

CONFLICT OF INTEREST EXAMPLES AND ACTIONS GUIDELINE

INTRODUCTION

A conflict of interest refers to a situation where a conflict arises for an individual between two competing interests. These are often, but not exclusively, interests of public duty versus private interests. This refers to a reasonably perceived, potential or actual conflict of interest. Conflicts of interest can involve financial or non-financial interests of the staff member and the interests of a business partner or associate, family member, friend or person in a close personal relationship with the staff member.

The following guidelines provide some examples detailing situations where it is considered a conflict of interest may, or may not, arise or exist. It is impossible to define all the potential areas where a conflict of interest may arise and therefore if a staff member is in any doubt as to whether a conflict may exist, they should seek advice from their Head of Department/School.

The examples provided have been separated into three categories:

- activities which are normally or ordinarily permissible;
- activities that appear to present potential conflicts of interest or commitment; and
- activities that clearly present such serious problems/issues as to be incompatible with University policy.

1. Activities which are normally or ordinarily permissible include:

- 1.1 Participation in scientific or professional association activities, editorial responsibilities, or service on scientific review boards and panels.
- 1.2 The acceptance of honoraria for commissioned papers and occasional lectures, so long as the procedure in the Conduct Compliance Procedure -Acceptance of Gifts, Benefits and Hospitality Procedure are followed.
- 1.3 Service as a consultant to outside organisations (provided the arrangement is in accordance with the University's Paid Outside Work Policy).
- 1.4 Service on boards and committees of organisations (public or private) that does not unduly distract staff from their University obligations.
- 1.5 Performance of duties that are specified under an academic staff member's engagement profile or professional staff member's position description.
- 1.6 Standard queries to designated selection officers on the admissions process, for example how someone applies for entry to the University, the date when offers are made, information on previously eligible ATARs, any publically available information relating to the admission process etc.

2. Activities that appear to present potential conflicts of interest or commitment include:

- 2.1 Where a staff member has a financial/personal interest in an enterprise, with which the University does business and could be perceived to be in a position to influence relevant business decisions.
- 2.2 Situations where the time or creative energy that a staff member devotes to activities additional to their University commitment appears substantial enough to compromise the amount or quality of their University activities (this underlines use of the term conflict of commitment that may include those listed under A.).
- 2.3 Activities for which employees are personally remunerated from an external source/party (eg. research projects, conferences, teaching programs, remunerative consulting agreements, etc) that involve, or might reasonably be perceived to involve, the University's name, facilities, equipment and staff.
- 2.4 Activities that breach, or might reasonably be perceived to breach, any of the principles governing research supported by funds administered through the University insofar as these principles are relevant to individual behaviour.

- 2.5 A staff member having a commitment paid or unpaid outside the University that involves frequent or prolonged absence from the University on non-University business.
- 2.6 Holding positions, such as Chief Scientific Officer, in companies sponsoring and conducting research at the University while simultaneously being a staff member.
- 2.7 Chairing a committee responsible for allocating internal funding for research at a faculty or university level where funding is granted to the chair's school/department.
- 2.8 Providing lecturing and tutoring services for another tertiary education provider.
- 2.9 A staff member asking a designated selection officer for information relating to the admission of someone with whom the staff member has a close personal relationship.

3. Activities that present such serious problems as to be incompatible with University policies include:

- 3.1 Situations in which a staff member assumes responsibilities for an outside organisation that diverts their attention from their University duties, or creates other conflicts of loyalty. These could be paid or unpaid positions.
- 3.2 Use of unpublished information emanating from University research or other confidential University sources for personal profit, or assisting an outside organisation by giving it unreasonably exclusive access to such information.
- 3.3 Consulting under arrangements that impose obligations that conflict with the University's intellectual property or with the University's obligations to its research sponsors.
- 3.4 Circumstances in which research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.
- 3.5 Negotiations by a staff member of the terms under which any intellectual property, or other property of the University, is to be sold, licensed or transferred to an external entity in which the staff member has a financial interest.
- 3.6 A staff member holding shares in a company controlled by one of the students or staff over whom they have responsibility.
- 3.7 A staff member holding shares in a company that is sponsoring research at the University, where that research is managed or controlled by the staff member or he/she could be perceived to be in a position to influence relevant decisions.
- 3.8 A staff member directing University resources that can influence an external entity's development where they or family members are directors or shareholders of that entity.
- 3.9 A staff member accepting gifts of value, grants and/or favours from persons or associates who would be seen to benefit from the making of these gifts.
- 3.10 A staff member involved in the admission, supervision, assessment or examination of a student with whom they have, or have had, a close personal or financial relationship.
- 3.11 A staff member not involved in the admissions process pressuring a designated selection officer (directly or indirectly) to review, or reassess, an application for admission for someone with whom the staff member has a close personal relationship.
- 3.12 A staff member taking part in any selection, promotion, reclassification, evaluation or grievance process with prospective or current staff members with whom they have, or have had, a close personal or financial relationship.
- 3.13 A staff member or adjunct appointee co-supervising a graduate research student with another staff member or adjunct appointee with whom they have, or have had, a close personal relationship.
- 3.14 A staff member using University assets or confidential University information for their personal gain, or for the benefit of family or friends.
- 3.15 A staff member with responsibility for the supervision of a student or another member of staff with whom they have or have had a sexual relationship.
- 3.16 A staff member taking part in the assessment of a tender application where they have, or have had, a close personal or financial relationship with a person or organisation submitting a tender application.
- 3.17 A staff member undertaking research/clinical trials which are sponsored by a company in which the researcher (or an associate of the researcher) has a financial interest, or holds an executive position.
- 3.18 A staff member holding an equity interest or executive position in a start-up company that has contracted with the University to conduct further research.
- 3.19 Accepting payment for private tutorials for students enrolled at the University.

4. Options to Avoid or Manage Conflicts of Interest

Options for management include the following, which in some circumstances could be incorporated into a management plan:

- 4.1 Taking no further action because the potential for conflict is minimal or can be eliminated by disclosure and effective supervision.
- 4.2 Informing persons likely to be affected of the University's examination of the disclosure and decision that there is no conflict or the potential for conflict is minimal.
- 4.3 Where there may be a reasonably perceived conflict of interest or whereby processes are already underway when the perception is raised - appointing an independent third party to oversee the integrity of the process.
- 4.4 Appointing extra persons to the panel or committee to minimise the influence of the individual about whom the perception is held.
- 4.5 Seeking the views of persons likely to be affected about the person continuing in the process.
- 4.6 Restricting the access of the person to relevant information that is sensitive or confidential.
- 4.7 Requesting the person to relinquish or divest the personal interest, which creates the conflict, or to make arrangements such as a blind trust.
- 4.8 Removing the person from the responsibilities or duties to which the conflict relates.
- 4.9 Making arrangements for members of boards and committees to absent themselves from debate or decision on specific matters.
- 4.10 Maintaining records of activities that may lead to conflicts, for example: consultancies; membership of committees, boards of directors, advisory groups, or selection committees; and where they hold financial delegation or are in receipt of cash services or equipment from outside bodies.
- 4.11 Seeking input from the CIAO.
- 4.12 Providing education to the person about identifying conflict of interest.
- 4.13 Agreeing with the person triggers to escalate the situation for review of the management plan.