

Conflict of Interest Policy

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1. Purpose

In line with the University's [Values](#) and [Code of Conduct](#), staff are expected to maintain the highest professional and ethical standards at all times. This policy provides a framework to clarify what the University considers to be a conflict of interest, and provides direction regarding the appropriate disclosure and management of conflicts of interest.

2. Scope

This policy applies to all staff, as defined below.

3. Definitions

benefit	anything that provides either a direct or indirect personal gain, or the potential for a personal gain, which may be either financial or non-financial.
close personal relationship	includes relatives, relationships by marriage or law (e.g. de facto relationships, former partners, adopted and stepchildren) and relationships beyond the bounds of mere friendship or a professional relationship (e.g. close friendships, romantic or sexual relationships) and relationships involving financial dependence or support.
conflict of interest	<p>circumstances where an individual's personal or professional interests or relationships affect or could potentially affect or be reasonably perceived to affect their ability to fulfil their duties and responsibilities to the University honestly, impartially and without any improper influence.</p> <p>Note:</p> <ul style="list-style-type: none"> personal interests or relationships do not give rise to a conflict of interest unless there is a real or reasonable possibility of conflict and not simply a remote or

	<p>theoretical possibility of conflict. The nature and substance of the interest or relationship must have the capacity to impact on the ability of the person to impartially fulfil their duties and responsibilities</p> <ul style="list-style-type: none"> • individuals should be conscious that perceptions of conflict of interest may be as important as an actual conflict. In some cases, even where there is no actual conflict, public perception that there may be a conflict can cause irreparable damage to the University's and/or the employee's reputation • a conservative approach should be taken when assessing whether any conflict of interest exists and the appropriate management strategy. Advice should be sought from Legal if you are in any doubt about what to do • however, the relationships and situations described in section 4.3 <u>must be declared</u> regardless of your assessment as to whether an actual, potential or perceived conflict of interest exists. <p>Examples</p> <p>Some examples of conflicts of interest include:</p> <ul style="list-style-type: none"> • owning or being employed by a business which supplies goods or services to the University • owning or being employed by a business which competes with a supplier of goods or services to the University • being involved in a recruitment process where someone in a close personal relationship with you (e.g. a close friend) applies for the job • being the supervisor of or being involved in the assessment of a student who is in a romantic relationship with your child • accepting tickets to an event (e.g. the AFL Grand Final) from a company tendering for work at Flinders University (e.g. building construction) • being part of a research project funded by an organisation in which your spouse works <p>For more guidance see the Conflict of Interest webpage and Examples of Conflicts of Interest and Management Strategies.</p>
staff	<p>For the purposes of this policy, staff includes:</p> <ul style="list-style-type: none"> • employees • exchange staff and visiting academics • employees of controlled entities and affiliated clubs and associations who are under the direction or control of the University • other individuals who perform paid or unpaid work on behalf of the University (e.g. contractors, consultants, persons with academic status, volunteers) • members of Council and its sub-committees, <p>to the extent that the relevant circumstances, interests or relationships affect or could potentially affect or be reasonably perceived to affect their ability to fulfil their duties and responsibilities to the University honestly, impartially and without any improper influence.</p>

4. Policy statement

4.1. General Principles

- a. Individuals performing work on behalf of the University have a duty to:
 - i. as far as possible, avoid conflicts of interest
 - ii. actively assess their circumstances, interests and relationships and declare any conflicts of interest, and
 - iii. manage a conflict of interest in accordance with their manager / supervisor's instructions.
- b. Managers / supervisors have a duty to consider and actively manage any conflicts of interest declared by employees or other workers who report to them.

Be conservative in your assessment of whether there is an actual, perceived or potential conflict.

In some cases, just the perception that there may be a conflict can cause irreparable damage to your reputation and/or the University's reputation.

In other cases even though there is no actual or perceived conflict, the potential for one exists and it will be prudent to declare it now so that steps can be taken to avoid an actual or perceived conflict materialising in the future.

Staff should always take a conservative approach and seek advice from Legal and/or declare if in any doubt.

For guidance see the [Examples of Conflicts of Interest and Management Strategies](#).

4.2. Declaring Conflicts of Interest

- a. Individuals must declare any conflict of interest using the [Conflict of Interest registration form](#). For guidance see the [Examples of Conflicts of Interest and Management Strategies](#).
- b. The declaration must include:
 - i. the nature of the conflict of interest, with sufficient detail to allow for a realistic assessment of the scope of the conflict, and
 - ii. any proposed management strategy that the individual believes would address the issue.
- c. Individuals must use the Conflict of Interest registration form, unless they have no access to the form (or access is highly impractical), in which case they may by agreement with their supervisor make their declarations by email or other written form.
- d. Members of University Council and its Committees may comply with the obligation of 4.2.a by declaring conflicts in accordance with the disclosure of interest process outlined in the *Flinders University Act 1966* (SA) or by email to the University Secretary or Chancellor.

4.3. Mandatory Declarations

The following interests, relationships and circumstances must be declared as an actual, perceived or potential conflict of interest regardless of your assessment as to whether a conflict of interest exists.

4.3.1. Foreign Interactions

- a. Individuals must declare any of the following using the [Declaration of foreign and other affiliations form](#):
 - i. any foreign financial support (cash or in kind) for research and/or any other University-related activities
 - ii. current or past associations or affiliations with a foreign-sponsored talent program
 - iii. current associations or affiliations with any foreign university, government, political party, state-owned enterprise, military and/or police organisation.
- b. Where required, relevant interests may also need to be disclosed to funding bodies, research participants, publishers and journal editors, collaborators and the public. Staff are expected to know, and comply with, all such external requirements.

4.3.2. Outside employment and affiliations

- a. Individuals must declare the following using the [Declaration of foreign and other affiliations form](#):
 - i. any employment other than with or for the University
 - ii. any academic or other affiliation or status with any other university or education institution.

4.4. Managing the conflict

- a. The manager / supervisor will assess the declaration and consult with the individual to develop a management strategy to avoid or minimise the impact of the conflict of interest. Sometimes this may involve taking steps to avoid a conflict occurring in the future. For guidance see the [Examples of Conflicts of Interest and Management Strategies](#).
- b. The final management strategy must be to the satisfaction of the manager / supervisor and individuals must comply with reasonable management directions in relation to the management strategy. Individuals / managers / supervisors should consult with People & Culture or Legal if they need any advice or assistance in assessing an actual, perceived or potential conflict of interest and/or proposed management strategy.
- c. In some cases, nothing more may be required to manage the conflict other than the declaration made by the individual. In other cases, where effective mitigation is not possible without a fundamental change in either the professional or personal circumstances, the University has the discretion to direct that a staff member's duties or role be altered to allow for effective mitigation. Where possible, this will be done without disadvantage to the staff member or student (where relevant).
- d. At any time, a College Vice-President and Executive Dean or Portfolio Head may review and amend management strategies for conflicts declared by individuals within their College / Portfolio.
- e. Individuals must update their declaration and associated management strategies if there is any material change in the circumstances related to the conflict.

4.5. Accepting or providing gifts and benefits (including hospitality)

- a. Giving and receiving hospitality and other gifts and benefits can be acceptable business and cultural practice to strengthen and build business and community relationships. However, regardless of the

value or custom, accepting or providing gifts and benefits constitutes a conflict of interest when it does, or could be perceived to:

- i. create a sense of obligation or an expectation of something in return
 - ii. have the effect of influencing a decision-making process, or
 - iii. have the effect of gaining an advantage or avoiding a detriment.
- b. In line with their duty to avoid conflicts of interest, individuals must not solicit, offer, accept or provide any gift or benefit (including hospitality) if the gift or benefit is likely to create an actual or perceived expectation of favourable treatment or any gain or advantage or avoidance of a detriment.
- c. In any event, individuals must:
- i. never solicit, offer, accept or provide cash (or equivalent) as a gift in any circumstance
 - ii. declare any gifts or benefits they accept or provide that exceed \$50 in value using the [Gifts and Benefits registration form](#) (where the individual is uncertain as to whether the value of the gift or benefit exceeds \$50, they should make a disclosure)
 - iii. seek pre-approval from their manager / supervisor before accepting or providing any gift or benefit that exceeds \$250 in value.
- d. Individuals must use the [Gifts and Benefits registration form](#) to declare or to seek approval for any gifts or benefits unless they have no access to the form (or access is highly impractical), in which case they may by agreement with their supervisor make their declarations by email or other written form.
- e. Individuals should consider the following principles when deciding whether or not to accept or provide a gift or benefit:
- i. if the gift or benefit is or could be perceived to be connected with University business
 - ii. how the gift or benefit is likely to be perceived by others in terms of value, reputation and cultural context
 - iii. any sense of obligation connected with the gift or benefit
 - iv. if any other gifts or benefits have been accepted/provided and the frequency with which they have been given/received.
- f. The exchange of customary mementos between organisations – e.g. certificates, plaques or small cultural gifts – are unlikely to create an actual or perceived expectation of favourable treatment or any gain or advantage or avoidance of a detriment and accordingly do not have to be declared.
- g. Individuals / managers / supervisors should consult with People & Culture or Legal if they need any advice or assistance in assessing the appropriateness of accepting, providing or approving a gift or benefit.

4.6. Privacy

Information collected under this policy will be stored, used and dealt with in accordance with the University's [Privacy Policy](#), including to manage compliance with this and other related policies and procedures, internal business and administrative purposes such as risk management and any other purpose contemplated by the University's Privacy Policy, and may be shared within the University or with third parties for those purposes.

5. Responsibilities

Governance, Legal and Risk	<ul style="list-style-type: none"> a. Establish the process for declaring conflicts of interest and gifts and benefits. b. Maintain a register of all conflict of interest and gift and benefit declarations.
Individual worker	<ul style="list-style-type: none"> c. Declare any conflict of interest using the Conflict of Interest registration form. d. Declare any foreign association or affiliation, or outside employment or affiliation using the Declaration of foreign and other affiliations form. e. With manager / supervisor, develop a mitigation or management strategy to address the conflict of interest. f. Update declarations when circumstances relevant to the conflict have materially changed. g. Declare any gifts or benefits accepted or provided that exceeds \$50 in value using the Gifts and Benefits registration form. h. Seek pre-approval from manager / supervisor before accepting or providing any gift or benefit that exceeds \$250 in value.
Research Development and Support	<ul style="list-style-type: none"> i. Coordinate conflict of interest declarations by researchers to external bodies where this is required.
Manager / supervisor	<ul style="list-style-type: none"> j. Publicise the requirements of this policy among all staff. k. Review all conflict of interest declarations made by individuals who report to them or for whom they are responsible. l. With the individual, develop a suitable mitigation or management strategy to address the conflict of interest. m. Review and approve (if applicable) all gift or benefit declarations made by individuals who report to them or for whom they are responsible.

6. Breaches of this policy

- a. Sanctions for breaches under this policy will be applied under:
 - i. discipline provisions in the Flinders University Enterprise Agreement 2019
 - ii. contract provisions in relevant contracting or consulting agreements
 - iii. for Council members, under the *Flinders University Act 1966* (SA).
- b. Sanctions up to and including termination of employment or contract may be applied.

7. Supporting documents

[Examples of Conflicts of Interest and Management Strategies](#)

8. Related policies

[Foreign Interactions Policy](#)

[Outside Professional Activities Policy](#)

[Privacy Policy](#)

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* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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