



Conflicts of Interest Guidelines

A. HOW TO IDENTIFY AND MANAGE CONFLICTS OF INTEREST

1. What are Conflicts of Interest

'Conflicts of interest' are assessed in terms of the likelihood that individuals possessing a particular interest could be influenced, or might appear to be influenced, in the performance of their duties.

The term can be used to describe situations of actual, perceived or potential conflicts which might, or could appear to, influence an individual in his or her decision-making. Conflicts of interest are most commonly considered to arise in dealings where:

- Individuals and any other person or organisation with which the University has any form of dealing have a personal or familial relationship;
- There is an actual and or a potential financial benefit;
- There are conflicts between the individual's responsibilities to ECU and other organisations; or
- The individual is in a position to receive any personal benefit.

The OECD guidelines for managing conflicts of interest¹ note that: "*private interests' are not limited to financial or pecuniary interests, or those interests which generate a direct personal benefit to the public official. A conflict of interest may involve otherwise legitimate private-capacity activity, personal affiliations and associations, and family interests, if those interests could reasonably be considered likely to influence improperly the official's performance of their duties.*"

Appendix A to these Guidelines provides examples of conflicts of interest situations that may arise within a university context.

2. How do I identify a Conflict of Interest

There is no one 'right' way to identify every situation, however a good starting point is for individuals to consider the following:

¹ Recommendation of The Council on OECD Guidelines for Managing Conflict Of Interest In The Public Service, available at: <http://www.oecd.org/dataoecd/17/23/33967052.pdf>

Attribute	Consideration
University duty versus private interests	Do I have personal or private interests that may conflict, or be perceived to conflict with my University duty?
Potentialities	Could there be benefits for me or to others whom I may wish to benefit now, or in the future, that could cast doubt on my objectivity?
Perception	Perception is important. How could my involvement in the decision/action be viewed by others?
Proportionality	Does my involvement in the decision appear fair and reasonable taking into account the circumstances?
Presence of mind	What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?
Promises	Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

3. How should Supervisors Manage Conflicts of Interests

Supervisors are responsible for managing disclosed conflicts of interest. There are many ways to effectively manage disclosed conflicts of interest. Supervisors should use the following guide to manage disclosed conflicts of interests.

Management Option	Action
Restrict	It may be appropriate to restrict the individual’s involvement in the matter, for example, they should refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently, and an ongoing conflict of interest is likely, other options may need to be considered.
Recruit	If it is not practical to restrict an individual's involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision-making process.
Recuse	Removal from involvement in the part of the activity that a person has a conflict of interest in is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.
Relinquish	An individual relinquishing their personal or private interests may be a valid strategy for ensuring there is no conflict with their public duty.

Management Option	Action
	This may be the relinquishment of shares, or membership of a club or association.
Resign	Resignation from the activity may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

4. Conflicts of Interest Register

In order to provide for transparency and also to protect individuals, ECU has a Conflicts of Interest Register in which standing or ongoing disclosures of conflicts of interest should be recorded. Individuals are required to disclose interests whenever they arise.

The Register enables the University to maintain a central record of disclosed conflicts of interest. The Register is used to record the following formation:

- name of the person declaring the interest;
- name of the Supervisor;
- nature of the interest;
- date of the interest declaration; and
- Management Plan.

A Conflicts of Interest Disclosure form has been developed for inclusion in the Register. (Appendix B).

Individuals may:

- Personally inspect the Register by appointment with and in the presence of the Director, Risk and Assurance Service Centre for the purpose of checking their own declarations;
- Take notes for their own personal use but are not permitted to copy the Register.

Individuals should be aware that they are still required to make a conflicts of interest disclosure to relevant individuals at any time in relation to a specific matter they may be involved in, notwithstanding the fact they have made a declaration in relation to the same interest which has been recorded in the Conflicts of Interest Register (for example individuals who are members of a committee still need to declare any conflicts of interest they may have with regard to the functioning of the committee even though the conflict of interest they have had been recorded in the Register).

B. PROCEDURES RELATING TO SPECIFIC CONFLICTS OF INTEREST ISSUES

1. Conflicts of Interests and Research

Researchers (students and staff) frequently have a conflict of interest that cannot be avoided. Decision making processes in research often need expert advice, and the pool of experts in a field can be so small that all the experts have some link with the matter under decision. An

individual researcher should therefore expect to be conflicted from time to time, and be ready to acknowledge the conflict and make disclosures as appropriate.

In addition to the procedures described in the Conflicts of Interest Policy and these Guidelines, researchers should be aware that research related legislation, codes and University policy have additional requirements related to research and conflicts of interest that must be adhered to, including the following:

- 1.1 When establishing research collaboration, researchers have a responsibility to disclose, at the time of proposing or reporting research, any potential conflicts of interest that may influence or be seen to influence any aspect of the proposed research or the research being reported upon.
- 1.2 Researchers must disclose to their supervisor and the Deputy Vice-Chancellor responsible for Research any affiliation with, or financial involvement in, any organisation or entity with a direct interest in the researcher's subject matter or materials. Such disclosure should cover any situation in which the conflict of interest may, or may be perceived to; affect any decision regarding the research or the interests of other people and or third parties.
- 1.3 Researchers should maintain records of activities that may lead to conflicts of interest, for example: consultancies; membership of committees, boards of directors, advisory groups, or selection committees; and financial delegation or receipt of cash, services or equipment from outside bodies to support research activities.
- 1.4 When invited to join a committee or equivalent, researchers should review their current activities for actual, apparent or potential conflicts of interest and bring possible conflicts of interest to the attention of those running the process.
- 1.5 While there is no requirement to disclose the details of a conflict of interest, for example, because of a confidentiality agreement or for personal reasons, the existence of a conflict must be declared and then managed in accordance with these Guidelines and the Conflicts of Interest Policy.

2. Procurement of Goods and Services

- 2.1 Suppliers of goods and services shall be required to disclose any actual, potential or perceived conflicts of interest that they may have, or that may arise, with the University or any University individual or its representatives in relation to the provision of the proposed goods or services.
- 2.2 Suppliers should be requested to provide a conflict of interest declaration prior to the awarding of any contractual undertaking by the University.
- 2.3 Suppliers should be required to provide details of any actual, potential or perceived conflicts of interest by completing the Conflicts of Interest Disclosure Form – Contractors (Appendix C).
- 2.4 Conflicts of interest declarations provided by suppliers should be considered by University representatives or contract managers prior to the awarding of any contracts or other undertaking with regard to the provision of products or services.

- 2.5 University representatives or contract managers should document reasons for their decisions and proposed actions in response to any declared supplier conflicts of interest and file the relevant documents on the TRIM file pertinent to the activity and these should be available for audit purposes.
- 2.6 Where a conflict of interest has been found to exist a copy of the Conflicts of Interest Disclosure Form – Contractors (Appendix C) shall be provided to the Director Risk and Assurance Services Centre for recording of the conflict of interest on the ECU Conflict of Interest Register.

3. Financial Interests

- 3.1 Individuals must disclose any financial interest or involvement that could directly or indirectly compromise, or appear to compromise their business decisions, or undermine the performance of their University duties and obligations, or the University's purpose, objectives or activities.
- 3.2 Where individuals have a financial or personal interest in a company or other business enterprise they must disclose a conflict of interest in advance of participating in any financial type transaction between the University and that business.
- 3.3 A conflict of interest extends to any contract for services arrangements or business undertaking in which individuals and/or their immediate family are acting in direct competition with the University's activities or interests for personal gain. In such situations the individual is obligated to disclose these interests.

4. Acceptance of Commissions, Gifts or Benefits

- 4.1 Individuals should not accept a gift, secret commission or a benefit from a student or a person or organisation outside the University if the intent of the gift or the benefit is to induce the individual to waive or lessen academic standards or requirements or to extend a financial or other benefit to a person or organisation outside the University to the detriment of the University's interests.
- 4.2 As a general rule, no individual should accept a gift or benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause that person to:
- a. perform their job in a particular way, which the person would not normally do; or
 - b. deviate from the proper or usual course of duty.
- 4.3 Individuals may accept nominal gifts provided that they will not be, or will not be perceived to be, compromised as a result. As a general rule gifts valued at \$200 or less would be considered nominal.
- 4.4 The Director, Risk and Assurance Service Centre maintains a gifts register to record all gifts offered to staff valued at over \$200. The onus is on staff members to lodge a declaration with their supervisor upon receipt of any gift valued over \$200.

4.5 Supervisors shall forward any documentation relating to the declaration of gifts to the Director, Risk and Assurance Service Centre within 5 days of the receipt of such documentation for recording on the Gifts Register.

4.6 Individuals should refer to the Acceptance of Gifts by ECU Staff Policy for further guidance on the procedures relating to the acceptance of gifts.

5. Influence to Secure Advantage

5.1 No individual shall elicit the improper influence or interest of any person to obtain promotion, transposing or other advantage.

5.2 Individuals must not take advantage or seek to take advantage of their University position including using or disclosing sensitive and confidential information relating to their work or administration of the University to obtain a benefit, either for themselves or for someone else.

6. Personal Relationships

6.1 The University is aware that situations may occur where individuals are working with family members, or with persons with whom there is, or has been, an intimate or close personal relationship. In such circumstances it could be perceived that a conflict of interest exists. To avoid any detrimental outcome individuals should disclose the existence of a conflict of interest to their supervisor.

6.2 As a general principle, individuals should disclose a conflict of interest prior to participating in University processes which involve persons with whom they have, or had a close personal relationship with. Such processes may include but are not limited to those:

- a. which determine or influence financial transactions or related contracts for the University; or
- b. dealing with student affairs and academic progress; or
- c. relating to selection, recruitment, and employment decisions.

6.3 Disclosing the existence of a close personal relationship is not intended to unfairly advantage, or disadvantage, those particular individuals.

7. Personal and Family Relationships Between Staff Members and Students

7.1 Academic staff are responsible to students and the University for assessing students' work fairly, objectively and consistently.

7.2 A personal, sexual or family relationship between a staff member and student has the potential to compromise the University's responsibilities towards students, and directly or indirectly affect students, including their interactions and academic progress.

7.3 In many cases, only the individual will be aware of the potential for conflict. Therefore, the onus is on that person to disclose to their supervisor the existence of a conflict of interest.

8. Private business or other employment

The University will not restrain the activities and involvement of individuals in a private business or other employment outside ECU provided:

- Their obligations to the University are not undermined or compromised;
- The activity or work does not place them in conflict with their official duties, or would lead to the perception that they have placed themselves in conflict with their University duties;
- The activity or work doesn't affect their decision-making or efficiency in the performance of their University duties; and
- There is no use or involvement of University resources in the activity or work.

C. Privacy and Confidentiality

Disclosures regarding a conflict of interest may include personal, sensitive or otherwise confidential information. Therefore disclosures must at all times be treated with discretion, and confidentiality should be respected.

In the exercise of this discretion it should be emphasised that a key aim is to avoid perceived conflicts of interest. Therefore, information should be publicly disclosed to the extent necessary to avoid such a perception arising. Senior Officers will have the ability to access disclosures pertaining to individuals within their Centres/Faculties/Portfolio.

ECU's external and internal auditors will have access to the Conflicts of Interest Register, and it will also be open to persons/bodies outside the University to apply for access to it under statutory instruments (such as the Freedom of Information and the Corruption and Crime Commission legislation). Such applications will be dealt with in accordance with the relevant legislation.

Individuals need to be aware that whilst the Conflicts of Interest Register will not be a public document, there may be legislative requirements outside the control of the University which may oblige ECU to disclose information contained in the Register.

D. References

Related Policy:	Conflicts of Interest Policy	SUB/59442
Document Owner:	Deputy Vice-Chancellor (Academic)	
Approved by:	Vice-Chancellor	
Date First Approved:	20 February 2015	
Date last modified:	22 August 2016	
Next Revision Due:	February 2018	
Revision History:		
Related Policies/Documents:	Code of Conduct Conflicts of Interest Policy Conflicts of Interest Disclosure Form	

E. Contact Information

Contact Person:	Director, Risk and Assurance Services Centre
Phone Number:	08-6304 2495
Email address:	p.draber@ecu.edu.au

Procurement of Goods and Services

- Holding an interest in or accepting free or discounted goods from any person, company or organization that does, or is seeking to do, business with the University, by any employee who is in a position to directly or indirectly influence either the University's decision to do business, or the terms upon which business would be done with such company or organization.
- Participating in a tender for goods or services where a relative or friend will be submitting a bid.
- Purchasing goods or services supplied by the family business of a staff member, or purchasing goods and services from a relative or close friend.
- A staff member taking part in the assessment of a tender application where they have, or have had, a personal or financial relationship with a person or organisation submitting a tender application.

Conflicts of Interests and Research

- Use of unpublished information emanating from University research or other confidential University sources for personal profit, or assisting an outside organisation by giving it unreasonably exclusive access to such information.
- Circumstances in which research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.
- A staff member holding an equity interest or executive position in a start-up company that has contracted with the University to conduct further research.
- A staff member undertaking research/clinical trials which are sponsored by a company in which the researcher (or an associate of the researcher) has a financial interest, or holds an executive position.

Financial Interests

- Negotiations by a staff member of 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 staff member has a financial interest.
- A staff member directing University resources that can influence an external entity's development where they or family members or friends are directors or shareholders of that entity.
- Holding an interest in an organization that competes with the University.
- Being employed by (including working as a consultant) or serving on the board of any organization that does, or is seeking to do, business with the University or which competes with the University.

Acceptance of Commissions, Gifts or Benefits

- Gaining personally, e.g., through commissions, loans, expense or travel reimbursements or other compensation, from any company or organization doing, or seeking to do, business with the University.
- A staff member accepting gifts of value, grants and/or favours from persons or associates who would be seen to benefit from the making of these gifts.

Influence to Secure Advantage

- Involvement in the selection of a relative or friend as an employee.
- Sale of a University asset to a staff member without an equitable process.
- A staff member voting on a decision which directly affects their private interests.
- A staff member using University assets or confidential University information for their personal gain, or for the benefit of family or friends.
- A staff member prescribing their own publication as a textbook for units in which they teach.

Personal Relationships

- A staff member involved in the admission, supervision, assessment or examination of a student with whom they have, or have had, a close personal or financial relationship.
- A staff member with responsibility for the supervision of a student or another member of staff with whom they have or have had a sexual relationship.
- A staff member not involved in the admissions process pressuring a designated selection officer (directly or indirectly) to review, or reassess, an application for admission for someone with whom the staff member has a close personal relationship.
- A staff member taking part in any selection, promotion, reclassification, evaluation or grievance process with prospective or current staff members with whom they have, or have had, a close personal or financial relationship.

The Conflicts of Interest Policy requires individuals to disclose circumstances where a 'Conflict of Interest' could or does exist. A conflict of interest, as defined in the Guidelines, may arise where there is a likelihood that individuals possessing a particular interest could be influenced, or might appear to be influenced, in the performance of their duties and obligations to the University. Examples of personal or private interest include: financial or other significant private benefit for individuals and/or their immediate family; personal/family relationships between individuals or between individuals and students.

This disclosure form is to be used to report situations where:

- (a) An actual conflict of interest exists
- (b) A potential or perceived conflict may exist
- (c) To seek clarification whether a conflict exists.

I, *(insert full name)*.....

Of *(insert school/centre)*.....

(Tick the appropriate statement being provided by your disclosure)

Hereby state **Yes** a Conflict of Interest (Actual/Potential/Perceived) exists in the below activity.

Seek **clarification** from the University on whether a Conflict of Interest could exist in the below activity.

Briefly state the activity:

I understand it may not be practicable or ethical for me to participate in the activity until such time as appropriate advice is received from the Relevant Supervisor. Such advice may not approve my further or future involvement in the activity, or could require complying with, and implementing actions, processes or limitations to manage the conflict.

Signed: _____ Date: _____

Relevant Supervisor to Complete

Supervisor Name		Supervisor Title	
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I have read the conflict of interest disclosure, and where necessary I have sought appropriate advice from Senior Officers as defined within the Conflicts of Interest Policy, and find: *(tick where appropriate)*

No Conflict of Interest exists. **I approve** that the individual may continue the activity.

Yes a Conflict of Interest has been determined to exist. The following actions are being taken to manage the Conflict(s) of Interest:

A copy of this advice has been discussed and provided to the individual. Where a conflict has been found the individual is aware they **must** comply with the recommendation and determination made by the University. These actions are effective until the University determines the conflict no longer exists. Implementation of actions/processes to manage or limit the conflict **must** be made prior to the individual undertaking the activity and/or by no later than _____ *(insert date)*.

The conflict and any required actions/processes will be reviewed at the following intervals: *(please tick)*

- Monthly
- Quarterly
- Semester
- Annually
- On Occurrence
- On _____ *(insert date/timeframe)*

Supervisor Signature: _____

Date: _____

This form should be sent to the Director, RASC for recording on the COI Register

The Edith Cowan University Conflicts of Interest Policy requires that prior to the awarding of any contractual undertaking by the University, suppliers of goods and services to the University shall be required to disclose any actual, potential or perceived conflicts of interest that they may have, or that may arise, with the University or any University individual or its representatives in relation to the provision of the proposed goods or services.

This disclosure form is to be used by suppliers of goods and services to the University to disclose any actual, potential or perceived conflicts of interest as required by the Edith Cowan University Conflicts of Interest Policy. Further information and queries about the University's Conflicts of Interest Policy should be directed to the Manager – Compliance, Complaints and Integrity at 08-6304 2056.

I, *(insert full name)*.....

Of *(name of entity/organistaion)*.....

Briefly describe the conflict of interest:

Signed: _____ Date: _____

Relevant ECU Representative to Complete			
ECU Representative Name		ECU Representative Title	

I have read the conflict of interest disclosure, and where necessary I have sought appropriate advice from Senior Officers as defined within the Conflicts of Interest Policy, and find: *(tick where appropriate)*

- No Conflict of Interest exists. **I approve** that the procurement activity may continue.
- Yes a Conflict of Interest has been determined to exist. The following actions are being taken to manage the Conflict(s) of Interest:

Where a conflict of interest has been found to exist a copy of this document shall be provided to the Director Risk and Assurance Services Centre for recording of the conflict of interest on the ECU Conflict of Interest Register. In all instances a copy of this document has to be filed in the relevant procurement activity records file.

ECU Representative Signature: _____ Date: _____