

Examples of Conflicts of Interest and Management Strategies

Below are examples of various conflict of interest situations and appropriate management strategies. Actual situations are usually more complex and nuanced and the following should only be used as a guide and illustration of how the relevant principles are applied. In some cases, even where there is no actual conflict, public perception that there may be a conflict can cause irreparable damage to your reputation and/or the University's reputation. Staff should therefore always take a conservative approach and seek advice from Legal and/or declare if in any doubt.

	Circumstances	Is there an actual, perceived or potential Conflict of Interest?	Management of Conflict of Interest
General procurement			
1	You are the Head of Procurement and your spouse owns a business which is tendering to supply equipment to the University. You are also on the evaluation and decision-making panel.	Yes There is an actual conflict of interest and you must declare the close personal relationship with your spouse.	In addition to declaring the actual conflict you must not be involved in the evaluation and decision-making panel or any other part of the tender (e.g. setting the evaluation criteria).
	As above, however you are not on the evaluation and decision-making panel and have no involvement in the tender.	Yes Even though there is no actual conflict of interest, the very fact that you are Head of Procurement will create the risk of a perception that you are involved in the evaluation and decision-making or are at least in a position to influence the decision.	In addition to declaring the perceived conflict of interest you must ensure that you are not involved in the evaluation and decision-making panel or any other part of the tender (e.g. setting the evaluation criteria).
	You have just been employed as the Head of Procurement and your spouse owns a business which is an existing supplier equipment to the University.	Yes There is no actual or perceived conflict because you have just been employed and your spouse's business is already an existing supplier. However, there is a potential conflict in relation to future tenders, extensions of the contract etc.	In addition to declaring the potential conflict of interest you must ensure that you are not involved in any future tenders, extensions of contract or other dealings with your spouse's business.
2	You are part of the IDS team and you are the owner, or a director of, or employed or otherwise engaged by a business involved in the supply of software. NB. The Outside Professional Activities Policy may require you to seek approval to own or be otherwise engaged in another business .	Yes There are a number of conflicts including: <ul style="list-style-type: none">the hours worked in the software business could interfere with your ability to carry out your duties and responsibilities as part of the IDS teamif you are involved in the evaluation or purchase of software for the University, it could be reasonably perceived that your decisions and recommendations may be improperly influenced by your business interests.	<ul style="list-style-type: none">If the hours worked in the other business are minimal, then all that may be required is to declare the conflict and to undertake not to work more than a certain number of hours and not to use University work time or resources for the business.If you are involved in the evaluation or purchase of software for the University, then in addition to the above, you may be required to be excluded from any work or decision-making connected with the evaluation or purchase of any software which may be supplied by or related to that business. NB. The same analysis applies if for example you own the business through a family trust which you control and/or the business is owned by your spouse or other person in a close personal relationship with you.
Outside professional positions, memberships or affiliations and activities			
3	You are President of the local football club and are involved in fundraising and other activities of the club.	No Involvement in cultural, charitable, social or sporting organisations that are essentially amateur in nature usually does not cause a conflict of interest unless there are specific circumstances such as the club seeking a sponsorship from the University.	Nothing to manage or mitigate or declare.

4	You hold shares in a number of listed companies e.g. Telstra, Optus, AGL, Origin Energy, Woolworths, Wesfarmers etc either directly or through a superannuation fund or other investment vehicle.	No Although some of these businesses may be involved in the supply of goods and services to the University, the size of the transactions and the size of your shareholding is unlikely to be material enough to cause a conflict.	Nothing to manage or mitigate or declare. NB. If you are the owner of a material interest in any of these larger businesses or the owner of any interest in a smaller business or company which supplies or engages in transactions with the University, then a conflict exists and you must declare and manage it in accordance with this policy.
5	See also Examples 10 and 11.		
Close personal relationships			
6	You are part of the Student Recruitment and Admissions team and your child has just applied to study at the University.	Yes Even if processes in the Student Recruitment and Admissions team make it impossible for you to influence any decision in relation to your child's admission, there could be a perceived conflict by members of the public.	In addition to declaring the conflict you should be excluded from any involvement in processing your child's application. NB. If you are the Vice-Chancellor or a Senior Executive, you should declare your child's application even if you have no actual involvement in the Recruitment and Admissions processes due to the likelihood of public perception that they will be favoured in the Admissions process.
7	You are recruiting and a close friend applies for the job.	Yes There is a clear possibility of being partial or perceived to be partial towards your friend's application.	In addition to declaring the conflict you should be excluded from interviewing and evaluating your friend's application. NB. If the person is a mere acquaintance or someone you went to school with 20 years ago and you do not consider them to be a close friend, the declaration may be sufficient and you may not need to be excluded from sitting on the interview panel. You should discuss this with your fellow interviewers and seek advice from Legal if you are not sure what to do.
8	You are the supervisor of an Honours student and a romantic relationship develops between the both of you. NB. Note that the Close Personal Relationships Policy requires that staff take active steps to avoid such relationships.	Yes There is a clear possibility of being partial or perceived to be partial in relation to evaluating and dealing with the student's coursework and thesis.	In addition to declaring the conflict, you must cease to be the student's supervisor and an alternative supervisor will need to be allocated. You and your manager should also consider informing the student's supervisors and others who may be involved in any assessment of the student's work of your relationship so that appropriate measures can be put in place to avoid or reduce the risk of negative perceptions. NB. Similar considerations will apply between a staff member and their supervisor if they are in a close personal relationship (refer to Close Personal Relationships Policy).
9	You are part of a 12 person Promotions Committee and one of the applicants was your neighbour from 15 years ago. You have had little or no contact with the applicant since then and you do not consider them to be a close friend.	Yes Although it is unlikely that you will be partial towards the applicant there is a chance that you might be perceived to be so, and it is prudent to take the conservative approach and declare the previous relationship.	This is at best a tenuous conflict, and therefore it will be sufficient to have declared it. Also the size of the Promotions Committee reduces the perception of any undue or improper influence. You therefore do not have to exclude yourself from the Promotions Committee even when it evaluates this person's application.

Research			
10	You are involved in a research project in relation to ACME Co's products and you own a material share interest in ACME Co.	<p>Yes</p> <p>There is likely to be a perception that your share ownership in ACME, which stands to grow in value if the research is successful or favourable, may influence the conduct and findings of the research.</p>	<p>In addition to declaring the conflict, you must discuss the management of the conflict with your supervisor who may also need to consult with the team leader of the research project.</p> <p>The management of the conflict will depend on the relevant facts and circumstances and could include one or more of the following¹:</p> <ul style="list-style-type: none"> • requiring the public disclosure of the interests, for example when presenting or publishing the research • involving an appropriate individual to oversee some or all of the research activity • requiring the researcher to absent themselves from any deliberative decision making regarding the research • requiring the researcher to play a different or reduced role in some or all of the research • requiring the researcher to relinquish financial or other interests.
11	You have been offered a position on the Board of an Industry Body which provides significant research grants to your area of research and your research projects, or those that you are involved in are currently receiving ongoing funding from the Body. Also, you anticipate seeking funding grants from that Body in relation to future research projects.	<p>Yes (there will be a Conflict of Interest if you accept the position)</p> <p>Even if you exclude yourself from the Board when it makes any funding decisions in relation to your research project, there may be a perception that the Board is biased in favour of the University when making those decisions. The Industry Body may therefore decide not to fund University projects in order to avoid any perception of bias on its part due to your position on the Board.</p>	<p>You should discuss the situation with your supervisor before accepting the appointment. The University will need to consider the facts and circumstances in deciding whether to approve the appointment under the Outside Professional Activities Policy including whether your appointment will create a perception of bias such that future funding to the University and/or collaboration with other universities or institutions on research may be adversely affected.</p>
Gifts and benefits			
12	You are a Manager involved in the Flinders Village project and from time to time catch up for a coffee and sandwich with the various contractors involved to discuss the work. Sometimes the contractors will pay for the coffee or sandwich.	<p>No</p> <p>This is a normal gesture in work dealings and would not be considered to be material enough to create a conflict of interest.</p>	<p>A sandwich or coffee will not exceed \$50 in benefit or value to you and so there is nothing to declare. However, if it is a more substantial lunch and the value of what you order exceeds \$50 then it must be declared.</p>
	What if the contractor was tendering for a new contract?	<p>Yes</p> <p>Although you could argue that a coffee or sandwich is unlikely to affect your decision making, the fact that the contractor is tendering for a new contract creates a heightened risk of at least a perceived conflict of interest.</p>	<p>If the contractor is or is about to be involved in a bid for work, then it would be best not to allow the contractor to pay for lunch due to the possible perceived conflict of interest that could occur. Even if you are discussing work that is not related to the tender, it may be best not to catch up over lunch.</p>
	What if the contractor offers you tickets to the AFL Grand Final including flights and accommodation?	<p>Yes</p> <p>Tickets to the AFL Grand Final in themselves are a highly sought after and valuable gift, let alone with flights and accommodation.</p>	<p>This clearly exceeds \$250 and approval must be obtained before accepting the offer.</p> <p>However, tickets to the AFL Grand Final together with flights and accommodation is a material gift and you should seriously consider whether to even accept it. You and your supervisor must consider carefully all the relevant circumstances and it may be best not to accept the gift at all.</p>

¹ NHMRC Disclosure of interests and management of conflicts of interests, *A guide supporting the Australian Code for the Responsible Conduct of Research*

13	A software supplier appoints you to their Customer Products Advisory Board and offers to pay for your flights and accommodation to attend conferences and speaking engagements overseas.	Yes Overseas flights and accommodation are very expensive and can result in significant personal benefit e.g. the opportunity to travel, frequent flyer points, adding a short holiday at the end of the work trip etc., and could easily create a perception that you will be partial towards the supplier.	Prior approval must be obtained before you accept the offer. However, you and your supervisor must consider carefully all the relevant circumstances and it may be best not to accept the gift at all given the perceptions of partiality towards the supplier that it will create.
14	You are the project supervisor of an Honours student and they give you an expensive bottle of wine after you've given them a High Distinction for an Honours topic.	Yes It is not uncommon for students to show their appreciation through small gifts, but the fact that it is an expensive bottle of wine can create at least a perception that the gift and the grade are linked.	Depending on the value of the bottle of wine, you may need to declare it and/or obtain approval before accepting it. However, given the possible actual or perceived linkage with the grade, it would probably be best not to accept it and politely explain the reasons to the student. It would not be an issue if the gift was of nominal value e.g. a card or flowers.
15	Your College has established a joint school with another institution and you attend the opening ceremony on behalf of the College and receive a commemorative plaque "Flinders and ACME University Joint School of Widgets".	No The plaque is clearly not a personal gift or benefit.	Nothing to declare - see clause 4.5f of policy.
16	As above but you receive a Grange Hermitage bottle of wine at the opening ceremony.	Yes Such an expensive bottle of wine is clearly not a small cultural gift or memento and therefore should be declared.	Given the value of a Grange Hermitage bottle of wine, you should also consider whether to accept the gift. Consider the questions in 4.4e of the policy. Also, under 4.4ciii of the policy pre-approval must be sought before accepting a gift above \$250 in value. It is obviously impractical to seek such approval at the opening ceremony. Therefore, if you do decide to accept the gift, you must declare it as soon as possible after the ceremony and you should also store it with the College's collection of wines to share with the rest of the team at the right occasion.
Foreign interactions			
17	You enter into a joint research project with the XYZ Foreign University. NB. consider also the Foreign Interactions Policy and Foreign Interactions webpage for any relevant issues including notification of the relevant agreement to DFAT under the Foreign Arrangements Scheme.	Yes You must declare your involvement in the project.	Under section 4.3.1 this type of relationship or situation must be declared regardless of your assessment of whether there is a conflict of interest.
18	You have academic status with XYZ Foreign University and are a member of a foreign political party. NB. consider also the Foreign Interactions Policy and Foreign Interactions webpage for any relevant issues.	Yes You must declare both these interests.	Under section 4.3.1 this type of relationship or situation must be declared regardless of your assessment of whether there is a conflict of interest.

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