CONFLICT OF INTEREST IN EXAMINERS

by Simon Moss

Introduction

Just when you feel the end is nigh, another task rises from the ground, like a phoenix: You need to identify the examiners. According to the HDR submission and examination procedures, the three examiners you identify must not be biased by actual or perceived conflicts of interest. This document

* Presents a series of questions you can answer to assess whether an examiner may experience a conflict of interest—derived from principles developed by the University of Western Australia
* Helps you demonstrate that an examiner is likely to be unbiased and suitable, even when they might appear to experience a conflict of interest

This document might look lengthy. But, in practice, you actually need to complete only a subset of questions. **For each question you read, please place a X in the column labelled true or false to indicate your answer.**

## Phase 1: Relationship with the candidate

|  |  |  |
| --- | --- | --- |
| Question | True | False |
| Question 1. The candidate and examiner have never met in person or online | Proceed to Question 24 | Proceed to the next question |
|  |  |  |
| Question 2. The only contact between the candidate and examiner has revolved around the thesis. The examiner answered only a few questions the candidate asked but was otherwise not involved in the thesis | Proceed to Question 24 | Proceed to Question 4 |
| Question 3. The candidate and examiner have never formed a relationship to the extent to which one person might want to help the other person—at least no more than two strangers might want to help each other | Proceed to Question 24 | Proceed to Question 4 |
|  |  |  |
| Question 4. The examiner has co-authored a paper with the candidate |  |  |
| Question 5. The examiner has worked with the candidate on matters of analysis |  |  |
| Question 6. The examiner has worked with the candidate on matters of synthesis |  |  |
| Question 7. The examiner has maintained contact with the candidate and discussed research over a period of less than one week | Not a conflict of interest but could be acknowledged while justifying the examiner |  |
| Question 8. The examiner has provided funds to the candidate |  |  |
| Question 9. The examiner has employed or been employed by the candidate |  |  |
| Question 10. The examiner is in negotiation to directly employ or be employed by the candidate |  |  |
| Question 11. The examiner has acted as a referee for the candidate for employment |  |  |
| Question 12. The examiner is a known relative of the candidate |  |  |
| Question 13. The examiner is a friend, associate, or mentor of the candidate |  |  |
| Question 14. The examiner has forged a personal relationship of enmity with the candidate |  |  |
| Question 15. The examiner and the candidate have forged an existing or a previous emotional relationship, are de facto, are co-residents, or are members of a common household |  |  |
| Question 16. The examiner is or was married to the candidate |  |  |
| Question 17. The examiner is legally family—such as step-father or sister-in-law—to the candidate |  |  |
| Question 18. The examiner is a legal guardian of the candidate |  |  |
| Question 19. The examiner is a legal dependent of the candidate |  |  |
| Question 20. The examiner has been granted power of attorney for the candidate |  |  |
| Question 21. The examiner is or was in a business relationship with the candidate, such as partners in a small business |  |  |
| Question 22. The examiner is in a professional relationship, such as shared membership of a Board, with the candidate |  |  |
| Question 23. The examiner is in a social relationship with the candidate, such as co-Trustees of a Will, god-parent, and miscellaneous personal contacts that could generate the perception that the examiner may be dealing with the candidate in a less than objective manner |  |  |

## Phase 2: Relationship with the supervisor

|  |  |  |
| --- | --- | --- |
| Question | True | False |
| Question 24. The supervisors and examiner have never met in person or online | Proceed to Question 46 | Proceed to the next question |
|  |  |  |
| Question 25. The supervisors and examiner have not worked together—or engaged in any financial transaction with each other—in the last five years | Proceed to Question 46 | Proceed to Question 27 |
| Question 26. The supervisors and examiner have never formed a relationship to the extent to which one person might want to help the other person—at least no more than two strangers might want to help each other | Proceed to Question 46 | Proceed to Question 27 |
|  |  |  |
| Question 27. The examiner has co-authored a publication with the supervisor in the past five years. |  |  |
| Question 28. The examiner was a candidate of the supervisor within the past five years |  |  |
| Question 29. The examiner holds a current grant with the supervisor |  |  |
| Question 30. The examiner has co-supervised with the supervisor in the past five years |  |  |
| Question 31. The examiner holds a patent with the supervisor |  |  |
| Question 32. The examiner had directly employed or was employed by the supervisor in the past five years |  |  |
| Question 33. The examiner is in negotiation to directly employ or be employed by the supervisor |  |  |
| Question 34. The examiner is a relative of the supervisor |  |  |
| Question 35. The examiner is a friend of the supervisor |  |  |
| Question 36. The examiner has forged a personal relationship of enmity with the supervisor |  |  |
| Question 37. The examiner and the supervisor have forged an existing or a previous emotional relationship, are de facto, are co-residents, or are members of a common household |  |  |
| Question 38. The examiner is or was married to the supervisor |  |  |
| Question 39. The examiner is legally family—such as step-father or sister-in-law—to the supervisor |  |  |
| Question 40. The examiner is a legal guardian of the supervisor |  |  |
| Question 41. The examiner is a legal dependent of the supervisor |  |  |
| Question 42. The examiner has been granted power of attorney for the supervisor |  |  |
| Question 43. The examiner is or was in a business relationship with the supervisor, such as partners in a small business |  |  |
| Question 44. The examiner is in a professional relationship, such as shared membership of a Board, with the supervisor |  |  |
| Question 45. The examiner is in a social relationship with the candidate, such as co-Trustees of a Will, god-parent, and miscellaneous personal contacts that could generate the perception that the examiner may be dealing with the supervisor in a less than objective manner |  |  |

## Phase 3: Conflict with the university

|  |  |  |
| --- | --- | --- |
| Question | True | False |
| Question 46. The examiner has not examined more than two theses from this university in the last 12 months | Proceed to the next question | Proceed to the next question |
| Question 47. Over the last five years, the examiner has never been assigned an email account at this university—and is not seeking an email account in the future. | Proceed to Question 55 | Proceed to the next question |
|  |  |  |
| Question 48. The examiner has worked for the university in the past five years |  |  |
| Question 49. The examiner is currently in negotiation with the university for a work contract—other than examining this thesis |  |  |
| Question 50. The examiner is currently working for the university pro bono |  |  |
| Question 51. The examiner has been awarded an Honorary, Visiting, Adjunct or Emeritus position with the university |  |  |
| Question 52. The examiner has forged a current professional relationship with the university, such as membership of a Board or Committee |  |  |
| Question 53. The examiner has received an Honorary Doctorate from the university |  |  |
| Question 54. The examiner has or had submitted a known formal grievance with the university |  |  |

## Phase 4: Subject material

|  |  |  |
| --- | --- | --- |
| Question | True | False |
| Question 55. The examiner will not benefit if the thesis passes or fails. | Proceed to Question 59 | Proceed to the next question |
|  |  |  |
| Question 56. The examiner has published work critical of the candidate’s approach—naming the candidate or supervisor |  |  |
| Question 57. The examiner has spoken publicly in a critical way about the candidate’s work—naming the candidate or supervisor |  |  |
| Question 58. The examiner can commercially benefit from the outcomes of the research |  |  |

## Phase 5: Relationship with the other examiner

|  |  |  |
| --- | --- | --- |
| Question | True | False |
| Question 59. No public information indicates the examiners know each other | Proceed to Phase 6 | Proceed to the next question |
|  |  |  |
| Question 60. The examiner works in the same department as another examiner |  |  |
| Question 61. The examiner is married to, closely related to or has formed a close personal or professional relationship with another examiner |  |  |

## Phase 6: Outcome

Now determine whether you placed an X in any of the Aqua boxes—that is, whether you answered *true* to Questions 2 to 6, 7 to 23, 27 to 45, 48 to 59, 61 to 63, as well as 65 and 66.

* If you did not place in X in any of these boxes, you can be confident that no conflicts of interest will bias the examiners.
* If you did place in X in any of these boxes, a conflict of interest may bias the examiners.

**Response to conflicts of interests**

If you have identified an actual or perceived conflict of interest, you can either

* Choose another examiner
* Construct a case to argue that any apparent conflicts of interest are unlikely to bias the examiners—information that can be included when justifying your examiners

Here are some examples of the arguments you might pose. In brackets are the Questions for which these arguments might be most relevant

|  |
| --- |
| **Sample arguments to justify examiners** |
| * [5,6]. The examiner offered brief assistance to the candidate during a conference or workshop. The assistance was confined to this occasion. Furthermore, the assistance did not change the thesis substantially—but only expedited or marginally refined some of the procedures. * [27]. The examiner has shifted to a role in which he or she is unlikely to work with the supervisor in the foreseeable future. Therefore, the examiner would not benefit from helping the supervisor. * [43]. The business relationship between the examiner and supervisor dissolved amicably over five years ago. The examiner and supervisor do not plan to resurrect this relationship. Consequently, the examiner would not feel obliged to assist the supervisor. * [48-53]. The examiner is completing similar work in several other universities and, therefore, is not reliant on this university * [60]. The examiners espouse diverse perspectives and approaches |