INTRODUCTION

Conflicts of interest are not unusual in the exercise of public responsibility. It is important that staff members and the University are able to recognise, declare and manage conflicts of interest and situations where there is an actual, potential, or perceived conflict of interest.

INTENT

To provide a framework from which staff members can address ethical issues that may arise through their employment at the University. These procedures apply to all members of the University community who are in a position to influence or commit University resources.

RELEVANT DEFINITIONS

In the context of this document:

Benefit means anything which provides the staff member with a direct or indirect personal gain or the potential for personal gain or gain to a third party that may benefit the staff member either directly or indirectly. Such a gain need not be financial; it could be a personal or a non-financial gain. Examples of a benefit may include: the provision of materials or facilities, support of individuals through the provision of benefits (e.g. travel, gifts, entertainment, accommodation expenses etc.), or a financial benefit;

Business Relationships means external contractual relationships, partnerships, private companies, business names or any other commercial trading activity;

Close Personal Relationship means relationships which may lead to a real or perceived conflict of interest, specifically:

- Family relationships (husband/wife, de facto partner, siblings, parent/child, relations by marriage such as brother or sister-in law); and
- Emotional relationships (which might include sexual relationships and close friendships)

Consultant means a person or organisation engaged by the University provide goods or services. This also includes contractors;

Financial Benefit means a benefit in the form of remuneration, payment or gift received by a staff member. Financial benefits might also include investments, ownership or directorship of any companies, consultancies, provision of goods or services, receipt of royalties or other consideration;
Organisational unit means a school, centre or other academic unit; a department, or other administrative unit;

Senior Executive means a person holding the position of Vice-Chancellor, Deputy Vice-Chancellor, Chief Operating Officer, Chief Financial Officer, Pro Vice-Chancellor or Deputy Chief Operating Officer of the University;

Senior Manager means a person holding the position of Head of School or Director of the University;

Staff member means anyone engaged by or associated with the University and includes all permanent, casual, adjunct, honorary or contracted staff (whether full-time or part-time), volunteers or those holding University offices or who are a member of a University committee;

Supervisor means a person who oversees the day-to-day work of a person or group of people. This includes the Chair of a University committee; and

University community means all staff members, students, consultants, contractors and external appointees of Council, boards and committees of the University.

PROCEDURES

Individual Responsibility for Disclosure

In many cases only the individual staff member involved will be aware of the potential of a conflict of interest. It is the responsibility of the individual staff member to notify his or her supervisor if a potential, perceived, or actual conflict of interest arises.

Advice

Staff members who are uncertain whether or not they are placed in a situation where a potential or actual conflict of interest exists may seek advice from:

- Director, Office of Human Resource Services in relation to staffing or employment matters;
- Chief Financial Officer in relation to financial matters;
- Deputy Vice-Chancellor in relation to teaching and learning, and research matters;
- Deputy Chief Operating Officer in relation to student matters; or
- University Secretary in relation the University Council and any other matters.

Disclosure

Actual or potential conflicts of interest must be disclosed by the staff member to his or her supervisor (or the Chair of the relevant committee). The report must be made immediately upon the potential being recognised or being brought to their attention, and in the case of any delay in disclosure, a valid explanation must be provided.

Action

A supervisor who receives a disclosure from a staff member shall determine whether any conflict of interest exists after seeking appropriate advice and shall:

- Acknowledge the disclosure in writing; and
- If appropriate, authorise the staff member, in writing, to continue in his or her current duties and put in place additional processes to ensure the impartiality of the staff member in performing his or her duties; or
• Reorganise the duties of the staff member as necessary to remove the conflict of interest.

NOTE: In the case of a declaration to a Chair of a committee, that declaration should be recorded in the report of that meeting.

A staff member who is authorised to continue to perform his or her normal duties must immediately report any change in circumstances, which could affect the relevance of that authorisation, to his or her supervisor. Once notified, the supervisor should review the situation according to the procedures set out above.

If the staff member and the supervisor disagree, either about the presence of a conflict of interest or about its appropriate resolution, the matter must be referred to the appropriate Senior Manager or Senior Executive.

Any person with a complaint about a staff member acting in breach of these procedures or the Conflicts of Interest Policy may raise the matter with the Deputy Chief Operating Officer. Alternatively the issue may be addressed through the Staff - Grievance Procedures.

Activities which are normally or ordinarily accepted as NOT being conflicts of interest include:

• Participation in scientific or professional association activities, editorial responsibilities, or service on scientific review boards and panels;

• The acceptance of honoraria for commissioned papers and occasional lectures;

• Service as a consultant to outside organisations (provided the arrangement is in accordance with the University's External Work Policy);

• Service on boards and committees of organisations (public or private) that does not unduly distract a staff member from his or her University obligations; and

• Performance of duties that are specified in a staff member’s position profile.

Activities that may potentially present a conflict of interest include:

• 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;

• Situations where the time or creative energy that a staff member devotes to an activity additional to his or her University commitment appears substantial enough to compromise the amount or quality of his or her University activities (this underlines the use of the term conflict of commitment that may include those listed above);

• Activities for which staff members are personally remunerated from an external source/party (such as, research projects, conferences, teaching programs, or remunerative consulting agreements. that involve, or might reasonably be perceived to involve, the University's name, facilities, equipment and/or staff;

• Activities that violate, or might reasonably be perceived to violate, any of the principles governing research supported by funds administered through the University insofar as these principles are relevant to individual behaviour;

• 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;
- Holding positions, such as Chief Scientific Officer, in companies sponsoring and conducting research at the University while simultaneously being a staff member;

- Chairing a committee responsible for allocating internal funding for research at a faculty or University level where funding is granted to the Chair's organisational unit; and

- Providing lecturing and tutoring services for another tertiary education provider.

**Activities that may be incompatible with University policies include:**

- Situations in which a staff member assumes a business relationship or responsibilities for an outside organisation that diverts the staff member’s attention from his or her University duties, or creates other conflicts of loyalty. These could be paid or unpaid positions;

- 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;

- Consulting under arrangements that impose obligations that conflict with the University's intellectual property or with the University's obligations to its research sponsors;

- Circumstances in which research that could and ordinarily would be conducted within the University, is conducted elsewhere to the disadvantage of the University and its legitimate interests;

- 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;

- A staff member holding shares in a company controlled by one of the students or staff over whom they have responsibility;

- 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;

- 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;

- 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;

- 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;

- 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;

- A staff member using University assets or confidential University information for his or her personal gain, or for the benefit of family or friends;
• A staff member with responsibility for the supervision of a student or another staff member with whom they have or have had a close personal relationship;

• 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;

• 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 business relationship or financial interest, or holds an executive position;

• 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; and

• Accepting payment for private tutorials for students enrolled at the University.

**Breaches of the Conflicts of Interest Policy or Procedures**

**Members of staff**

A situation where a staff member is found to have failed to disclose potential or an actual conflict of interest may lead to an allegation of misconduct and will be dealt with according to the University *Managing Underperformance, Misconduct and Serious Misconduct Procedures* in accordance with the current *CDU and Union Enterprise Agreement*.

A staff member may be directed by his or her supervisor to provide information with regards to a potential, perceived or actual conflict of interest. Failure to do so will be regarded as a breach of the University *Conflicts of Interest Policy* and these *Procedures*.

Other breaches of the *Conflicts of Interest Policy* and Procedures may also lead to an allegation of misconduct. Some breaches may result in additional legal proceedings being taken by the University.

Sanctions would be determined in accordance with the circumstances in question and may include counselling, use of disciplinary procedures, removal from position where the staff member is a volunteer, civil action, or reporting of actions to law enforcement officials that may result in the laying of criminal charges;

Victimisation of a staff member or any individual as a result of disclosure of an actual, potential, or perceived conflict of interest is not permitted, and may lead to disciplinary action as it is considered misconduct.

**Consultants**

A situation where a consultant is found to have failed to disclose potential or actual conflict of interest may lead to an allegation of misconduct and may result in the contract for services being terminated.
ESSENTIAL SUPPORTING INFORMATION

Internal

CDU and Union Enterprise Agreement

Code of Conduct

Conflicts of Interest Policy

External Work Policy

Staff - Grievance Procedures
## Document History and Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date Approved</th>
<th>Approved by</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>1.00</td>
<td>23 Feb 2011</td>
<td>Vice-Chancellor</td>
<td>Creation of original document and posting on CDU website.</td>
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<td>Vice-Chancellor</td>
<td>Review document and update definitions&lt;br&gt;• University community&lt;br&gt;• Organisational unit&lt;br&gt;• Senior Executive definition amended to reflect position changes. Remove Executive Director and replace with Chief Operating Officer, Deputy Chief Operating Officer and Chief Financial Officer</td>
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