. The Code is made up of 8 Tenets, each related to the others but also covering an important area related to ethics and conduct.

Section 2 - Guidelines and Interpretation_____ **Page 6**

This material does not form a part of the Code, but rather is used to assist in the interpretation and implementation of the Code of Professional Conduct.

Section 3 - Breaches and Disciplinary Process_____ **Page 14**

This section is taken from Schedule Four of the IITP Bylaws, and outlines the procedures by which alleged breaches of the Code will be dealt with, including the provision for a hearing of the *Professional Conduct Board*.

This IITP Code of Professional Conduct was formally adopted by resolution of a Special General Meeting held for that purpose in Wellington, New Zealand, on Friday 28th May 2010.

The Code replaced the previous IITP Code of Ethics and Professional Conduct.

Section 1:

The IITP Code of Professional Conduct

IITP Code of Professional Conduct

- 1. Non-Discriminatory** - Members shall treat people with dignity, good faith and equity; without discrimination; and have consideration for the values and cultural sensitivities of all groups within the community affected by their work;
- 2. Zeal** - Members shall act in the execution of their profession with integrity, dignity and honour to merit the trust of the community and the profession, and apply honesty, skill, judgement and initiative to contribute positively to the well-being of society;
- 3. Community** - Members' responsibility for the welfare and rights of the community shall come before their responsibility to their profession, sectional or private interests or to other members;
- 4. Skills** - Members shall apply their skills and knowledge in the interests of their clients or employers for whom they will act without compromising any other of these Tenets;
- 5. Continuous Development** - Members shall develop their knowledge, skills and expertise continuously through their careers, contribute to the collective wisdom of the profession, and actively encourage their associates to do likewise;
- 6. Outcomes and Consequences** - Members shall take reasonable steps to inform themselves, their clients or employers of the economic, social, environmental or legal consequences which may arise from their actions;
- 7. Potential or Real Conflicts of Interest** - Members shall inform their clients or employers of any interest which may be, or may be perceived as being, in conflict with the interests of their clients or employers, or which may affect the quality of service or impartial judgement;
- 8. Competence** - Members shall follow recognised professional practice, and provide services and advice carefully and diligently only within their areas of competence.

These Tenets comprise the essence of the Code of Professional Conduct. Breaches shall be dealt with as provided in Schedule Four of the IITP Bylaws.

They should be read and applied in conjunction with Supplements to the Code of Professional Conduct.

The Supplements will be maintained and updated by the Institute so as to be timely and relevant. Members of the Institute have a duty to be cognisant of the Supplements' content especially those which are applicable to the areas of professional expertise and activity in which they are involved.

Section 2:

Supplement to the Code: **Guidance and Interpretation**

Supplement to the IITP Code of Professional Conduct: Guidance and Interpretation

This supplement does not form a part of the Code, however should be read in conjunction with the code to provide context and interpretation.

This Supplement includes the following sections:

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1: Context of the Tenets of the Code

- 1.1** The Code of Professional Conduct is issued under the provisions of clause 9 of the Constitution of the Institute of IT Professionals NZ Incorporated and is binding on all members in all grades of the Institute, including the Institute itself.
- 1.2** This Code of Professional Conduct (CoPC) is to be read and interpreted in conjunction with the Institute's Constitution, Bylaws and this Guidance and Interpretation.
- 1.3** The respect which society accords the technology professions is earned and maintained by its members demonstrating a strong and consistent commitment to ethical values. These commitments are additional to the obligations, which every member of society is required to observe, such as obeying the law of the legislative authority within which they are working as well as those of their own country as applicable, and reflect the additional responsibility expected of all professionals.
- 1.4** Therefore the Institute must maintain an appropriate Code of Professional Conduct, to make it available for the information of the public and to enforce it impartially. This Code must be responsive to the changing expectations of both the public and the profession and the global standards to which the Institute of IT Professionals subscribes.
- 1.5** This code is based upon the principles of:
- Interests of the community
 - Respect for the individual
 - Interests of the client
 - Professional integrity
- and supported by the values of:
- Competence
 - Truth
 - Social justice and
 - Ethical behaviour
- 1.6** Eight ethical Tenets form the basis of the Code to guide members in achieving the high ideals of professional life. To assist in the interpretation of the Code, guidelines are set out below to support these Tenets.

2: General Matters

- 2.1** The purpose of this supplement is to assist members in applying the Tenets of the Code of Professional Conduct which have been written in broad terms. Whilst not specifically part of the Code of Professional Conduct, the supplement should be read in conjunction with the Code and members will be expected to have considered the content of the Code, this and any other supplements in any matter of professional conduct.
- 2.2** The supplements are not prescriptive but form the basis, in conjunction with the Constitution and Bylaws, of the Institute's concept of Professional Conduct and Practice.

3: The Community

3.1 “Community”, in the context of the Code, refers to all groups in society including members’ own workplaces. The first three Tenets of the Code refer to the Community and may be considered to include:

- Acting and working in a way such that the health, safety and well-being of employees and colleagues are not endangered;
- Ensuring that work undertaken meets community expectations by adopting the norms of recognised professional practice; or communicating any attendant risks or limitations, and their effect, in any work undertaken which does not accord with convention;
- Being vigilant in 'duty of care' toward members of the community;
- Communicating the results of work undertaken in a clear and unambiguous way;
- Raising real or perceived conflicts of interest, or issues which may not be in the community interest, at an early stage of involvement;
- Commitment to the principles of sustainable development of the planet’s resources and seeking to minimise adverse environmental impacts of their work or applications of technology for both present and future generations;
- Not being involved in any activity which is known to be fraudulent, dishonest or not in the interests of the community (as described); and
- Not accepting reward or compensation from any more than one party, without the clear understanding and acceptance of all parties.

3.2 In summary, these Tenets of the Code require members to be mindful of more than their technical and professional responsibilities and their immediate employer or client.

3.3 Many of the requirements demand no more than sound management practices such as Occupational Health and Safety Plans and care of colleagues and staff. The Code goes further in its obligation for members to be aware of the consequences of all of their actions in the practice of their professions. The essence of “professionalism” is in remaining aware of these obligations and in making sound and informed decisions when faced with any conflict of responsibilities which may, and likely will, arise.

4: Qualifications and Competence

- 4.1** Qualifications denote the foundation of knowledge that a member has achieved through formal education, experience, post graduate learning or a combination from all of these sources.
- 4.2** Competence is demonstrated by application of knowledge and skills to provide service, advice or opinion to clients or employers.
- 4.3** The Tenets of the Code which relate to these themes may be considered to include an expectation of members to:
- not misrepresent the qualifications and competences of themselves or those in their employ or under their supervision;
 - not undertake any assignment which is outside their competence; and if requested to do so, to bring to their client's or employer's attention to the need to access further expertise;
 - seek expert assistance on encountering any professional issue or problem outside the range of experience or competence;
 - not expect their employees to undertake work for which the employees have little or no demonstrated competence, other than in a supervised capacity; and
 - keep themselves competent and informed by continuous professional development.
- 4.4** By carefully limiting the professional work undertaken within the limits of their qualifications and competence, members protect the interests of the community, clients, employers and themselves.
- 4.5** A mistake or error of judgement that a member might make within the limits of competence and qualification, even though it may be judged as negligence, will not be considered as unethical behaviour.

5: Clients and Employers

- 5.1** Members have a duty to provide loyal and competent service to their clients and employers. “Loyalty” implies looking out for their interests, giving fearless advice, providing strict confidentiality.
- 5.2** A client is the recipient of professional service, advice or opinion. Members are encouraged to be always mindful of the question “who is the client?” In some circumstances it may also be the employer. An employee of a private company has dual duties to employer and client. An academic employed by a University has students as clients.
- 5.3** When a member is serving both an employer and a client, there is potential for competing and conflicting interests.
- 5.4** The Tenets of the Code which relate to these themes include an expectation of members to:
- not disclose or use any confidential information gained in the course of their employment without permission, unless disclosure is a legal requirement or withholding the information would be to the detriment of the community;
 - be truthful, factual and free from exaggeration in advertising or promoting their services to potential clients, either by advertisement or direct approach;
 - keep clients and employers informed of any known or potential conflict of interest;
 - not accept payment for particular service or information from more than one source without disclosure to all parties, unless it is apparent that the service or information is intended for multiple use;
 - not undertake assignments under conditions which may compromise their ability to satisfy client or employer needs in a professional manner;
 - advise clients and employers of the level of risk, or any possible adverse consequences, of any instruction given which is outside the norms of conventional practice;
 - not attempt to supplant others who are already engaged by a client; nor to damage in any way the reputation of competitors by way of comparison or denigration;
 - when acting as an expert witness to a court or tribunal, be mindful of their primary obligation as an expert witness to the court or the hearing, and not to the engaging party.

6: Ethical Dilemmas

- 6.1** An ethical dilemma occurs when one Tenet of the Code cannot be honoured without apparent breach of another. It is recommended that any member finding themselves in such a situation should consult with the affected parties and attempt an ethical resolution or, failing that, refer the matter to the PCB for advice.
- 6.2** In any professional career, ethical challenges or dilemmas will arise. Teachers may be caught between the demands of their employers and the needs of their students; employees may be caught between the performance targets of their employers and the expectations of their clients; consultants may be caught between the expectations of their clients and the interests of the community; public service professionals may be caught between the directives of superiors and the well being of staff.
- 6.3** Resolution of ethical dilemmas is ultimately a matter of personal responsibility, taking into account the principles which lie behind the Tenets of the Code. Members of the Institute are encouraged to share their ethical dilemmas with a trusted colleague, or refer such matters to the Institute's National Council or CEO if they wish. Either of those may further refer the matter to the PCB for consideration
- 6.4** Members seeking guidance in higher ethical issues are recommended to consider documents such as the United Nations Declaration of Human Rights, the Treaty of Waitangi and the New Zealand Bill of Rights. It is recognised that members may also feel subject to religious obligations which may impose ethical and moral dilemmas. In such cases, members are advised to consult with their religious guides and may refer such matters to the Institute's National Council or CEO if they wish. Either of those may further refer the matter to the Professional Conduct Board for consideration.
- 6.5** Another aspect of ethical dilemma is the occurrence of a conflict of interest. A conflict of interest may be real, potential or perceived. It arises when relationships exist among such entities as clients, employers, employees, vendors, colleagues or any combination that can, may or actually influence another entity to a possibly detrimental extent. These extents include diminished commitment, pecuniary or other gain, undue influence
- 6.6** The issue can also be difficult because a perceived conflict of interest may be as consequential as a real occurrence. This happens when those who perceive a conflict act in ways that are influenced by the perception. As such, perceived conflicts of interest may have to be managed or otherwise dealt with as if real. The Code of Practice details some strategies relevant to conflict of interest resolution or management.

7: Maintenance of the Code

7.1 The role of the Institute of IT Professionals NZ is:

- to provide rigorous and fair processes for dealing with complaints and charges made against members; and
- to provide counsel and support to members confronting ethical dilemmas or any other difficulties in relation to their own or others' ethical behaviour.

7.2 The Institute has a Professional Conduct Board which “is responsible for the implementation and oversight of professional conduct standards as they apply to all membership classes and to maintain alignment of such standards with kindred bodies and international guidelines.”¹

7.3 Where appropriate, the Professional Conduct Board will, as circumstances warrant, propose additions, changes or deletions within both this supplement and Supplement 2, the Code of Practice. Members are encouraged to submit material for Board consideration where they feel that guidance and interpretation and/or the Code of Practice might be improved.

7.4 The *Code of Practice* endeavours to provide guidance and examples within specific areas of Information Technology practice. As such, it is likely to change far more frequently than the other documents mentioned. Members are encouraged to refer to the Code regularly (either on the Institute’s web site or in downloadable form or as a printed copy by request from the Institute).

7.5 The two Codes, particularly, form the basis upon which your conduct as a member of the Institute might be measured by the public, employers, clients and your colleagues. It is also the basis against which any disciplinary proceedings of the Institute will seek comparison.

7.6 Schedule 4 of the IITP Bylaws, dealing with breaches of the Code of Professional Conduct, provides additional information.

1 Professional Conduct Board – Mandate, Matthews, P., et al., 2009. *Information Technology Certified Professional, IITP IITCP Certification Model*. New Zealand Computer Society Inc.

Section 3:

IITP Bylaws Schedule 4: **IITP Disciplinary Process**

IITP Bylaws Schedule Four: Breach of the Code of Professional Conduct

1 Preamble

“The processes undertaken in the consideration of complaints or the resolution of disputes will be in strict accord with Rules determined by the Institute of IT Professional’s National Council. The rules of natural justice will be paramount in all processes. The rules of natural justice include the right for a respondent to know the details of a complaint and the supporting evidence; the right to provide evidence in defence; and the right for an unbiased determination made by those who hear all the evidence.”

- Institute of IT Professionals New Zealand Inc, Code of Professional Conduct.

2 Procedure

The procedure for dealing with an alleged breach of the Code of Professional Conduct by a member shall be as follows:

Lodging the Complaint

- 2.1 A complaint, being an allegation of a breach of the Code of Professional Conduct, may be made by any individual or entity concerning any person who is a Institute member or was a member at the time relevant to the complaint.
- 2.2 Placing such a complaint shall signify acceptance that the matter shall be determined in the manner prescribed in this Schedule of the Bylaws, including the clauses dealing with publication of the findings of this consideration of the complaint. The complainant also specifically waives any right to take civil action against the Institute should he or she disagree with the process or findings of the Institute.
- 2.3 Nothing in this Schedule shall preclude the complainant or others taking civil or criminal proceedings against the member in question, and this process should not be seen as an alternative to doing so if appropriate.
- 2.4 The complaint must be made on the prescribed form setting out particulars of the alleged breach and attaching any documentation or other relevant details. The complaint shall be addressed to the President, or if it is in relation to the conduct of the President, to the Deputy President. This person shall be the “Receiver” of the complaint.

Receiving the Complaint

- 2.5 The President (or Deputy President in the case of a complaint against the President) may delegate to the Chief Executive or any member of the National Council to act on his or her behalf as Receiver to discharge the remainder of his or her responsibilities in relation to the matter if he or she sees fit. For example, if there is a Conflict of Interest, or if he or she is unable to fulfill the Receiver’s requirements within the time required.

- 2.6 The Receiver must acknowledge receipt of the complaint in writing, and notify the member of the complaint in writing (attaching a copy of the complaint and all documentation provided with the complaint), including that the complaint has been referred to the Professional Conduct Board who will hold a hearing into the complaint.

Referral to Professional Conduct Board

- 2.7 The Receiver must refer the complaint to the Chair of the Professional Conduct Board within 7 days of receipt.
- 2.8 If the Chair of the Professional Conduct Board is not available to complete the requirements in this Schedule in a timely manner the IITP President may authorise another member of the Board or any member of the IITP National Council to Chair proceedings and discharge the duties of the Chair as outlined in this Schedule.

Frivolous or Vexatious Complaints

- 2.9 At any stage of proceedings if the Chair of the Professional Conduct Board believes that the complaint is frivolous or vexatious they may immediately call for a vote of the Professional Conduct Board as to whether it is indeed frivolous or vexatious. This vote may be conducted in any way prescribed by the Chair, including electronic via email.
- 2.10 If the Professional Conduct Board votes by a three quarters majority that the complaint is frivolous or vexatious it shall be immediately dismissed.

Hearing of the Professional Conduct Board

- 2.11 The Chair of the Professional Conduct Board shall forward a copy of the complaint and all supporting information to the members of the Professional Conduct Board and arrange a hearing of the Board, which shall be between 3 and 6 weeks from the date the complaint is referred. The Chair of the Board may choose a hearing time outside this timeframe if it is necessary to ensure a fair hearing, however the hearing must be conducted in a timely fashion.
- 2.12 The quorum for the hearing shall be two thirds of the membership of the Professional Conduct Board. The hearing may be held by Teleconference or in person.
- 2.13 Hearings are confidential and the evidence provided during a hearing is not published, other than that to support a published verdict (see below).
- 2.14 The complainant will have the option of addressing the hearing of the Professional Conduct Board in person (where the hearing is held in person) or by Teleconference for the purpose of providing further verbal evidence. The complainant may equally opt not to do so. If they are to address the hearing they may only be present for the portion of the hearing set aside for that purpose.
- 2.15 The Professional Conduct Board may call on any witnesses or other persons to provide verbal evidence to the hearing, but has no authority to compel. Any witness may opt to provide evidence by way of a signed statement. Any witness providing verbal evidence may only be present for the portion of the hearing set aside for that purpose.

- 2.16 In keeping with the principles of natural justice, the member alleged to have committed the breach will have the option of being present during all verbal evidence but may not address the complainant, witnesses, or the Board at that time.
- 2.17 The member alleged to have committed the breach will have the option of addressing the hearing of the Professional Conduct Board in person (where the hearing is held in person) or by Teleconference for the purpose of providing verbal evidence. The member may also choose to provide evidence in writing in advance by signed statement. The complainant may equally opt not to do either and this shall not be construed as evidence of acceptance of the allegation of breach.
- 2.18 The member alleged to have committed the breach may choose to be represented.

Outcome of Hearing

- 2.19 The Professional Conduct Board shall deliberate in private until such time that:
- 2.19.1 The Board rules by a three quarters majority that a significant breach has occurred. In this case a breach shall be found proved and the finding, along with a detailed justification for the finding, shall be referred to the National Council;
- 2.19.2 The Board rules by a three quarters majority that a technical breach occurred, but finds that the breach is trivial or trifling and the matter is dismissed;
- 2.19.3 The Board rules by a three quarters majority that no breach has occurred and the matter is dismissed;
- 2.19.4 The Board cannot agree by a three quarters majority that a breach has occurred, and the Chair determines that further deliberation would be fruitless. The matter is therefore found to be unproved and is dismissed.
- 2.20 The complainant and the member shall be informed of the outcome without delay.

Penalty Imposed

- 2.21 In the case of a breach, the Professional Conduct Board shall recommend to the National Council a penalty consistent with both the gravity of the breach and previous penalties for similar breaches from the options provided in the Institute's Constitution. In all other cases a detailed report shall be forwarded to Council in a timely manner.
- 2.22 In the case of a breach, the National Council shall solely decide the penalty, if any, from the remedies provided in the Constitution. The penalty is not subject to appeal.
- 2.23 The National Council shall solely determine whether the existence, details, finding, complainant identity, and/or penalty shall be released publicly, and no other member or participant shall release in part or full any determination or detail related to the hearing or complaint other than that which the National Council chooses to release.
- 2.24 If the hearing uncovers significant criminal or civil wrongdoing the National Council may opt to refer the matter to the NZ Police or other law enforcement agency by way of a formal complaint, or commence other legal proceedings as it sees fit.

Appealing the Determination of the Hearing

- 2.25 An Appeal against any finding may be made by either the Complainant or Member concerned for any of the following reasons:
- 2.25.1 If further evidence that was not previously available becomes available that is materially different to any considered during the hearing and which, on balance, could change the outcome;
 - 2.25.2 If the procedure outlined in this schedule was not adhered to, and the breach is more than trivial and may have materially changed the outcome of the hearing;
 - 2.25.3 A member of the Professional Conduct Board had a significant undeclared Conflict of Interest which may have impacted upon his or her impartiality.
- 2.26 Simply not agreeing with the determination or penalty shall not be grounds for appeal.
- 2.27 Any appeal should be made to the original Receiver within 21 days of the determination of the Professional Conduct Board. The Receiver will initially determine whether, on the balance of probability, the appeal meets the criteria outlined in 2.25 and if so, shall formally forward the appeal to the National Council.
- 2.28 The National Council shall consider the matters raised in the appeal and determine whether the appeal shall stand. If the appeal stands the Council may modify the determination or penalty as it sees fit.

[End]