

Conflict of Interest Procedure

Section 1 - Purpose

(1) 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 Charles Sturt University (the University) as well as the actions to be taken to address and manage such conflicts.

Scope

(2) This procedure applies to all staff members of the University as well as to those persons who hold an honorary, visiting or adjunct appointment with the University. It also applies to external people undertaking roles with the University or its controlled entities, such as those serving on advisory committees, Boards, or working as consultants. For the purposes of this procedure, the term 'staff' will be used for everyone within scope.

(3) This procedure does not apply to external members of the University Council or its committees, who are covered by the [Governance \(Declaration of Material Interests\) Rule 2022](#).

(4) The notification procedures identified in this document do not apply to the disclosure of related party transactions required as part of the annual external audit of the University's financial statements. This concerns transactions between key management personnel (members of the University Council, the Executive Leadership Team and their close family members) and the University, and are disclosed through separate processes managed by the Division of Finance and the external auditor.

Section 2 - Glossary

(5) For the purpose of this procedure, the following terms are defined:

- a. Conflict of interest - a situation where there is an actual, potential or perceived divergence between the individual interests of a staff member and their professional and work-related obligations to the University, such that an independent observer might reasonably question that the staff member's conduct may have been influenced by their own private interests or personal circumstances. A conflict of interest may also be:
 - i. Actual conflict of interest - a direct or real conflict between a person's duties and responsibilities to the University and a competing interest or obligation, whether personal or involving a third party.
 - ii. Perceived conflict of interest - where it could reasonably be perceived that a competing interest could improperly influence the decisions or activities of the person (whether or not that is actually the case).
 - iii. Potential conflict of interest - where someone has an interest or obligation, whether personal or involving a third party, which has the capacity to develop a conflict with the person's duties or responsibilities at the University.
- b. Non-pecuniary interest/relationship - relates to a person having a personal or family relationship or other non-financial interest (such as involvement in a sporting, social or other cultural group or association) that may result in an actual or potential bias in the exercise of judgement or discretion.
- c. Pecuniary interest/relationship - relates to a person having an actual or potential financial interest or affiliation.
- d. Relative - includes a parent/child, spouse/de facto/partner, siblings and children of siblings, or those relations

formed by marriage or a de facto relationship (e.g. “in-law” relationships).

Section 3 - Policy

(6) This procedure supports the [Code of Conduct](#).

Section 4 - Procedures

Part A - Situations giving rise to conflicts of interest

(7) Staff carrying out University activities and functions have a responsibility to declare and manage conflicts of interest as they arise. Staff members should be aware that situations of conflict of interest may arise in regard to previous, concurrent, or successive interests held by a staff member.

(8) In particular, the University has a zero-tolerance approach to fraud and corruption, as outlined in the [Fraud and Corruption Control Policy](#).

(9) Conflicts of interest are not wrong in themselves. Any conflict of interest should be properly identified and declared, and effectively and transparently managed. Disclosing conflicts of interest is a continuous process, as conflict situations may change over time.

(10) It is not possible to document all situations in which a conflict of interest might arise in the workplace, or in the course of a staff member's performance of their official duties. Types of situations in which conflicts of interest might arise include:

- a. personal and family relationships,
- b. staff and students,
- c. financial interests and affiliations,
- d. gifts or benefits,
- e. acceptance of outside professional work or secondary employment,
- f. use of University information,
- g. external activities and public comment,
- h. multiple roles,
- i. conduct of research, and/or
- j. committees and decision making groups.

(11) The examples given in the sections below provide guidance in understanding and interpreting conflicts of interest and are not intended to be limiting in the application of the principles.

(12) In situations where a conflict of interest arises, a staff member must follow the notification procedure set out in Part C of this document.

Personal and family relationships

(13) A conflict of interest arises where a staff member makes, participates in, or has the ability to influence, decisions affecting another person with whom the staff member 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.

(14) Conflicts of interest in relation to personal and family relationships arise, for example, where a staff member:

- a. participates in decisions relating to the assessment or determination of a grade for a close friend or relative,
- b. participates in decisions relating to the appointment, promotion or discipline of a relative,
- c. is appointed to an appeals committee and the staff member's ex-partner is involved in the decision under appeal,
- d. is a member of a University ethics committee and a close friend or relative is a member listed on the ethics application, or
- e. is appointed to a University committee established to select the recipient of an award and the sibling of the member becomes a candidate for the award.

Staff and students

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

(16) Conflicts of interest in relation to relationships between staff and students arise, for example, where a staff member:

- 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 admission or assessment of a student who is a relative of the staff member,
- c. accepts payment for private tuition from a student enrolled at the University,
- d. is a member of a University ethics committee reviewing the application of a student who is a relative of the staff member, or the staff member is the student's HDR supervisor, or
- e. involves a student to assist the staff member in their 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.

(17) A conflict of interest arises where a staff member enrolls in a Charles Sturt University course or subject that would conflict with their official accountabilities and duties. For example, serving as a member of a committee could directly affect the staff member's status as a student with decisions relating to admission, enrolment, credit, assessment, exclusion, graduation or general academic conduct.

Financial interests and affiliations

(18) A conflict of interest arises where a staff member makes, participates in, or has the ability to influence decisions that could advantage their own personal and/or pecuniary or non-pecuniary 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.

(19) A staff member must not use or disclose information obtained in the course of their work, or exert any influence in the carrying out of University business or decision making, for their own personal benefit or for the benefit of any other person or organisation with whom they have a close personal relationship or external business affiliation.

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

- a. a staff member who has a pecuniary or non-pecuniary interest in a company holds a position within the University where they could influence, or could be perceived to influence, the awarding or non-award of contracts by the University to that company,

- b. a staff member is in a position to influence the provision of services by the University or one of its centres to an organisation in which the staff member has an interest, pecuniary or otherwise,
- c. a staff member is required to perform an audit on a business activity of the University in a business area in which they have an interest, pecuniary or otherwise,
- d. a staff member 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. a staff member who has been awarded a research grant wishes to authorise private payments to themselves from funds under the University's control,
- f. a staff member who has been awarded a research grant wishes to use a company to provide services for the research in which the staff member has an interest,
- g. a staff member who has been awarded a research grant wishes to employ a family member on the grant using grant funding, or
- h. a staff member is in a position to undertake an outside professional activity of a private nature that should be undertaken by the University.

(21) The provisions of this heading are to 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](#).

Procurement and financial delegations

(22) Staff engaged in procurement processes and authorising payments on behalf of the University, who make decisions regarding suppliers, tenders, customers and other persons in respect of the selection and/or ongoing dealings related to doing or seeking to do business with the University should seek to avoid conflicts of interest associated with their decisions or must declare and manage them appropriately.

(23) During either the purchase order stage of the procurement process or as part of the supplier or tender selection process, a positive declaration must be made for procurement outside of the preferred suppliers list or above specific thresholds to indicate that conflicts of interest have been considered and the outcome of that consideration. The approving officer must decide and approve whether any declared conflict presents an unacceptable risk to the University and what mitigating actions to pursue.

(24) Conflicts of interest in relation to procurement or financial delegations arise, for example, where a staff member:

- a. is a member of a tender selection panel and an application is received from a third party organisation with whom the staff member was previously employed, or with whom a relative or close personal contact was previously employed or is currently employed,
- b. is offered or receives a gift or benefit from a current or potential supplier,
- c. has a personal interest in an activity that is to be funded from their budget,
- d. is the authorising officer for payments, and receives a reimbursement claim from a more senior staff member in their organisational unit, or from someone with whom they have a close personal or family relationship.

Gifts or benefits

(25) From time to time staff members, in pursuit of their normal duties, may receive gifts while travelling overseas, from overseas visitors to Australia, and from Australian sources. A conflict of interest arises where a staff member has the opportunity or ability, through their status or position with the University, to give, 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.

(26) A staff member must not give or receive a gift or benefit that may, or may be perceived to:

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

(27) Conflicts of interest in relation to gifts and benefits arise, for example, where a staff member:

- a. is offered free travel to a conference by a partner research organisation (where not included in the approved budget or research agreement),
- b. is offered a gift by a potential student for assisting with questions relating to their course application, or
- c. is sent free tickets for seats in a corporate box at a sporting event.

(28) Provisions relating to the giving of gifts are set out in the [Finance Guidelines - Expenditures](#).

(29) Notification procedures for the declaration and management of received gifts are outlined in Part C below.

Acceptance of outside professional work or secondary employment

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

(31) Conflicts of interest in relation to private outside professional activities or consultancies arise, for example, where a staff member:

- 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 staff of the University which is not independent of personal, commercial or other interests,
- c. undertakes consulting under arrangements that conflict with the University's intellectual property or with the University's obligations to its research partners,
- d. allows outside considerations to affect actions or decisions that are part of their responsibilities and obligations to the University, or
- e. devotes so much time to their outside professional activities, consultancy or secondary employment to the extent that the amount or quality of their work for the University is compromised.

(32) Full details and procedures concerning outside professional activities are set out in the [Outside Professional Activities Policy](#).

Use of Charles Sturt University information

(33) A conflict of interest arises where a staff member has access to information in the course of performing their duties and responsibilities (in particular confidential or sensitive information) and uses such information to obtain an improper advantage or financial benefit for themselves or any other person or body.

(34) Where staff members have access to official University documents and information obtained in the course of their employment, they need to be aware of and maintain confidentiality and privacy of that information in order to protect the individuals concerned and to ensure the efficient operation of the University.

(35) Conflicts of interest in relation to the use of University information arise, for example, where a staff member:

- 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 staff member's close friend has expressed an interest,

- b. involved in the administration of student results, advises a student, who is a close friend, of their results in advance of the time when such results are scheduled to be notified and/or published,
- c. shares confidential information relating to an investigation into research conduct,
- d. is a member of an ethics committee and shares confidential information with an applicant on an ethics application, or
- e. shares confidential information relating to recruitment, selection or promotion activities.

External activities and public comment

(36) A conflict of interest arises where a staff member 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.

(37) Where a staff member 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 they represent, and not in their capacity as a staff member or member of the University.

(38) Conflicts of interest in relation to an external activity or public comment arise, for example, where a staff member:

- a. associates their name or 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 staff member has no particular expertise, and the staff member fails to disclose that their opinion or comment is made in a private capacity and not as a representative of the University.

Multiple roles

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

(40) A conflict of interest in relation to multiple roles might arise, for example, where a staff member:

- a. finds themselves in a situation where, as a supervisor, they are involved in disciplining a staff member for whom they are responsible and are also the staff member's representative at the meeting. In such circumstances, the supervisor is obliged to disclose both to their immediate supervisor and to the person being disciplined the precise nature of their role, or
- b. who, as a University grievance adviser, receives a complaint from a staff member against their 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 staff member the nature of their relationship with the supervisor.

Conduct of research

(41) A conflict of interest may arise where a staff member 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.

(42) A researcher's affiliation with or financial involvement in any organisation or entity with a direct interest in the research or the provision of materials for research may result in a conflict of interest.

(43) Conflicts of interest in relation to the conduct of research arise, for example, where a staff member:

- a. publishes the results of research undertaken for and/or sponsored by an organisation external to the University and the staff member's affiliation with the organisation is not disclosed in the publication,
- b. undertakes research for an organisation external to the University in which the staff member has a financial or other interest and such interest is not disclosed,
- 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,
- d. uses their personal property or animals in a research project and has not declared this in the research application or agreement, or
- e. receives materials or facilities for a project involving the researcher, or provision of travel or accommodation expenses to attend conferences (where not included in the approved budget or research agreement).

(44) Full details concerning a staff member's obligations in the conduct of research are set out in the [Research Policy](#) and the [Intellectual Property Policy](#).

(45) Further guidance for researchers is available in the [Australian Code for the Responsible Conduct of Research, 2018](#) published by the National Health and Medical Research Council (NHMRC).

Committees and decision-making groups

(46) Members of committees, working parties or other decision-making groups are responsible for disclosing circumstances that give rise or may give rise to actual, potential or perceived conflicts of interest.

(47) Conflicts of interest in relation to committees and decision-making groups arise, for example, where a staff member:

- a. has an association with a third-party organisation involved with a proposal being considered by the committee,
- b. is involved in decisions regarding the selection, appointment, promotion or other personnel decisions relating to staff and there is a close personal relationship with an applicant, or
- c. serves on a committee responsible for allocating internal funding for research at a faculty or University level where a funding application from the staff member's faculty or school is being considered.

(48) Notification procedures for the declaration of conflicts of interest relating to committees and decision-making groups are outlined in Part C below.

Part B - Activities to be avoided

(49) It is not possible to document all instances in which private interests and relationships might impinge on a staff member's performance of their 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 staff members 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 staff members of the University.

Part C - Notification procedures

Notification procedure - general

(50) Where a staff member has an actual, potential or perceived conflict of interest (other than received gifts), they must disclose the situation immediately to the Division of People and Culture, who will maintain the register declared of conflicts of interest.

(51) Declarations are to be on the form approved by the Division of People and Culture from time to time.

(52) The Division of People and Culture will refer declarations of conflicts of interest to the relevant University officer, most usually the staff member's supervisor.

(53) An individual who receives a conflict of interest notification will, in consultation with the staff member, enquire into the situation disclosed and advise the staff member of what action, if any, is to be taken.

(54) Depending on the nature of the conflict of interest, the response may be:

- a. withdraw the staff member's involvement in the situation immediately, and establish parallel or alternative arrangements specifically for the purpose of the activity, or
- b. ensure that the existence of any conflict of interest is clearly and formally communicated in writing to all those involved in the activity. (Such action must not be taken where continuation of the staff member's involvement in the situation or activity would be in breach of any statutory or other duty.)

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

(56) Nothing in these procedures will preclude either the staff member 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 Services, on any matters relating to this procedure.

(57) 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, staff members are to raise the matter immediately with their immediate supervisor or another senior officer within their faculty, division or organisational unit.

(58) Where questions regarding the existence of a conflict of interest relating to a staff member is identified by another person or committee, the matter is to be raised with the relevant University officer in the first instance, most usually the staff member's supervisor. The relevant University officer will either:

- a. confirm that the conflict has been declared and is being managed, or
- b. raise the matter as soon as practicable with the staff member and follow the notification procedures outlined

above, as appropriate.

Notification procedure - committees and decision-making groups

(59) Declarations of conflicts of interest must be made by a committee member to the Division of People and Culture when their role commences on a committee and additionally at any meeting where a conflict of interest may arise from business under consideration.

(60) The chair or presiding officer will determine the appropriate course of action, which may include the member not receiving certain agenda papers, leaving the meeting for the duration of the item, or abstaining from discussion and/or decision.

(61) If the chair or presiding officer is unsure as to how a conflict of interest should be managed, they may seek advice from the Office of Governance and Corporate Affairs.

Notification procedure - received gifts

(62) All gifts with a value in excess of \$100 must be declared to the University Secretary no later than 30 days after the receipt of the gift, or no later than 30 days after a staff member's return to Australia for gifts received overseas.

(63) When determining the value of a gift:

- a. the threshold value for declared gifts is determined by Council and may be amended from time to time,
- b. the value of gifts are assessed on the item's wholesale value in the country where it was received, and
- c. a valuation certificate may be required if there is doubt over the value and it is expected to exceed \$500.

(64) Declared gifts may be retained by the recipient if they elect to pay to the University the difference between the threshold value and the value of the gift. Where this occurs the details of the gift, evidence of its value and a receipt from the Division of Finance are to be sent to the University Secretary within the prescribed period for notification of gifts.

(65) Monies received by the University from staff members who elect to retain gifts will be paid to the Division of Finance for consolidation with other general University income.

(66) Where the recipient does not elect to retain a declared gift, the gift is to be surrendered to the University Secretary.

(67) Gifts surrendered to the University may be:

- a. placed on the register of the University's assets, and
 - i. kept in an appropriate place within the University, or
 - ii. transferred on loan for a fixed period of time to an organisational unit of the University,
- b. placed on the assets register of an organisational unit of the University,
- c. donated to a nominated non-profit organisation or charity at the discretion of the recipient and the University Secretary, or
- d. disposed of in an appropriate manner determined by the University Secretary.

Section 5 - Guidelines

(68) Nil.

Status and Details

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Effective Date	10th November 2021
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