

Overview

The NSW ICAC states:

"Conflicts of interest arise when public sector staff or officials are influenced, or appear to be influenced, by personal interests when doing their jobs"; and

"The perception of a conflict of interest can be as damaging as an actual conflict, because it undermines public confidence in the integrity of the organisation involved and its staff"; and

Conflicts of interest are considered to arise between a staff member and any another person or organisation with whom the University has any form of relationship when:

- the relationship is personal or familial;
- the relationship has a financial character; or
- when the staff member is in a position to receive any personal benefit,

apart from benefits received or payments made to or by the University as part of its normal business.

Both external and internal parties have a need for credibility of information and action in relation to University activities. Hence University staff should both be AND appear to be free of any interest (financial or otherwise) which might be regarded as being in conflict or incompatible with their integrity and objectivity. It is just as important to deal with the "perception" of conflict of interest in the same way to ensure that no misconceptions occur in the workplace.

University staff must be careful to apply an attitude of professionalism within the bounds of commercial confidentiality. Accordingly, they should recognise and if possible, avoid any situations which may affect their integrity and objectivity by being cautious of undue benefits or preferential treatment received in the course of their employment.

Policy

17.02.01 Conflicts of interest generally fall into two categories:

pecuniary interests – which involve an actual or potential financial gain; and

non-pecuniary interests – which do not have an apparent financial component but may involve close personal relationship(s).

17.02.02 There are a number of areas of activity where such a conflict of interest may arise. These include but are not restricted to:

procurement – tendering and purchasing.

staff recruitment – both 'formal' and 'informal' processes.

secondary employment – both as staff member and as business owner.

post-separation dealings – former staff.

receipt of gifts, benefits and hospitality.

supervision of students or staff.

research activities.

performance management.

misconduct / discipline.

external activities / public comment.

17.02.03 An individual staff member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their supervisor or other senior staff member.

17.02.04 No staff member may directly or indirectly attempt to, or actually, influence benefits provided to, or likely to be provided to, a person or organisation with whom they hold a conflict of interest.

17.02.05 No staff member may directly or indirectly attempt to, or actually, receive personal benefits from a person with whom they hold a conflict of interest.

17.02.06 If staff members are uncertain whether a conflict exists, they should discuss the related interest matter with their manager and attempt to resolve any conflicts of interest that may exist.

17.02.07 Staff members must declare any and all current and prospective conflicts in writing to their member's supervisor on Form **17.02a Conflict of Interest Declaration**. Sufficient detail must be provided so that the supervisor may attempt to make workplace changes to ensure that no conflict arises. Copies of the Conflict of Interest Declaration will be placed on the *Conflict of Interest Register* and the staff member's file.

17.02.08 To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;

the staff member relinquishing the personal interest; or

the staff member being removed from the task/activity/situation where the conflict could occur.

- 17.02.09** Where the University is alerted to a conflict of interest which has not been divulged, depending on the reasons for the non-disclosure, and the seriousness of the allegation, the staff member concerned will either be warned of their responsibilities under this policy, or disciplinary actions may have to be initiated.
- 17.02.10** Disputes over alleged conflicts of interests may be resolved through the University's grievance policy.

Conflict of Interest Register

- 17.02.11** The *Conflict of Interest Register* enables the University to maintain a central record of declared conflicts of interest. The Register is used to record the following information:
- the name of the person declaring the conflict of interest;
 - the nature of the conflict of interest;
 - the name of the responsible supervisor;
 - detail of action taken.
- 17.02.12** The *Conflict of Interests Register* is maintained by the Records Management Office.
- 17.02.13** The Register may only be used for the purpose of determining whether the risk of a potential conflict of interest has been appropriately managed by the area concerned.

Procedures

- 17.02.14** Any current or prospective conflict of interest which arises or cannot be avoided, must be formally disclosed to the University.
- 17.02.15** All such disclosures should be fully documented on Form **17.02a** *Conflict of Interest Declaration* and sent in the first instance to the staff member's supervisor.
- 17.02.16** Where a potential conflict of interest has been so identified, the supervisor in conjunction with the staff member will determine the appropriate action/s to be taken to address the particular conflict as set out in **17.02.08**.
- 17.02.17** The form is then sent to the Dean/Director for final approval of the actions to be taken (where the Dean/Director is not the supervisor).
- 17.02.18** Any further action required will then be implemented under the direction of the Dean/Director.
- 17.02.19** A copy of Form **17.02a** *Conflict of Interest Declaration* will be then sent to the Records Management Office for filing in the *Conflict of Interests Register* and a copy will be placed in the staff Personnel

File. The record will include any action taken as a consequence of the disclosure.

Further Information

Director, Human Resource Services ext. 2100

Related Policies

17.06 Staff / Student Relationships

9.08 Employment of Close Relatives

References

17.01 Code of Conduct

'*Practical Guide to Corruption Prevention*', – NSW Independent Commission Against Corruption, Sydney, February 1996

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