Conflict of Interest Policy

Responsible Officer: Executive Director University Governance
Approved by: Vice-Chancellor
Approved and commenced: April 2017
Review by: April 2019

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle:
- Public Interests Disclosure Act 2002 (Tas)
- Governance Level Principle 3: Consultancies
- Governance Level Principle 7: Procurement and Contracts
- Governance Level Principle 11: Employment

Responsible Organisational Unit: University Governance

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1 Preamble

The University of Tasmania is committed to ensuring that conflicts of interest are identified, disclosed and addressed in a rigorous and transparent way to promote public confidence in the integrity, legitimacy, impartiality and fairness of all our University processes.

2 Introduction

This Policy applies to all aspects of University operations including research, teaching, assessment, staffing, administration and commercial activity.

3 Objectives

The objective of this Policy is to ensure the identification, disclosure and appropriate handling of conflicts of interest in order to:

- ensure all university decision-making is conducted in an ethical fashion that accords with standards of fairness and propriety
- foster a culture of honesty, integrity and trustworthiness
- minimise any adverse impact, including reputational and financial impacts, to the University from unresolved conflicts, and
- minimise any adverse impact to staff members from unresolved conflicts.

4 Scope

This Policy applies to all staff members, defined to include:

- members of the University Governing Bodies
- all members of University staff, including casual staff
- Adjunct, Clinical and Associate title holders, Visiting Scholars and Emeritus Professors
- volunteers, and
- consultants and independent contractors undertaking services at the University.

This Policy applies to all conflicts of interest regardless of their character or level.

5 Policy Provisions

The University has a responsibility to ensure it has a transparent system for identifying, disclosing and responding to conflicts of interest. This Policy aims to ensure:

- accountability, and
- avoid and minimise the likelihood and impact of corruption, misconduct and bias in its operations and decision-making processes.

The University also recognises that conflicts of interest are not unusual in the exercise of University responsibility and cannot always be avoided.

The University expects all staff members:

- to act with honesty and integrity
- not to allow their external, personal or financial interests or their duties to an external entity to compromise their duties, obligations and responsibilities to the University
- to identify, disclose and resolve all conflicts of interest, regardless of their character or level, and
• not to accept any gifts, benefits, sponsorship, hospitality or service, if the intention, or perceived intention, is to influence current or future behaviour.

Heads of Budget Centres, when notified of a conflict of interest, will deal promptly with the conflict as per this Policy and put in place arrangements that protect the integrity of the University’s processes and decision-making.

6 Conflicts of Interest

6.1 Conflict of Interest Defined

A conflict of interest exists and must be disclosed where there is any divergence between the interests of a staff member (or their family, associates or affiliates) and their obligation to the University, such that the staff member identifies, or an independent observer may reasonably question, whether the actions or decisions of that staff member or University official are influenced by their own interests or are for their own benefit, including the interests and benefits of their family, associates or affiliates.

A University level conflict of interest exists and must be disclosed where a staff member or University department has interests that conflict with their duty and/or obligation to act in the University’s wider interests.

6.2 Identifying a Conflict of Interest

Staff members must ensure that any conflicts between their interests and their obligation to the University are promptly identified and active steps taken to deal with the identified conflict of interest.

A conflict of interest may arise from:
• a conflict between the staff member’s obligations to the University and a competing interest, including conflicts between the duties to the University and obligations to other organisations
• favouring a personal financial interest over a duty to the University
• decisions based on personal relationships rather than the duty to act impartially, or
• decisions based on the receipt of personal benefits.

In the event there is uncertainty about whether a conflict exists, advice should be sought from the staff member’s Head of Budget Centre. However, to ensure integrity and accountability, the expectation is that staff members should declare the conflict in accordance with the requirements of this Policy.

6.3 Disclosing a Conflict of Interest

Disclosure of a conflict of interest should, where practicable, be made in writing, either using a Disclosure of a Conflict of Interest Form (see Conflict of Interest Procedure) – for enduring or ongoing interests – or be recorded in the minutes of the relevant meeting. This disclosure should be made as soon as reasonably practicable, with the primary obligation on the staff member being to disclose in advance to the staff member’s Supervisor or Head of Budget Centre.
If a response strategy beyond disclosure is deemed to be required, this will be requested of the staff member and, if appropriate, to other relevant officers of the University. An approach to resolve the conflict of interest will be developed and provided to the staff member. Where a conflict of interest arises during a meeting, the staff member must verbally declare the conflict of interest, which should be noted in the minutes of the meeting, and subsequently in writing to their Supervisor or Head of Budget Centre using the Disclosure of a Conflict of Interest Form as soon as reasonably practicable.

Disclosure is only considered to have occurred when it has been provided in writing to the relevant Supervisor or Head of Budget Centre using the Disclosure of a Conflict of Interest Form. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for written disclosure.

6.4 Responding to an identified Conflict of Interest

The appropriate response to an identified conflict of interest shall be determined by the relevant Supervisor or Head of Budget Centre. The four recommended response options which could be considered are:

a) Avoid or eliminate the conflict of interest

Wherever possible, a conflict of interest should be avoided or eliminated. To avoid or eliminate a conflict of interest, the staff member concerned may be removed from the decision making process in relation to the matter concerned or requested to relinquish the external interest which is creating the conflict.

b) Accept and reduce the conflict of interest

A conflict of interest can be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

c) Share the conflict of interest

A conflict of interest may be shared by involving a third-party to oversee all or part of the decision making process that deals with the relevant matter.

d) Retain and register the conflict of interest

In circumstances where a declared conflict would be deemed by a reasonable person to be low risk, a conflict of interest may be retained and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation.

There may be exceptional circumstances where it is not appropriate for the staff member to declare the conflict to their Supervisor, or Head of Budget Centre (for example, if that individual is also conflicted). In such circumstances, advice should be sought from, and the declaration made to, University Governance.

6.5 Failure to Disclose a Conflict of Interest

Staff members have an obligation to disclose conflicts of interest. They are also are obliged to implement strategies to resolve their conflict of interest. Failing to comply with the provisions of this Policy, including refusal to take any reasonable action as directed to resolve a conflict of interest, may constitute misconduct (or serious misconduct) and may result in disciplinary action up to and including termination of employment.
Breaches of this policy may require the University to refer the matter to an external statutory authority and/or agency.

6.6 Areas of Focus

There are a number of University activities that have a higher probability of conflicts arising. These include, but are not limited to:
- procurement process, tenders and contracts
- gifts, hospitality and other benefits
- staff recruitment, selection, appointment, re-classification, termination, probation, promotion, performance management, staff development, conditions of service, recognition and reward
- student recruitment, selection, admission and awarding of scholarships;
- assessment or supervision of students
- exercising financial or other delegations
- sponsorships to or from the University
- private practice and external work arrangements, including consultancies;
- all commercialisation activities
- research activities, and
- funding activities.

6.7 Gifts and Benefits

A staff member must not solicit nor accept gifts or benefits either for themselves or for another person which might in any way be seen to directly or indirectly compromise or influence them in their official capacity.

Gifts of money, including gift or store vouchers, are never acceptable. Gifts of nominal value may be accepted if assessed as being appropriate in accordance with the Staff Gift and Benefits Policy or Gift Policy. Individuals must, however, be satisfied that they cannot be compromised by the acceptance.

Gift(s) or benefit(s) in excess of nominal value, as well as multiple gift(s) or benefit(s) from the same source, must in all instances be declared in accordance with Staff Gift and Benefits Policy or Gift Policy.

7 Roles and Responsibilities

Staff members are responsible for:
- understanding and complying with this Policy
- assessing their own external interests and whether they conflict, have potential to conflict, or may be perceived to conflict with the University’s interests including their own duties as a staff member
- disclosing and if appropriate or required by their Supervisor or Head of Budget Centre, develop a Conflict of Interest response strategy in accordance with this Policy
- where appropriate, being aware of any contractual or grant requirements that may impose obligations relating to conflict of interest separate to the requirements of this Policy, and
- not making decisions or seeking to influence others in matters relating to the staff member’s external interests.

Supervisors are responsible for:
- understanding and complying with this Policy
- being aware of conflict of interest within their area of responsibility
• disclosing and developing response strategies for any conflicts of interest within their area in accordance with this Policy
• assisting staff who have queries about conflicts of interest, and
• seeking advice or support, where necessary.

Heads of Budget Centre are responsible for:
• all matters listed under Supervisors
• supporting staff within the relevant area in determining an appropriate Conflict of Interest response strategy
• reviewing and ensuring that management of conflicts of interest complies with this Policy
• ensuring a Conflicts of Interest Register is maintained for the Budget Centre, and
• seeking advice and support relating to the implementation of this Policy where necessary.

University Governance is responsible for:
• providing advice to the University on areas of complexity, including interpretation of this policy
• receiving complaints regarding potential breaches of this Policy and making an initial assessment whether the matter should be referred to Human Resources for investigation
• breach reporting to relevant internal forums or to external authorities and / or agencies, where applicable
• ensuring that the communication strategy regarding this Policy is implemented and reviewed to assess effectiveness
• ensuring Conflicts of Interest Registers for Budget Centres are maintained (can also be achieved through a central register)
• monitoring the effectiveness of the Policy, and
• reviewing this Policy regularly (at least every two years).

8 Privacy and Confidentiality

The University will seek to ensure that disclosures are protected from misuse. Conflict of interest disclosures will be treated as confidentially as possible within the requirements of the law. Any personal information collected, stored, used or disclosed under this Policy will be handled according to the University’s Privacy Policy.

A Supervisor or Head of Budget Centre in receipt of a disclosed conflict of interest will exercise their judgment about the level of confidentiality necessary to deal with the conflict.

9 Recordkeeping

Records and Information supporting the activities of this policy will be created, managed and retained in accordance with University Records Management Policy.

It is the responsibility of the Head of Budget Centre (or equivalent) to ensure that a Conflict of Interest Register is maintained, recording all Conflict of Interests within their remit, where appropriate. The Head of Budget Centre must use the University approved Conflict of Interest Register in accordance with the Conflict of Interest Procedure.
Declarations made by Council members who are not University employees, will be recorded and held by the University Secretary.

10 Definitions and Acronyms

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>Budget Centre</td>
<td>A unit within the University's financial management structure that is functionally and financially distinctive. A University Budget Centre may include a College, Faculty, School, Institute, Centre, Division, Section, work unit or University entity.</td>
</tr>
<tr>
<td>College</td>
<td>Means (a) the primary organisational unit in the academic structure of the University, as per Ordinance 14 – Academic Structure, or (b) the University College.</td>
</tr>
<tr>
<td>Disclosure of a Conflict of Interest Form</td>
<td>Disclosure of a Conflict of Interest Form is an approved reporting template in accordance with Appendix A of the Conflict of Interest Procedure.</td>
</tr>
<tr>
<td>Personal Relationships</td>
<td>Family relationships (sibling, parent, child, spouse including de facto spouse, same-sex partner, partner, relations by marriage, grandchild or grandparent), and emotional relationships (including sexual relationships and close friendships).</td>
</tr>
<tr>
<td>External Interests</td>
<td>Refers to any interests that involve potential gain or loss for an individual or any other person or organisation that individual may wish to benefit or disadvantage.</td>
</tr>
<tr>
<td>Reasonably Practicable (Reporting Timeframe)</td>
<td>Formal written disclosure should be made within 5 business days of Conflict of Interest being identified.</td>
</tr>
<tr>
<td>Staff Member</td>
<td>All members of the University community as defined in the Scope (section 4) of this Policy.</td>
</tr>
<tr>
<td>Supervisor</td>
<td>A staff member that is responsible for the performance management of another staff member or members.</td>
</tr>
<tr>
<td>University Governing Bodies</td>
<td>Refers to the University Council and its Committees, the Executive, and other governance committees identified by the Vice-Chancellor.</td>
</tr>
</tbody>
</table>

11 Supporting Documentation

- Conflict of Interest Procedure
- Staff Gifts and Benefits Policy
- Staff Gifts and Benefits Procedure
- Gift Policy
- University Representation on Outside Bodies Procedure
- Privacy Policy
- Records Management Policy
- Records Management Guidelines
• Code of Conduct for Teaching and Learning
• Responsible Conduct of Research Policy
• Consultancy Policy
• Public Interest Disclosure Act 2002 – UTAS Procedure
• Recruitment and Appointment Policy
• Recruitment and Appointment Procedure
• Academic Staff Promotions Policy
• Academic Staff Promotions Procedure
• Performance and Career Development Policy
• Performance and Career Development Procedure
• Tendering Policy
• Tendering Guidelines
• Probity in Tendering Guidelines

12 Versioning

<table>
<thead>
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<tbody>
<tr>
<td>Current Version</td>
<td>Version 4 – Conflict of Interest Policy; approved April 2017, minor amendments December 2017 to incorporate final academic structure.</td>
</tr>
</tbody>
</table>
Appendix A: Checklist to help identify a Conflict of Interest

The purpose of this tool is to provide a checklist to work through when faced with a situation in which there may be an actual, perceived, or potential conflict of interest. This form is for your own personal use, but if after completing the form there are doubts about whether or not you have a conflict of interest, you should complete the Conflict Of Interest Declaration Form (per Appendix B of the Procedure).

Making an assessment

In assessing whether you have an actual, perceived, or potential conflict of interest it may be helpful to ask yourself whether any of the below questions could conflict with your professional duties.

If you answer YES to any of the questions below, you may have an actual, reasonably perceived or potential conflict of interest.

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Could there be benefits for me in the future that could cast doubt on my objectivity?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Have I contributed in a private capacity in any way to the matter my Academic Unit/Division/the University is dealing with?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Have I made any promises or commitments in relation to the matter?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Could this situation have an influence on any future employment opportunities outside my current official duties?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Could there be any other benefits or factors that could cast doubts on my objectivity?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Would I or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?</td>
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<tr>
<td>Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If you still have doubts about your proposed decision or action, direction should be sought from your Supervisor, Head of Budget Centre or University Governance.