

Conflict of Interest Procedures – APPENDIX 3

Strategies for managing conflicts of interest

There are five key strategies for managing a conflict of interest. The chosen management strategy must take into account a number of factors, including:

- the nature of the conflict of interest;
- the operating environment;
- legal requirements; and
- general practicality.

1. Restrict

Where restrictions are placed on an individual's involvement in the matter

When suitable:

- The individual concerned may be effectively separated from parts of the activity or process.
- The conflict of interest is not likely to arise frequently.

When not suitable:

- The conflict of interest is likely to arise frequently causing ad hoc restrictions to be an unworkable option.
- The individual is regularly unable to perform a number of their duties because of conflict of interest issues.

Example strategies (General):

- Refraining from taking part in any debate about an issue.
- Abstaining from voting on a particular decision.
- Withdrawing from discussion and decisions on particular proposals and plans.
- Restricting the individual's access to information relating to the conflict of interest.
- Being denied access to sensitive documents or confidential information relating to the conflict of interest.

Examples strategies (Multiple Roles):

SPECIAL NOTE: In the case where an individual is placed in a situation where conflicts may arise from them having multiple, incompatible or competing duties as an officer of the University, a pro-active approach involving the up-front implementation of a package of different restriction-type strategies may be necessary to effectively address the risks arising from each particular arrangement. Such specialised strategies may include:

- Initiating a letter or agreement between the University and the other party, relieving the individual of the duty to disclose particular types of information to either party.
- Ensuring that minutes arising from relevant meetings always disclose the nature of the conflict and the mitigants that the parties have put in place.
- Ensuring certain information is redacted from meeting papers, agendas, minutes and other documents.

- Mandating that the individual be excluded from undertaking certain functions e.g. contract negotiation, or providing advice on organisation position/policy proposals.
- Agreeing what information may be accessed by the individual and what may be discussed with the individual.
- Having access to legal advice where required, if the individual is concerned about the appropriateness of mitigants, or other matters in relation to their duties with the other party.

2. Recruit

Where a disinterested third party is recruited to oversee part or all of the process that deals with the matter

When suitable:

- The perceived or potential effects of a conflict of interest on the proper performance of the individual are more significant and require more proactive management.
- It is not appropriate or desirable for the individual to remove themselves from the decision-making process.
- The views of those likely to be concerned about a potential, actual or reasonably perceived conflict of interest are sought and they indicate they do not object to the individual having any, or any further, involvement in the matter.

When not suitable:

- The conflict is serious and ongoing, rendering ad hoc recruitment of others unworkable.
- Recruitment of a third party is not appropriate for the proper handling of the matter.
- A suitable third party is unable to be sourced.

Example strategies:

- Arranging for an affected decision to be made by an independent third party.
- Engaging an independent third party or probity auditor to oversee or review the integrity of the decision-making process.
- Increasing the number of people sitting on a decision-making committee to balance the influence of a single member who may have a conflict of interest but who also has some special reason to remain on the committee.
- Monitoring of a research project by independent reviewers.

3. Remove

Where the individual is removed from all duties related to the conflict, for as long as it exists

When suitable:

- For ongoing serious conflicts of interest where ad hoc restriction or recruitment of others is not feasible or appropriate.

When not suitable:

- The conflict of interest and its perceived or potential effects are recognised as low risk or low significance.
- The individual is prepared to relinquish their relevant private interests (see below).
- Where the duties in which the conflict of interest has arisen are reallocated to another officer who is supervised by the individual.

Example strategies:

- Being removed from setting a student's assessment and marking the student's papers.
- Being removed from the supervision and assessment of a PhD student.
- Being removed from a staff selection or promotions panel.
- Re-arranging an individual's duties and responsibilities to a non-conflicting function.
- Transferring an individual to another project.
- Transferring an individual to another area of the organisation.
- Changing an individual's reporting line.
- Disqualifying an investigator from participating in all or a portion of the sponsored research.

NOTE: where possible, removal strategies should be considered in tandem with relinquishment.

4. Relinquish

Where the individual relinquishes the private interest that is creating the conflict with the individual's duties

When suitable:

- When the staff member is willing to relinquish the private interest.

When not suitable:

- The individual is unable or unwilling to relinquish the relevant private interest.
- The conflict of interest and its perceived or potential effects are of low risk or low significance.

Example strategies:

- Relinquishing privately held shares, membership of a club or association, or directorship of a company.
- Liquidating a private interest in an arm's-length transaction.
- Divesting of or withdrawing support for, a private interest.
- Divesting of any financial interest by the investigator in the research sponsor.
- Dissolving the relationship between investigator and research sponsor.

5. Resign

Where the individual resigns (temporarily or permanently) from their position in the University

When suitable:

- A last resort; where the conflict cannot be resolved in any other workable way.
- The individual cannot or will not relinquish their conflicting private interest, changes to their work responsibilities or environment are not feasible, and the conflict of interest and its potential or perceived effects are of high risk or high significance.

When not suitable:

- The conflict of interest and its potential or perceived effects are of low risk or low significance.
- Other options exist that are workable for the individual and the University.

Example strategies:

- Resignation from the individual's position within the University.
- Request for transfer to another public authority or agency.
- Early retirement if the option is feasible and available.