

Conflicts of Interest Policy

INTRODUCTION

The University is committed to developing and maintaining an organisational culture that manages real, potential or perceived conflicts of interest or conflicts of commitment in a fair and transparent manner.

The University supports the principle of academic freedom and encourages members of the University community to develop collegial relationships across the tertiary education sector, with government, industry and with the community. Members of the University community are encouraged to participate in activities such as undertaking peer reviews, writing publications, attending conferences, being members of discussion groups, professional associations, registration boards and industry advisory councils.

In an environment of collegiality, members of the University community have the obligation to protect the reputation of the University by maintaining high ethical standards, fairness and integrity in all dealings.

STATEMENT OF AUTHORITY

The authority behind this policy is the [Charles Darwin University Act 2003](#) part 3, section 15.

COMPLIANCE

This is a compliance requirement under the [Australian Charities and Not-for-profits Commission Regulation 2013](#).

INTENT

The purpose of this document is to ensure that members of the University community are aware of their obligations to recognise, declare and manage situations involving actual, potential or perceived conflicts of interest or conflicts of commitment.

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 such as travel, gifts, entertainment, accommodation expenses, 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);
- Emotional relationships (which might include sexual relationships and close friendships);

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

Duty of loyalty means the requirement of an employee; Council, board or committee member or consultant of the University to act in the best interests of the University and not in the individual’s own best interest. A conflict of interest or commitment may cause the individual to breach their duty of loyalty to the University;

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 considerations;

Staff member means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;

University community means officials and individuals carrying out University business. This includes all staff members, researchers, peer reviewers, students, volunteers, consultants, agents and contractors; and

Volunteer means a person not receiving remuneration as a staff or council member, who is engaged in a professional capacity to perform an activity for, or on behalf of, the University.

POLICY

Members of the University community have a duty of loyalty to the University and it is important that they are able to recognise, declare and manage situations involving actual, potential or perceived conflicts of interest or conflicts of commitment

A conflict of interest occurs when the private interests of a member of the University community may influence, compromise or conflict with the conduct of that member of the University community in relation to their activities at the University. Conflicts of interest can be real, potential or perceived and can involve the financial or non-financial interests of a member of the University community; as well as the financial and non-financial interests of a person in a close personal relationship with a member of the University community.

A conflict of commitment may exist when the non-university activities engaged in by the member of the University community require a commitment of time or effort, such that the individual, either implicitly or directly, cannot meet their obligations to the University.

Responsibility

In all interactions with other members of the University community and other individuals (internal and external), a member of the University community has an obligation to:

- Always observe the highest standard of business ethics;
- Not improperly use their position to gain a benefit;

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- Avoid, as far as possible, ethical, legal, financial and other conflicts of interest;
- Ensure that personal activities and interests do not conflict with their obligations to the University; and
- Recognise and declare situations to a supervisor or other authorised person that might reasonably give rise to, or be perceived as giving rise to a conflict of interest or conflict of commitment.

A member of the University Community may be in breach of these obligations where there is a real or substantial possibility of a conflict of interest or a conflict of commitment.

Where a conflict of interest does arise, a member of the University community must disclose such a conflict in accordance with the [Conflicts of Interest Procedures](#) and act in accordance with any advice received from either a supervisor or other authorised person.

Failure to comply with the provisions of this policy and the [Conflicts of Interest Procedures](#), including refusal to take any reasonable action as directed to resolve or manage an actual, potential or perceived conflict of interest, may result in disciplinary action or termination of employment, contract or enrolment.

Note: Refer to the University's [Compliance and Legal](#) webpage for examples of activities that are not ordinarily considered conflicts of interest and which potentially present a conflict of interest.

ESSENTIAL SUPPORTING INFORMATION

Internal

[CDU and Union Enterprise Agreement](#)

[Code of Conduct](#)

[Conflicts of Interest Procedures](#)

[External Work Policy](#)

Staff - Grievance Procedures

External

[ARC Guidelines for Disclosure of Interests and Confidentiality](#) (Commonwealth)

[NHMRC Guideline Development and Conflicts of Interest](#) (Commonwealth)

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Document History and Version Control

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| Last amendment: | 13 Dec 2017 | Next Review: | Dec 2019 |
| Sponsor: | Director, Strategic Services and Governance | | |
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| Version | Date Approved | Approved by | Brief Description |
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| 1.00 | 23 Feb 2011 | Vice-Chancellor | Creation of original document and upload to CDU website. |
| 1.01 | 9 Jan 2012 | Governance | Update hyperlinks and position titles according to new organisational chart. |
| 1.02 | 30 Jan 2013 | Governance | <ul style="list-style-type: none"> • Conversion of document to current template and update hyperlinks. • Minor changes to wording, grammar and formatting • Assigned document number |
| 2.00 | 13 Nov 2013 | Governance | <ul style="list-style-type: none"> • Review document and included definition of University community and objectives |
| 3.00 | 13 Dec 2017 | Vice-Chancellor | <ul style="list-style-type: none"> • Conducted major review of both the Conflicts of Interest Policy and Procedure • Removed examples from both the Conflicts of Interest Policy and Procedure and created a COI webpage • Amended ... or of commitment to conflict of interest and explained the difference • Added definitions for duty of loyalty and supervisor • Amended definition for senior manager – removed COO & DCOO, added Provost, staff member and university community • Replaced all reference to staff members with members of the University community or individual as this document applies to staff members, students, consultants, contractors and external appointees of Council, boards and committees of the University • Replaced actual with real conflicts.. • Replaced Code of Ethics with Code of Conduct |