

# Conflict of Interest Procedure

## Section 1 - Purpose

(1) The purpose of this document is to outline the Charles Sturt Universities procedure in respect to situations giving rise to actual, potential, or perceived conflicts of interest between an employee's private interests and their Charles Sturt University (the University) responsibilities.

(2) This Procedure identifies the various private interests and circumstances that give rise or may give rise to actual, potential or perceived conflicts of interest within the University as well as the actions to be taken to address and manage such conflicts.

### Scope

(3) This Procedure shall apply to all employees of the University as well as to those persons who hold an honorary, visiting or adjunct appointment with the University.

## Section 2 - Glossary

(4) "Conflict of interest" - a situation where there is an actual, potential or perceived divergence between the individual interests of an employee and his/her professional and work related obligations to the University, such that an independent observer might reasonably question that the employee's conduct may have been influenced by his or her own private interests or personal circumstances.

## Section 3 - Policy

(5) Refer to [Code of Conduct](#).

## Section 4 - Procedures

### Part A - Situations Giving Rise to Conflicts of Interest

(6) A conflict of interest arises where an employee is placed in a position in which he or she has the ability or capacity to influence the carrying out of University business or decision making according to their own private interests and/or personal circumstances. Employees should be aware that situations of conflict of interest may arise in regard to previous, concurrent, or successive interests held by an employee.

(7) It is not possible to document all situations in which a conflict of interest might arise in the workplace, or in the course of an employee's performance of their official duties. The situations in which conflicts of interest might arise are as follows:

- a. personal and family relationships;
- b. staff and students;

- c. financial interests and affiliations;
- d. receipt of gifts;
- e. acceptance of outside professional work or secondary employment;
- f. use of University information;
- g. external activities and public comment;
- h. multiple roles; and
- i. conduct of research.

(8) In each of the situations referred to in clause 7, an employee shall, in accordance with the notification procedure set out in Part K of this document, disclose to his or her immediate supervisor or other senior officer within his or her Faculty or Division details of the situation giving rise to the actual, potential or perceived conflict. The employee shall also withdraw himself or herself immediately and indefinitely from the situation giving rise to the conflict, pending advice from their immediate supervisor or other University officer to whom the disclosure was made.

## **Part B - Personal and Family Relationships**

(9) A conflict of interest arises where an employee makes, participates in, or has the ability to influence, decisions affecting another person with whom the employee has a family or personal relationship. Such relationships include those that exist between near relatives (such as a spouse/de facto/partner, child/parent), close friends or personal associates, as well as relationships of a romantic or sexual nature. In addition to positive relationships and attitudes, other emotional relationships may also be formed that contain antagonism or bias against an individual.

(10) Conflicts of interest in relation to personal and family relationships arise, for example, where an employee:

- a. participates in decisions relating to the assessment or determination of a grade for a close friend or relative (such as a parent/child, spouse/de facto/partner or same-sex partner, siblings, niece/nephew or those relations formed by marriage or a de facto relationship, such as brother/daughter-in-law, mother/father-in-law, de facto brother/daughter-in-law or de facto mother/father-in-law);
- b. participates in decisions relating to the appointment, promotion or discipline of a relative;
- c. is appointed to an appeals committee and the employee's ex-partner is involved in the decision under appeal;  
or
- d. is appointed to a University committee established to select the recipient of an award and the brother or sister of the member becomes a candidate for the award.

## **Part C - Employees and Students**

(11) A conflict of interest arises where an employee is involved in a close, personal, romantic or sexual relationship with a student in relation to whom the employee has academic or administrative responsibilities.

(12) Conflicts of interest in relation to relationships between staff and students arise, for example, where an employee:

- a. who is responsible for the allocation of monies for student scholarships has, or attempts to have, a close, personal, romantic or sexual relationship with one or more students who are applicants for the scholarships;
- b. is responsible for the assessment of a student who is a relative of the employee; or
- c. involves a student to assist the employee in his or her outside professional activities, where the nature of such activities are in conflict with the interests of the University and have not been drawn to the attention of the student.

(13) A conflict of interest arises where an employee enrolls in a Charles Sturt University course or subject that would

conflict with his/her official accountabilities and duties. For example, serving as a member of a committee could directly affect the employee's status as a student in relation to his/her admission, enrolment, credit, assessment, exclusion, graduation or general academic conduct.

## **Part D - Financial Interests and Affiliations**

(14) A conflict of interest arises where an employee makes, participates in, or has the ability to influence decisions that could advantage his or her own personal and/or financial interests or affiliations. Financial interests include, but are not limited to: investments, ownership (direct or indirect), directorship, or other close involvement in a company or partnership, consultancies, provision of goods or services, receipt of royalties or other considerations.

(15) An employee must not use or disclose information obtained in the course of his or her work, or exert any influence in the carrying out of the University business or decision making, for his or her own personal benefit or for the benefit of any other person or organisation with whom he or she has a close personal relationship or external business affiliation.

(16) Conflicts of interest in relation to financial interests and affiliations arise, for example, where:

- a. an employee who has an interest, pecuniary or otherwise, in a company, holds a position within the University where he or she could influence, or could be perceived to influence, the awarding or non-award of contracts by the University to that company;
- b. an employee is in a position to influence the provision of services by the University or one of its Centres to an organisation in which the employee has an interest, pecuniary or otherwise;
- c. an employee is required to perform an audit on a business activity of the University in a business area in which he or she has an interest, pecuniary or otherwise;
- d. an employee controls or influences the designation of course texts or materials to be used by students and is also the author or developer of such texts or materials;
- e. an employee who has been awarded a research grant wishes to authorise private payments to himself or herself from funds under the University's control; or
- f. an employee is in a position to undertake an outside professional activity of a private nature that should be undertaken by the University.

(17) The provisions of this Part shall be read in conjunction with any guidelines or policy established by the University in respect to the conduct of commercial activities pursuant to the [Charles Sturt University Act 1989](#).

## **Part E - Receipt of Gifts**

(18) A conflict of interest arises where an employee has the opportunity or ability, through their status or position with the University, to obtain or to encourage the receiving of any form of gift or benefit in connection with the performance of their duties. Such benefits include entertainment, travel and accommodation expenses. Receipt of gifts or benefits can be perceived as an inducement to act in a particular way, thus creating a real or apparent conflict of interest.

(19) An employee should not give or receive a gift or benefit that may, or may be perceived to:

- a. compromise his or her judgment;
- b. damage relationships with other persons or organisations; or
- c. indicate favouritism or prejudice towards a person or a group of people.

(20) Full details concerning the regulation of receipt of gifts by employees are set out in the Gifts - Receipt by Staff Guidelines .

## Part F - Acceptance of Outside Professional Work or Secondary Employment

(21) A conflict of interest arises where an employee participates in a private outside professional activity, consultancy or secondary employment that conflicts or may conflict with the carrying out of his or her official duties. Private outside professional work must not be accepted in such circumstances.

(22) Conflicts of interest in relation to private outside professional activities or consultancies arise, for example, where an employee:

- a. has a significant interest in an organisation with which the University is involved, or is considering involvement, in respect to grants, contracts, agreements, sponsoring and licensing;
- b. provides advice to students or employees of the University which is not independent of personal, commercial or other interests;
- c. allows outside considerations to affect actions or decisions that are part of his or her responsibilities and obligations to the University; or
- d. devotes so much time to his or her outside professional activities, consultancy or secondary employment to the extent that the amount or quality of his or her work for the University is compromised.

(23) Full details concerning the regulation of outside professional activities and consultancies are set out in the [Outside Professional Activities Policy](#).

## Part G - Use of Charles Sturt University Information

(24) A conflict of interest arises where an employee, who has access to information, in particular confidential or sensitive information, in the course of performing his or her duties and responsibilities, uses such information to obtain an improper advantage or financial benefit for himself or herself or any other person or body.

(25) Conflicts of interest in relation to the use of University information arise, for example, where an employee:

- a. involved in the administration of tenders for the University informs a close friend of specific information, otherwise not available to the public, about the anticipated price sought by the University for a tender in which the employee's close friend has expressed an interest; or
- b. involved in the administration of student results, advises a student, who is a close friend, of his or her results in advance of the time when such results are scheduled to be notified and/or published.

## Part H - External Activities and Public Comment

(26) A conflict of interest arises where an employee is involved in a private activity and expresses a public comment that purports to represent, or may be perceived as representing, the views of the University.

(27) Where an employee comments publicly in connection with trade union, party political or interest group activities, it should be made clear that such comment is made on behalf of the union, political party or association which he or she represents, and not in his or her capacity as an employee or member of the University.

(28) Conflicts of interest in relation to an external activity or public comment arise, for example, where an employee:

- a. associates his or her name or his or her work with a private external activity (such as consulting) in a way that implies endorsement or sponsorship by the University; or
- b. expresses a private opinion or comment on an academic or research related matter in which the employee has no particular expertise, and the employee fails to disclose that his or her opinion or comment is made in a

private capacity and not as a representative of the University.

## Part I - Multiple Roles

(29) A conflict of interest may arise where an employee performs or assumes a role in addition to his or her substantive appointment (e.g. grievance adviser, mediator, employee representative). The additional role performed by an employee may come into conflict with the fulfilment of the responsibilities of each role.

(30) A conflict of interest in relation to multiple roles might arise, for example, where an employee:

- a. finds himself or herself in a situation where, as a supervisor, he or she is involved in disciplining an employee for whom he or she is responsible and is also the employee's representative at the meeting. In such circumstances, the supervisor is obliged to disclose both to his or her immediate supervisor and to the person being disciplined the precise nature of his or her role; or
- b. who, as a University grievance adviser, receives a complaint from an employee against his or her immediate supervisor in circumstances where, unbeknown to the complainant, the grievance adviser is a close, personal friend of the supervisor against whom the grievance has been made. In such circumstances, and before proceeding to hear the grievance, the grievance adviser is obliged to disclose to the employee the nature of his or her relationship with the supervisor.

## Part J - Conduct of Research

(31) A conflict of interest may arise where an employee has the ability, opportunity or potential to gain a financial benefit or other advantage through the management of, or the outcomes achieved from, the conduct of research.

(32) Conflicts of interest in relation to the conduct of research arise, for example, where an employee:

- a. publishes the results of research undertaken for and/or sponsored by an organisation external to the University and the employee's affiliation with the organisation is not disclosed in the publication;
- b. undertakes research for an organisation external to the University in which the employee has a financial or other interest and such interest is not disclosed; or
- c. accepts a research project for an organisation external to the University to which conditions are attached that are contrary to the University's interests.

(33) Full details concerning an employee's obligations in the conduct of research are set out in the [Research Policy](#) and [Intellectual Property Policy](#).

## Part K - Activities to be Avoided

(34) It is not possible to document all instances in which private interests and relationships might impinge on an employee's performance of his or her official duties, and which give rise to an actual, potential or perceived conflict of interest. The following activities are examples of employment and related matters in which employees are to avoid making decisions or involving themselves in any way, where an actual, potential, or perceived conflict of interest may exist:

- a. selection, confirmation of an appointment, probation, transfer, reclassification, promotion and/or continuing appointment of staff, including permanent, temporary or casual staff;
- b. disciplinary action;
- c. provision of opportunities and funding for research, conferences, training/development, travel and accommodation;

- d. referee reports and performance reviews;
- e. selection of students for awards, prizes and scholarships etc.;
- f. assessment or supervision of students;
- g. selection of students for admission, honours and postgraduate supervision;
- h. provision of advice to a deliberative body (e.g. a Faculty review, accreditation committees);
- i. awarding of contracts or tenders, engagement of consultants, or purchasing procedures;
- j. outside professional activities or secondary employment;
- k. allocation or disbursement of University funds or resources, including funds obtained for research purposes;
- l. application or development of University policies or procedures; and
- m. decisions or recommendations on prescribed or recommended University texts, authored or co-authored by employees of the University.

## **Part L - Notification Procedure**

(35) An employee involved in a situation where there is, may be, or be perceived to be a conflict of interest shall disclose the situation giving rise to the conflict of interest, or perceived conflict, immediately and in writing to his or her immediate supervisor or other senior officer within their Faculty or Division.

(36) Where such a situation is disclosed by an employee to a University Officer in accordance with clause 35, the University Officer shall ensure that the procedures set out in this Part are complied with and that the information disclosed is treated confidentially.

(37) Following receipt of the disclosure referred to in clause 35, and in consultation with the employee, the University Officer shall enquire into the situation disclosed and advise the employee of what action, if any, is to be taken.

(38) Where the situation disclosed reveals a conflict of interest, or is likely to be perceived as involving a conflict of interest, the University Officer shall, if considered necessary, ensure that the employee's involvement in the situation or activity is withdrawn immediately, and shall establish parallel or alternative arrangements specifically for the purpose of the activity.

(39) Where the withdrawal of the employee's involvement in the situation or activity referred to in clause 38 is not reasonably practicable, or appropriate, then the University Officer shall, following consultation with the employee, ensure that the existence of any conflict of interest is clearly and formally communicated in writing to all those involved in the activity.

(40) The administrative action referred to in clause 39 shall only be taken in exceptional circumstances where the withdrawal of the employee from the activity would severely disrupt the operational requirements of the University, or adversely affect the University's interests. Such action shall not be taken where continuation of the employee's involvement in the situation or activity would be in breach of any statutory or other duty.

(41) Confidentiality is to be maintained at all times by the persons involved in the above procedures.

(42) Nothing in these procedures shall preclude either the employee who has disclosed the conflict of interest, or the University Officer to whom the disclosure was made, from seeking advice from an alternative officer of the University, such as the University's Legal Officer, on any matters relating to this Procedure.

(43) Where there is any doubt regarding the application of this Procedure to a situation giving rise to a conflict of interest, or to the appropriate course of action to be taken, employees are to raise the matter immediately with their immediate supervisor or other senior officer within their Faculty or Division.

## Section 5 - Guidelines

(44) Nil.

## Status and Details

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