Conflict of Interest Policy

Section 1 - Purpose

(1) The purpose of this policy is to set out the principles and provide guidance for staff, students and third parties of the University of Canberra (University) to identify, disclose, manage and, where possible, resolve matters relating to Conflicts Of Interest (COI).

Section 2 - Scope

(2) This policy applies to all prospective staff, existing staff, students and third parties engaged by the University, including its affiliates and subsidiaries. This includes all business units, faculties, research centres, as well as controlled entities.

Section 3 - Principles

(3) Where a personal relationship or interest conflicts, may be perceived to be in conflict, or has the potential to conflict, with a person's University duties, the interest must be disclosed, and steps taken to address the conflict.

(4) A conflict of the type detailed in Clause 3 must be disclosed on each occasion the conflict arises, and a prior declaration of the conflict of interest does not nullify the requirement to declare any future conflicts of the same or similar nature.

(5) All those covered by the scope of this policy, are expected to:

a. comply with this policy and any associated procedures and to act with honesty and integrity
b. not allow their external, personal or financial interests or their duties to any external entity to compromise their duties, obligations and responsibilities to the University
c. identify, disclose and manage all COI, regardless of their character or level and on each occasion the conflict arises notwithstanding if the conflict has already been previously declared
d. not accept any gift, benefit, sponsorship, hospitality or service if it could be perceived as being likely to influence the current or future behaviour of an individual, faculty, business unit, research centre or any other office within the University
e. act in a way that protects and preserves academic, research and professional independence as a paramount consideration in the carrying out of duties, and in relation to potential donors, sponsors, funders and other third parties
f. understand that when a COI occurs, the interests of the University will be balanced against the interests of the individual, third party, or project, noting that unless exceptional circumstances exist, the balance of interests will be resolved in the University's favour
g. directors, executive deans and other management staff, when notified of a COI will deal promptly with the conflict as per this policy and any associated procedures, and put in place arrangements that protect the integrity of the University's processes and decision-making.

(6) Individuals must consider the Test for identifying whether a personal interest or relationship may give rise to a COI. The Test is:

a. whether the individual is, could be, or appear to be influenced, by a relationship, interest or other conflict when carrying out their duties and responsibilities for the University; and
b. when considering the Test, individuals should focus on their official role and their private relationships or interests, and whether a reasonable, removed person would think the relationship or interest could conceivably conflict or appear to conflict with the individual's University role.

(7) Individuals must take proactive and reasonable steps to:

a. use the appendices attached to the COI procedures, to assess their personal interests and relationships (including those outside employment), and whether they meet the threshold for a COI in accordance with the Test
b. identify and report any COI they may become aware of, including any material personal interests (financial or otherwise) and take action to address the situation as soon as the COI is identified. This may be done through the Conflict of Interest Declaration Form
c. Re-assess their personal interests and relationships (including those outside employment) at appropriate times, for example during a change in role or responsibility.
d. Seek advice from their manager or the Legal if they are uncertain about the criteria for what may constitute a COI, and the process for the declaration of a COI. If in doubt, it is best to acknowledge and disclose a possible COI.
e. Where a disclosure about a COI is required, consult their manager on how best to manage the COI.
f. Co-operate with managers and the Legal to avoid or manage COI.
g. Failure to comply with this policy has the potential to put at risk the business and reputation of the University. Breaches of this policy may constitute a breach of the Staff Charter of Conduct and Values or the University of Canberra (Student Conduct) Rules 2023.

(8) The Chairs of Committees and decision-making forums must take proactive and reasonable steps to ensure that committee members:

a. disclose the nature, character and extent of any existing actual, potential or perceived COI in relation to the specific business of the committee when their role commences
b. disclose any actual, potential or perceived COI that arises from the ongoing business under consideration of the committee, working party or board that they are a member of, particularly where that member is a member of a selection committee and upon the candidates, sponsors, or donors becoming known to the committee members
c. where a committee member discloses a COI during a committee, working party or board meeting, the disclosure and the name of the person making the disclosure must be recorded in the minutes for the meeting
d. following a disclosure made in accordance with Clause 8(b), the University Secretary must cause the disclosure, the details of the disclosure and the name of discloser to be recorded in the Conflict of Interest Register.
e. Where a record is made in accordance with Clause 8(b), the University Secretary must notify the Legal and the disclosure must be recorded in the register of COI disclosures.
f. The University recognises that the disclosure by an individual of a COI could involve the disclosure of personal information. The University adheres to its Privacy Policy and relevant privacy legislation, and will treat information provided in accordance with these principles.
g. Any individual who is concerned about the potential impact of disclosing particular information may raise their concerns directly with the Privacy Officer, particularly if they feel it is inappropriate to disclose such information to their supervisor.

Section 4 - Definitions

TERM	DEFINITION
Actual Conflict of Interest	Involves a direct or real conflict between an individual's duties and responsibilities to the University and a competing interest or obligation, whether personal, financial or involving a third party.
Affiliate	A group or person officially attached or connected to the University, including adjuncts, clinical titleholders, conjoint or honorary appointees to the University; an office holder in a University entity; any other person appointed or engaged by the University to perform duties or functions on its behalf, and any students who may sit on a University Committee.
Benefit	Anything which provides the staff member or affiliate with a direct or indirect personal gain or the potential or perception of personal gain or gain to a third party. Such a gain need not be financial; it could be a personal or a non-financial gain. It includes the provision of material or facilities, or the support of individuals through the provision of benefits (e.g. travel or payment for overtime, entertainment, accommodation expenses, etc.), a financial benefit, opportunity, information or gift.
Conflict of Interest (COI)	is a situation in which an individual has competing Interests, that compromises their ability to act impartially without favouring either Interest, and may also include the Interests of their immediate family and business partners, to the extent known. A Conflict of Interest typically arises from a situation of personal gain, or avoidance of personal loss, whether financial or otherwise.
Gift	An item offered to or received by a staff member, or affiliate, in the context of their University role (not a formal gift to the University) or provided to an external party by a staff member, or affiliate, in the context of their University role, that: • has financial value, such as cash or vouchers that can be exchanged for goods; • has physical form, such as ornaments, or bottles/cases of alcoholic beverages; or • can be considered a favour.
Interest	Includes a relationship, benefit, or other connection that may be personal, financial, professional, or otherwise advantageous, for an individual. It is possible for an Interest to exist for an individual, where that individual's immediate family member, or business partner holds the Interest.
Perceived Conflict of Interest	Exists where it appears that a staff's private interests could improperly influence the performance of their duties and responsibilities, whether or not this is actually the case. How something looks to third parties is often as important as what actually is the case, because it can undermine confidence in a staff or institution.
Potential Conflict of Interest	Where a conflict may arise in the future between current or future duties and responsibilities and existing or future personal interests.
Staff	Academic Staff has the same meaning as in the University of Canberra Act 1989. General Staff has the same meaning as in the University of Canberra Act 1989. Collectively, Academic and General Staff are referred to in this Policy as 'Staff'.

Status and Details

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