

# Conflicts of Interest Procedure

Version 2 – Reconfirmed 11 May 2022

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## Purpose

This procedure sets out how potential, perceived and actual conflicts of interest should be identified, disclosed, managed and reviewed by relevant persons.

## Applicable governance instruments

Instrument	Section	Principles
<i>Admission, Enrolment and Credit Policy</i>	1 Admission	1.2
<i>Assessment and Results Policy</i>	1 Assessment and results	1.2
<i>Student Complaints Policy</i>	1 Student complaints	1.4
<i>Academic Promotions, Honorary and Adjunct Titles Policy</i>	1 Academic promotion 2 Academic honorary and adjunct titles	1.2 2.4
<i>Research Policy</i>	2 Responsible conduct of research 3 Research funding and costing	2.2, 2.3
<i>Compliance Policy</i>	2 Conflicts of Interest	2.1-2.2
<i>People Policy</i>	1 People recruitment, management and development 3 Consultancy	1.1 3.1-3.3
<i>Behaviour Policy</i>	1 Behaviour	1.3, 1.5
<i>Procurement Policy</i>	2 Transparency and integrity	2.1 -2.3
<i>Entities and Affiliated Organisations Policy</i>	1. Controlled and associated entities	1.3-1.6
<i>Integrity Commission Act 2009 (Tas)</i>		
<i>Personal Information and Protection Act 2012 (Tas)</i>		
<i>Australian Code of the Responsible Conduct of Research</i>		

## Procedure

### 1. Scope

- 1.1. This Procedure applies to all relevant persons as follows:
  - members of the University Governing Bodies including controlled entities, directors and company secretaries
  - all members of University staff, including casual staff and Higher Degree by Research candidates
  - Adjunct, Clinical and Associate title holders, Visiting Scholars and Professors Emeritus/Emerita
  - volunteers
  - consultants and independent contractors undertaking services for the University.
- 1.2. An annual request is sent via email in approximately June/July each year to all relevant persons to complete and submit a Conflicts of Interest Declaration.

### 2. Conflicts of interest

- 2.1. All conflicts or potential conflicts of interest must be identified, disclosed, monitored and effectively managed.
- 2.2. A conflict of interest arising from a personal relationship between a staff member and a student with whom there is a direct teaching, research or other professional relationship must be appropriately, transparently managed by the staff member and notified immediately to their supervisor. Development of a close personal or intimate relationship between a staff member and a student with whom there is such a professional relationship is not appropriate.
- 2.3. While avoiding conflicts is generally preferable, in practice there may be some situations in which conflicts of interest cannot be wholly avoided and need to be managed in a way which will withstand external scrutiny.

### 3. Identifying conflicts of interest

- 3.1. *An actual conflict of interest* refers to the situation where an employee's private interest is capable of unduly influencing the exercise of their University role and duties.
- 3.2. *A perceived conflict of interest* occurs where a reasonable person might suspect that an employee is subject to an actual conflict of interest, whether or not one actually exists.
- 3.3. *A potential conflict of interest* describes circumstances where an actual conflict of interest may arise in the future if a certain condition is fulfilled.
- 3.4. Situations that may generate a conflict of interest can arise out of:
  - personal relationships with students
  - personal relationships with other employees or honorary appointees
  - personal or commercial relationships with persons with whom the University is dealing, for example, licensees, contractors, subcontractors or tenderers
  - personal financial interests in matters which involve the University
  - outside employment that may compromise the integrity of the University
  - use of confidential information obtained in the course of University duties
  - external activities and public comment, eg nominating for and contesting political elections
  - simultaneously being an employee and a student where one role may conflict with another.

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Definitions and acronyms can be found at: <https://www.utas.edu.au/policy/policy-definitions>

Related policies and procedures can be found at: <https://www.utas.edu.au/policy>

Specific examples of conflicts of interest can be accessed from the [Conflicts of Interest Intranet page](#).

#### **4. Disclosing a conflict of interest**

- 4.1. Relevant persons must immediately disclose any actual, perceived or potential conflict of interest (or any change to an existing disclosed conflict of interest) to their manager/supervisor or other appropriate person (such as Recruitment Panel or Tender Panel Chair) by submitting a Conflict of Interest Declaration form in ServiceNow.
- 4.2. The disclosure must clearly identify the conflict of interest and any risks associated with the conflict.
- 4.3. Staff must not receive any gift, benefit (ie a non-tangible item of value such as preferential treatment, access to a corporate box, club membership, shop discount etc) or hospitality that could reasonably be interpreted by others as a real, perceived or potential conflict of interest.
- 4.4. Personal gifts or benefits with a value of more than \$100 must be declared and approved by making a Gift and Benefit Declaration in ServiceNow. Gifts and benefits must be approved by a staff members' manager/supervisor.
- 4.5. Staff must not enter into discussions or decision-making forums for which they, or a person with whom they have a close personal relationship, would receive a material benefit.
- 4.6. A material benefit includes but is not limited to:
  - influence on decisions affecting staff and students with whom there is a close personal relationship
  - director's fees, shares, share options, equity holdings or other forms of securities in companies
  - personal gifts, other financial benefits and personal favours
  - sponsorship of an investigation, provision of research materials or facilities
  - the share of commercial or other returns which are permitted to flow to staff under the University's policies.
- 4.7. When making decisions in accordance with the General Delegations Ordinance, staff must refer to and exercise the Delegations Principles (section 4), including the 'One up Principle' when a conflict of interest arises.

#### **5. Managing a conflict of interest**

- 5.1. When a conflict of interest becomes apparent, staff must propose a conflict of interest management plan for discussion and approval by their supervisor/manager or other appropriate person.
- 5.2. Staff who enter into an agreed conflict of interest management plan must comply fully with the approved plan.
- 5.3. Where the conflict of interest is enduring, a review of the management plan must occur at least annually or in the event that circumstances change.
- 5.4. Relevant persons must make disclosures of relevant conflicts of interests to research participants, other relevant parties and the public, and to funding bodies, where required.
- 5.5. Relevant persons must comply with the disclosure of interest policies and procedures of relevant external bodies, for example funders, conference sponsors or organisers and publishers.

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- 5.6. Commercialisation of research is increasingly important to the University. Substantial benefits can arise from collaborations and relationships with industry in the licensing and marketing of research discoveries, including through the creation of a spin-off company. These activities may also be a source of potential conflicts of interest which need to be appropriately identified, disclosed and managed.

Information about developing a conflict of interest management plan can be accessed from the [Conflicts of Interest Page](#).

## 6. Evaluation, monitoring and review of conflicts of interest

- 6.1. Supervisors/managers have a responsibility to review the disclosure of conflict of interests and any proposed conflict of interest management plan and to make an evaluation as to the nature and materiality of the conflict of interest.
- 6.2. A conflict of interest is considered to be 'material' if a reasonable disinterested third party would take it into account in exercising judgement or making a decision. Factors such as the following can increase the risk that a situation will have inherent potential for conflict of interest and that the conflict will be material:
- Increasing magnitude of the personal benefit expected
  - Increasing level of leadership or authority
  - When a researcher holds equity in a company which may jeopardise research integrity
- 6.3. In the event the parties involved cannot reach agreement on a conflict of interest management plan, the manager/supervisor should refer to Legal Services for advice.
- 6.4. The manager/supervisor has a responsibility to review the conflict of interest management plan at least once every twelve months or on an as needs basis.
- 6.5. The General Counsel or Delegate will review and endorse, if appropriate, any activities that materially affect the University's business or other interests, and will endorse the disclosure of conflict of interest form or management plan for consideration and approval.

## 7. Committee and Board Members

### *Disclosing a conflict of interest*

- 7.1. Conflicts of interest disclosures made by Committee Members, including Board Members for controlled entities will be recorded in a Register of Interests which is managed by the Committee Secretary.

### *Managing a conflict of interest*

- 7.2. Committee and Board Secretaries will actively manage conflict of interest disclosures with the Committee Chair through appropriate processes including:
- a) through the development of a management plan (where necessary); and/or
  - b) actions such as redacting relevant agenda items, removing members from discussions or restricting voting rights.
- 7.3. Conflicts of interest are a standing agenda item at each meeting, where members are invited to disclose additional or arising interests that are not captured on the Register of Interests.

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- 7.4. Conflicts of interest that arise during committee proceedings will be actively managed by the Committee Secretary in conjunction with the Chair and documented within the Committee Minutes including the action taken to manage the conflict of interest.

*Review and monitoring of conflicts of interests*

- 7.5. Committee Secretaries will annually review the Register of Interests and request annual review of interests from Committee and Board members.

## 8. Breach of procedure

- 8.1. The University encourages reporting of concerns about non-compliance and manages compliance in accordance with the applicable legislation and the Compliance Policy.
- 8.2. Failure of researchers to comply with this procedure may result in loss of funding for the University.
- 8.3. A failure to fully disclose and appropriately manage a conflict of interest may constitute misconduct and/or result in an academic or administrative decision-making process being declared null and void.
- 8.4. The University may take disciplinary action in accordance with the University of Tasmania Staff Agreement (as amended).

## 9. Public Interest Disclosures

- 9.1. Staff can be placed in a difficult position if they are aware of a conflict of interest affecting another staff member and that conflict is not declared or managed properly. Staff are encouraged to make a complaint to the Safe and Fair Community Unit (SaFCU) or a disclosure to a [Public Interest Disclosure Officer](#).

## 10. Privacy

- 10.1. All information obtained in the assessment and management of a conflict of interest will be maintained in confidence and processed in accordance with the University Privacy Statements and privacy principles in the *Personal information Protection Act 2004* (Tas).

## Related procedures

N/A

## Versions

<a href="#">Version</a>	Action	Approval Authority	Responsible Officer/s	Approval Date
Version 1	Approved	Vice-Chancellor	General Counsel	April 2017
Version 2	Approved	Chief Operating Officer	General Counsel	12 May 2021
Version 2	Reconfirmed, unchanged	Chief Operating Officer	General Counsel	11 May 2022

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