

Conflict of Interest Procedures – APPENDIX 1

Types of Conflicts of Interest

1. Financial interests

A conflict of interest arises where an individual makes, participates in, or has the ability to influence decisions that could advantage their own personal and/or financial interests or affiliations. Such interests and affiliations may include investments, ownership or directorship of external entities, University consultancies, provision of good or services, receipt of royalties or other considerations.

- A conflict of interest may arise, for example, where an individual:
 - who has a financial interest in an external entity holds a position within the University where they could influence, or could be perceived to influence, the awarding of contracts by the University to that entity.
 - holds a directorship or other executive position in an external entity which is in a position to exert significant influence over the University.
 - holds a directorship or other executive position in an external entity that the University is bidding with or is bidding against for contract research funds.
 - has interests in an external entity to which the University is providing or is to provide services e.g. where an individual concurrently holds a position such as Chief Scientific Officer in a company sponsoring and conducting research at the University.
 - negotiates 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 individual has a financial interest.
 - controls the designation of course texts or materials to be used by students and is also the author or developer of such texts or materials.
 - quotes or tenders for and engages in consultancy work in a private capacity (for more information, refer to section on Private Consultancies in the [Consultancy Procedures](#)).
 - deals with, calls tenders or obtains prices from anyone with whom the individual has a close personal relationship or any external entity in which the individual has a pecuniary interest (such an interest does not include the holding of shares purchased through normal Stock Exchange dealings) or in any circumstances where the individual may benefit financially.
 - is personally remunerated from an external source/party (e.g. research projects, conferences, teaching programs, remunerative consulting agreements, etc) that involves, or might reasonably be perceived to involve, the University's name, facilities, equipment and staff.
 - chairs 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.

- is required to perform an audit on a business activity of the University in a business area in which he or she has an interest, pecuniary or otherwise.
- who has been awarded a research grant wishes to authorise private payments to themselves from funds held by the University and under the University's control.

2. Research

A conflict of interest arises for researchers where a competing private interest compromises, or has the appearance of compromising, the researcher's professional judgment in conducting, evaluating or reporting on research. It may affect, or be seen to affect, not only the collection, analysis and interpretation of data, but also the hiring of staff, procurement of materials, sharing of results, choice of licensees, choice of protocol, involvement of human subjects, and the use of statistical methods.

- A conflict of interest may arise, for example, where:
 - the research is sponsored by another person or entity with which the researcher has an affiliation or a financial involvement.
 - the researcher may benefit, directly or indirectly, from any inappropriate dissemination of research results (including any delay in or restriction upon publication of such results).
 - the researcher may personally benefit, directly or indirectly, from the use of University resources in conducting University research.
 - the researcher conducts a clinical trial which is sponsored by any person or organisation with a significant interest in the results of the trial.
 - private benefits or significant personal or professional advantage are dependent on a researcher's research outcomes.
 - in the peer review and publication process, an author, reviewer or editor allows personal conviction, financial interests, or personal views (of amity or enmity) to influence the work improperly.
 - in relation to the commercialisation of research, substantial benefits for a researcher arise from collaborations and relationships with industry in the licensing and marketing of research discoveries and in the creation of spin-off companies.
 - amity or enmity between supervisor and student causes one or both of the parties to act contrary to the best interests of the University.
- Researchers have additional responsibilities under the [Australian Code for the Responsible Conduct of Research](#) (the Australian Code).
- The Australian Code recommends that researchers:
 - maintain 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;
 - when invited to join a committee or equivalent, review current activities for actual or apparent conflicts and bring possible conflicts of interest to the attention of those running the process; and
 - disclose any actual or apparent conflict of interest as soon as it becomes apparent.

- Researchers should be aware of and comply with any separate requirements for disclosure of conflicts of interest, from funding bodies such as the National Health and Medical Research Council (NHMRC).

3. Close personal relationships between individuals

A conflict of interest situation arises where an individual participates in, or has the ability to influence, decisions affecting another individual with whom the first individual has or has had a close personal relationship.

- A conflict of interest may arise, for example, where an individual:
 - participates in any recruitment, selection, promotion, transfer, reclassification, determination of conditions of employment, access to professional development, performance evaluation, dismissal or grievance/complaint process with another individual with whom they have or have had a close personal relationship. The individual does not have to be responsible for making a decision on the matter; just being present can be sufficient to give rise to a conflict.
 - personally sources or recommends people with whom they have or have had a close personal relationship for positions in, or to do work for, the University outside of normal University recruitment and selection or procurement practices. In all cases, appropriate independent competitive or individual merit selection processes or supplier selection processes need to be observed.

Where an individual, in such cases, acts outside of the relevant independent competitive or individual merit selection processes or supplier selection processes in the engagement of a third party, then that individual has, through their actions, failed to take reasonable steps to avoid a conflict of interest. This represents an automatic breach of the Procedures which cannot be corrected or addressed by registering a conflict of interest. Examples of where an individual fails to take reasonable steps include where an individual selects or influences the selection of their:

- son as an administrative assistant/cataloguer on the individual's research project;
- partner as casual research assistant on the individual's research project;
- daughter to undertake casual administrative work;
- mother to perform marking of assignments for the individual under a private service supply arrangement;
- stepson to work for three days a week on a casual contract in a business unit; or
- wife as a casual administrative assistant.
- is placed in a supervisory role with respect to another individual with whom they have, or have had, a close personal relationship.
- is appointed to an appeals committee and has or has had a close personal relationship with another individual who is involved in the decision under appeal.
- is appointed to a University committee established to select the recipient of an award and another individual with a close personal relationship to the individual is a candidate for the award.
- In relation to staffing and promotions decisions:
 - A selection panel member or promotion panel member ("panel member") who has a close personal relationship with a candidate, or other conflict of interest, must disclose the conflict of interest to the Chair of the panel as soon as they become aware of the conflict. If a panel member is uncertain whether a conflict of interest exists, advice should be sought from the Chair prior to participation.

- The Chair of the panel is responsible for ensuring that no disclosed conflict of interest can influence the outcome of the application or promotion and that there can be no reasonable perception that it might have done. Where there is a close personal relationship between the applicant and the panel member, the panel member should be immediately removed from the panel. In evaluating the action to be taken, the Chair should consider any perceived conflict of interest should the panel member be permitted to be involved in the process.
- Where the Chair of the panel has a conflict of interest in relation to any of the candidates for the position or promotion, the Chair must disclose the matter to the Director People and Culture for appropriate action before short listing of candidates or interviews occur.
- An individual should take reasonable steps to avoid recommending or approving any financial transaction which provides, or could provide, a direct pecuniary benefit to another individual with whom they have or have had a close personal relationship. Such transactions include:
 - casual or sessional timesheet payments
 - contractor payments
 - staff reimbursements
 - staff corporate card transactions
 - staff benefits / rewards

4. Close personal relationships between individuals and students

A conflict of interest situation arises where an individual has or has had a close personal relationship with a student for whom the individual has academic, administrative or other responsibilities.

- A conflict of interest may arise, for example, where an individual:
 - has responsibility for the admission, assessment, examination or supervision (including PhD supervision) of a prospective or current student with whom the individual has or has had a close personal relationship.
 - unduly influences or pressures another designated officer (directly or indirectly) to give preference to a prospective or current student with whom the individual has or has had a close personal relationship.
 - is responsible for the approval of or allocation of monies for a scholarship for a prospective or current student with whom they have or have had a close personal relationship.

5. Personal views of individuals towards others

A conflict of interest situation arises through an individual having, or there being a perception of having, a personal view of another person or group that might reasonably be anticipated to cause an inability on their part to perform their responsibilities objectively and impartially as far as the other person or group is concerned e.g. because of feelings by the individual of friendship (amity) or hostility, opposition, rivalry, conflict or contention (enmity), or by having other personal positive or negative feelings towards that person or group.

- A conflict of interest under these circumstances may arise in many work situations (in particular, see sections 3 and 4 above), for example, where an individual:
 - is involved as either a member or Chair on a staff selection panel where the internal or external applicant is known to the individual.

- is responsible for conducting a performance review on another party where the individual has previously invoked disciplinary action against the party under the Staff Enterprise Agreement.
- is required to investigate allegations of misconduct against a fellow individual who they have known and worked with for years.
- participates in a tender selection process, but previously worked in the particular industry and was acquaintances with industry participants, some of whom have now been invited to tender.
- favours or discriminates against particular people in their unit and misuses or abuses their authority to make work-related decisions and provide or deny privilege, benefits or entitlements based on personal dislike of these people by, or loyalty by these people to, the individual, rather than on ability, merit or acknowledgement of legal entitlement.

6. Gifts, benefits and hospitality

A conflict of interest arises where an individual solicits or accepts gifts, benefits or hospitality (hereafter referred to as "gifts") for services they perform in connection with their employment or engagement with the University from any person or entity that could influence that individual in their official capacity.

When should a gift not be accepted

- As a general rule, an individual should not accept a gift where it could be seen by a reasonable disinterested observer, after considering all relevant facts, that the gift was intended or likely to cause that person to:
 - perform their job in a way which that person would not normally do; or
 - deviate from their proper or usual course of duty.
- Generally, the more valuable a gift, the more likely it is that accepting the gift would be perceived as a conflict of interest.
- The safest course for anyone being offered a gift is to politely decline.
- If an individual is of the view that they have been offered a gift as an attempt to induce favoured treatment, they should immediately notify the ISU, regardless of whether or not the gift has been accepted.

Types of gifts which should never be accepted include:

- Gifts in kind: free or discounted accommodation, meals, travel, entertainment or any other compensation or enrichment (e.g. gift cards, loans, commissions, expense reimbursements) which would be considered excessive by a reasonable disinterested observer. This principle extends to gifts provided to other persons who have a close personal relationship with the individual.
- Gifts associated with procurement: If the University is engaged in a tender or other type of procurement process, no gift, no matter how small or insignificant, should be accepted from any potential supplier or associated party. In particular, an individual must never accept gifts of money.
- Facilitation gifts: Gifts made to an individual with the express purpose of inducing the individual to expedite, or thanking the individual for expediting, a University business transaction, or giving preference to another party in the conduct of normal University business.

- An individual may sometimes receive token gifts which it would be rude or inappropriate to decline. Token gifts may include souvenirs, mementos and symbolic items of relatively low value. Token benefits may also include moderate acts of hospitality when meeting with organisations to develop a working relationship with the University. In itself, receiving a token benefit would not constitute a conflict of interest. However, a continuing pattern of giving token benefits may be seen as a potential attempt to inappropriately influence an individual and amount to a conflict of interest. Where a token gift offered to an individual is valuable, it should be declined. If an individual is unsure whether such a gift should be accepted, they should seek advice from their line manager or the ISU.

When should an accepted gift be registered¹

- If an individual wishes to accept a gift offered or given as a part of normal University business, then it is assumed there is no actual, perceived or potential conflict of interest in doing so. In such circumstances, an individual must adhere to the following requirements for registering gifts through the online Conflict of Interest portal. It is important to emphasise that the act of registering a gift does not legitimise its acceptance. When offered a gift, the individual must first evaluate whether there would be a conflict of interest in accepting the gift and, if not, take the following action²:

- *Value of the gift is less than or equal to \$150*

If a gift has a commercial value less than or equal to \$150, then the individual is not required to disclose that gift via the online Conflict of Interest Register (except where the condition explained under *Value of gifts over a 12 month period* is met below).

- *Value of the gift is above \$150 but less than or equal to \$300*

If a gift has a commercial value above \$150 but less than or equal to \$300, then the gift must be disclosed via the online Conflict of Interest Register.

The gift may only be accepted by that individual upon receipt of written approval from a responsible officer who is their line manager.

- *Value of the gift is over \$300*

If the commercial value of a gift totals more than \$300, then that gift must be disclosed via the online Conflict of Interest Register.

The gift may only be accepted upon receipt of written approval from a responsible officer who is an Executive Manager.

- *Value of gifts over a 12 month period*

If gifts received from the same person or entity have a cumulative value which exceeds \$300 within a 12 month period, then those gifts must be disclosed via the online Conflict of Interest Register at the point that the cumulative value reaches \$300.

Subsequent gifts within that 12 month period may then only be accepted upon receipt of approval from a responsible officer who is an Executive Manager.

- *Where the value of the gift is unknown*

If an individual is unsure of the value of a gift, the safest approach is to politely decline it. If doing so would be inappropriate, the gift must be disclosed via the online Conflict of Interest Register and approval sought from the appropriate responsible officer.

- *Where the gift is offered to a group of individuals rather than an individual*

¹ IMPORTANT NOTE 1: When registering a gift via the online Conflict of Interest Register, it should be specifically identified as *gift, benefit or hospitality* during the registration process – not as a conflict of interest as the act of registering a gift implies that there is no actual, perceived or potential conflict in accepting it.

² IMPORTANT NOTE 2: These dollar limits apply in all University-business related situations, including when working in other Australian states or overseas or while on business travel

If a gift is offered to a group of individuals rather than to a single individual, each individual may need to disclose their portion of the gift, in accordance with these Procedures.

7. Sponsorships and other agreements

A conflict of interest arises where an individual receives or is offered discounted or free goods or services, or contra (exchanged) items of any kind under a sponsorship or other type of agreement that may place the recipient under an actual, perceived or potential obligation to the individual or organisation providing these items under the terms of the agreement.

- Sponsorship is the right to associate a sponsor's name, products or services with the sponsored organisation's service, product or activity, in return for negotiated and specific benefits such as cash or in-kind support or promotional opportunities. It involves a negotiated exchange and should result in tangible, material and mutual compensation for the principal parties to the arrangement. Some sponsorship agreements include the provision to the University of discounted or free goods or services, or contra (exchanged) items.
- Contracts with preferred suppliers of goods or services to the University may also result in similar benefits e.g. free equipment based on sales reward points achieved or free / discounted airline tickets based on volume of sales attained.
- In all such cases, these benefits are not to be treated as gifts to individuals, as they are automatically the property of the University, having been obtained under and as a result of a formal agreement between the University and an external entity. However, they should be recorded as perceived or potential conflicts of interest by the recipient, regardless of value or quantity of benefits received.
- The University should take reasonable steps to exclude, wherever possible, free, discounted or contra type benefits from sponsorship and other types of agreements.
- Where it is not possible to remove the provision of these types of benefits from agreements, the responsible officer receiving the conflict of interest notification should consider:
 - in the first instance, declining the items and returning them to the other party to the contract, or if not feasible;
 - allocating the items to appropriate individuals for use on University business or for University purposes only, or if not feasible and as a last resort;
 - making the items available to the University community at large on an independent and equitable basis.

8. Secondary employment

A conflict of interest arises where an individual's secondary employment creates or appears to create a situation where they may not be undertaking work and making decisions in the best interests of the University and / or may not be giving their full commitment to the University in terms of work attendance, performance and behaviour.

- A conflict of interest may arise, for example, where secondary employment:
 - is undertaken during the same hours that an individual is being compensated as a University officer.

- imposes an obligation on an individual to devote so much time to their secondary employment that the amount or quality of their work for the University is compromised.
 - makes use of any University facility, equipment or resource including computer software and information technology resources.
 - makes use of, or may benefit from, commercial or other information that the individual possesses by virtue of their employment or engagement with the University.
 - occurs within an organisation that may compete with the University for funds, staff, students, projects, consultancy or in any other activity.
 - occurs within an organisation that supplies the University with equipment, services or staff.
 - occurs within an organisation that is a customer of the University and may acquire equipment, services or staff from the University.
 - creates a commitment outside the University that involves frequent or prolonged absence(s) from the University on non-University business.
 - involves providing advice to students or employees of the University on behalf of the employer.
 - allows outside considerations to affect actions or decisions that are part of their responsibilities and obligations to the University.
- All private consultancies, including consultancies undertaken by an individual in a private capacity for the University, must be disclosed as a conflict of interest, in accordance with the University's [Consultancy Procedures](#).
 - Unpaid or voluntary work is generally not regarded as secondary employment. However, conflict of interest issues may still arise in relation to voluntary work and should be addressed in accordance with this Procedure should they occur.

9. Use of University facilities and equipment

A conflict of interest arises where an individual does not use University resources for the purposes and in the best interests of the University.

- Individuals are expected to use all University facilities and equipment efficiently, carefully, honestly and effectively, and not to permit their abuse by others.
- Such resources must not be used for personal financial gain or for political purposes, nor for any illegal or prohibited reasons.
- Any arrangement for personal use must be approved by the relevant responsible officer, and should be for minimal time and undertaken in accordance with policy and procedures.

10. Use of official information

A conflict of interest arises where an individual, who has access to information in the course of performing their duties and responsibilities (in particular confidential or sensitive information), uses such information to obtain an improper advantage or financial benefit for themselves or any other person or entity.

- An individual should never use their knowledge of University people, systems or processes or seek to obtain confidential information about University business, for private reasons. A conflict of interest may arise, for example, where an individual:
 - asks a designated student selection officer for information relating to the admission of someone with whom the individual has a close personal relationship.
 - who is involved in the administration of student results, advises a student, with whom the individual has a close personal relationship, of his or her results in advance of the time when such results are scheduled to be notified and/or published.
 - who is involved in the administration of tenders for the University informs another individual with whom the individual has a close personal relationship of specific information, otherwise not available to the public, about the anticipated price sought by the University for a tender in which the other individual has expressed an interest.
 - acts on a private request from a third party (whether an internal individual or external person or entity, and regardless of whether or not a close personal relationship exists between the individual and the third party) to access University records, for unauthorised, non-University purposes.

11. Personal beliefs

A conflict of interest arises when an individual is required to undertake official duties which are at variance with the individual's strong personal values.

- It is unlawful to discriminate on the grounds of religious or political conviction. All individuals have the right to their own beliefs and should respect the rights of others.
- Staff should strive to perform the duties associated with their employment or engagement diligently, conscientiously and to the best of their ability, and make decisions without bias, based on the best factual information available.
- While individuals should try to ensure that their personal values do not bring them into conflict with their duties as a University officer, if it does occur, this would constitute a conflict of interest and the individual must make an appropriate disclosure in compliance with these Procedures.

12. Public comment

A conflict of interest arises where an individual is involved in a private activity and expresses a public comment that purports to represent, or may be perceived as representing, the views of the University.

- All individuals have the right, as citizens, to make public comment on any matter of public interest.
- However, written or oral statements made in this context should not suggest in any way that the views expressed are those of the University. Public comment includes public speaking engagements, comments to the media, letters to the media, books, journals articles, notices and use of electronic communications media such as email, Internet, social media etc. where it might reasonably be expected that the publication or circulation of the comment will spread to the community at large.
- A conflict of interest may arise, for example, where an individual:

- associates their name or work with a private external activity (such as consulting, trade union, party political or interest group activities) in a way that implies endorsement or sponsorship by the University.
- expresses a private opinion or comment on an academic, research related or other matter in which the individual has no particular expertise, and the individual fails to disclose that his or her opinion or comment is made in a private capacity and not as a representative of the University.
- does not use University letterhead or stationery only for official University communications.
- does not use electronic media in an appropriate and responsible manner, and in accordance with policy.

13. Multiple roles

A conflict of interest arises where an individual performs, assumes or is assigned multiple roles, either by way of or as an addition to their substantive appointment in the University, which creates a conflict with the fulfilment of the responsibilities of each role.

- Individuals may have multiple roles as University officers which result in competing or incompatible dualities of interest or obligation with respect to the University and other organisations or groups. A conflict of interest may arise, for example, where an individual:
 - works for Human Resources and is involved in negotiating the next staff enterprise agreement while concurrently being a Union representative.
 - is required to serve as the director of a company in which the University has a controlling or other interest.
 - is involved in a Cooperative Research Centre (CRC) or other research project external to the University.
 - is seconded to or is recruited specifically for a leadership role under a joint venture or partnership arrangement with an external service provider to deliver the University's academic services.